

CHAMBER ACTION

1 The Commerce Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

7 An act relating to energy; providing legislative findings
8 and intent; creating s. 366.92, F.S.; relating to the
9 Florida renewable energy policy; providing intent;
10 providing definitions; directing the Florida Public
11 Service Commission to adopt goals for increasing the use
12 of Florida renewable energy resources; authorizing the
13 commission to adopt rules; creating s. 377.801, F.S.;
14 creating the "Florida Renewable Energy Technologies and
15 Energy Efficiency Act"; creating s. 377.802, F.S.; stating
16 the purpose of the act; creating s. 377.803, F.S.;
17 providing definitions; creating s. 377.804, F.S.; creating
18 the Renewable Energy Technologies Grants Program;
19 providing program requirements and procedures, including
20 matching funds; requiring the Department of Environmental
21 Protection to adopt rules and coordinate with the
22 Department of Agriculture and Consumer Services; requiring
23 joint departmental approval for the funding of any

24 project; creating s. 377.805, F.S.; establishing an
25 energy-efficient products sales tax holiday; specifying a
26 period during which the sale of energy-efficient products
27 is exempt from certain tax; providing a limitation;
28 providing a definition; prohibiting purchase of products
29 by certain payment methods; providing that certain
30 purchases or attempts to purchase are unfair methods of
31 competition and punishable as such; creating s. 377.806,
32 F.S.; creating the Solar Energy System Incentives Program;
33 providing program requirements, procedures, and
34 limitations; requiring the Department of Environmental
35 Protection to adopt rules; creating s. 377.901, F.S.;
36 creating the Florida Energy Council within the Department
37 of Environmental Protection; providing purpose and
38 composition; providing for appointment of members and
39 terms; providing for reimbursement for travel expenses and
40 per diem; requiring the department to provide certain
41 services to the council; providing rulemaking authority;
42 amending s. 212.08, F.S.; providing definitions for the
43 terms "biodiesel," "ethanol," and "hydrogen fuel cells";
44 providing tax exemptions in the form of a rebate for the
45 sale or use of certain equipment, machinery, and other
46 materials for renewable energy technologies; providing
47 eligibility requirements and tax credit limits; directing
48 the Department of Revenue to adopt rules; directing the
49 Department of Environmental Protection to determine and
50 publish certain information relating to such exemptions;
51 providing for expiration of the exemption; amending s.

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52 | 213.053, F.S.; authorizing the Department of Revenue to
53 | share certain information with the Department of
54 | Environmental Protection for specified purposes; amending
55 | s. 220.02, F.S.; providing the order of application of the
56 | renewable energy technologies investment tax credit;
57 | creating s. 220.192, F.S.; providing definitions;
58 | establishing a corporate tax credit for certain costs
59 | related to renewable energy technologies; providing
60 | eligibility requirements and credit limits; providing
61 | certain authority to the Department of Environmental
62 | Protection and the Department of Revenue; directing the
63 | Department of Environmental Protection to determine and
64 | publish certain information; providing for expiration of
65 | the tax credit; creating s. 220.193, F.S.; creating the
66 | Florida renewable energy production credit; providing
67 | definitions; providing a tax credit for the production and
68 | sale of renewable Florida energy; providing for the use
69 | and transfer of the tax credit; authorizing the Department
70 | of Revenue to adopt rules concerning the tax credit;
71 | providing an effective date; amending s. 220.13, F.S.;
72 | providing an addition to the definition of "adjusted
73 | federal income"; amending s. 186.801, F.S.; revising the
74 | provisions of electric utility 10-year site plans to
75 | include the effect on fuel diversity; amending s. 366.04,
76 | F.S.; revising the safety standards for public utilities;
77 | amending s. 366.05, F.S.; authorizing the Public Service
78 | Commission to adopt certain construction standards and
79 | make certain determinations; directing the commission to

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80 | conduct a study and provide a report by a certain date;
81 | amending s. 403.503, F.S.; revising and providing
82 | definitions applicable to the Florida Electrical Power
83 | Plant Siting Act; amending s. 403.504, F.S.; providing the
84 | Department of Environmental Protection with additional
85 | powers and duties relating to the Florida Electrical Power
86 | Plant Siting Act; amending s. 403.5055, F.S.; revising
87 | provisions for certain permits associated with
88 | applications for electrical power plant certification;
89 | amending s. 403.506, F.S.; revising provisions relating to
90 | applicability and certification of certain power plants;
91 | amending s. 403.5064, F.S.; revising provisions for
92 | distribution of applications and schedules relating to
93 | certification; amending s. 403.5065, F.S.; revising
94 | provisions relating to the appointment of administrative
95 | law judges and specifying their powers and duties;
96 | amending s. 403.5066, F.S.; revising provisions relating
97 | to the determination of completeness for certain
98 | applications; creating s. 403.50663, F.S.; authorizing
99 | certain local governments and regional planning councils
100 | to hold an informational public meeting about a proposed
101 | electrical power plant or associated facilities; providing
102 | requirements and procedures therefor; creating s.
103 | 403.50665, F.S.; requiring local governments to file
104 | certain land use determinations; providing requirements
105 | and procedures therefor; repealing s. 403.5067, F.S.,
106 | relating to the determination of sufficiency for certain
107 | applications; amending s. 403.507, F.S.; revising required

108 preliminary statement provisions for affected agencies;
 109 requiring a report as a condition precedent to the project
 110 analysis and certification hearing; amending s. 403.508,
 111 F.S.; revising provisions relating to land use and
 112 certification hearings, including cancellation and
 113 responsibility for payment of expenses and costs;
 114 requiring certain notice; amending s. 403.509, F.S.;
 115 revising provisions relating to the final disposition of
 116 certain applications; providing requirements and
 117 provisions with respect thereto; amending s. 403.511,
 118 F.S.; revising provisions relating to the effect of
 119 certification for the construction and operation of
 120 proposed electrical power plants; providing that issuance
 121 of certification meets certain coastal zone consistency
 122 requirements; creating s. 403.5112, F.S.; requiring filing
 123 of notice for certified corridor routes; providing
 124 requirements and procedures with respect thereto; creating
 125 s. 403.5113, F.S.; authorizing postcertification
 126 amendments for power plant site certification
 127 applications; providing requirements and procedures with
 128 respect thereto; amending s. 403.5115, F.S.; requiring
 129 certain public notice for activities relating to
 130 electrical power plant site application, certification,
 131 and land use determination; providing requirements and
 132 procedures with respect thereto; directing the Department
 133 of Environmental Protection to maintain certain lists and
 134 provide copies of certain publications; amending s.
 135 403.513, F.S.; revising provisions for judicial review of

136 | appeals relating to electrical power plant site
137 | certification; amending s. 403.516, F.S.; revising
138 | provisions relating to modification of certification for
139 | electrical power plant sites; amending s. 403.517, F.S.;
140 | revising provisions relating to supplemental applications
141 | for sites certified for ultimate site capacity; amending
142 | s. 403.5175, F.S.; revising provisions relating to
143 | existing electrical power plant site certification;
144 | revising the procedure for reviewing and processing
145 | applications; requiring additional information to be
146 | included in certain applications; amending s. 403.518,
147 | F.S.; revising the allocation of proceeds from certain
148 | fees collected; providing for reimbursement of certain
149 | expenses; directing the Department of Environmental
150 | Protection to establish rules for determination of certain
151 | fees; eliminating certain operational license fees;
152 | providing for the application, processing, approval, and
153 | cancellation of electrical power plant certification;
154 | amending s. 403.519, F.S.; directing the Public Service
155 | Commission to consider fuel diversity and reliability in
156 | certain determinations; providing requirements and
157 | procedures for determination of need for certain power
158 | plants; providing an exemption from purchased power supply
159 | bid rules under certain circumstances; creating s. 366.93,
160 | F.S.; providing definitions; requiring the Public Service
161 | Commission to implement rules related to nuclear power
162 | plant cost recovery; requiring a report; amending s.
163 | 403.52, F.S.; changing the short title to the "Florida

164 Electric Transmission Line Siting Act"; amending s.
165 403.521, F.S.; revising legislative intent; amending s.
166 403.522, F.S.; revising definitions; defining the terms
167 "licensee" and "maintenance and access roads"; amending s.
168 403.523, F.S.; revising powers and duties of the
169 Department of Environmental Protection; requiring the
170 department to collect and process fees, to prepare a
171 project analysis, to act as clerk for the siting board,
172 and to administer and manage the terms and conditions of
173 the certification order and supporting documents and
174 records; amending s. 403.524, F.S.; revising provisions
175 for applicability, certification, and exemptions under the
176 act; revising provisions for notice by an electric utility
177 of its intent to construct an exempt transmission line;
178 amending s. 403.525, F.S.; providing for powers and duties
179 of the administrative law judge designated by the Division
180 of Administrative Hearings to conduct the required
181 hearings; amending s. 403.5251, F.S.; revising application
182 procedures and schedules; providing for the formal date of
183 filing an application for certification and commencement
184 of the certification review process; requiring the
185 department to prepare a proposed schedule of dates for
186 determination of completeness and other significant dates
187 to be followed during the certification process; providing
188 for the formal date of application distribution; requiring
189 the applicant to provide notice of filing the application;
190 amending s. 403.5252, F.S.; revising timeframes and
191 procedures for determination of completeness of the

192 application; requiring the department to consult with
 193 affected agencies; revising requirements for the
 194 department to file a statement of its determination of
 195 completeness with the Division of Administrative Hearings,
 196 the applicant, and all parties within a certain time after
 197 distribution of the application; revising requirements for
 198 the applicant to file a statement with the department, the
 199 division, and all parties, if the department determines
 200 the application is not complete; providing for the
 201 statement to notify the department whether the information
 202 will be provided; revising timeframes and procedures for
 203 contests of the determination by the department; providing
 204 for parties to a hearing on the issue of completeness;
 205 amending s. 403.526, F.S.; revising criteria and
 206 procedures for preliminary statements of issues, reports,
 207 and studies; revising timeframes; requiring that the
 208 preliminary statement of issues from each affected agency
 209 be submitted to the department and the applicant; revising
 210 criteria for the Department of Community Affairs' report;
 211 requiring the Department of Transportation, the Public
 212 Service Commission, and any other affected agency to
 213 prepare a project report; revising required content of the
 214 report; providing for notice of any nonprocedural
 215 requirements not listed in the application; providing for
 216 failure to provide such notification; providing for a
 217 recommendation for approval or denial of the application;
 218 providing that receipt of an affirmative determination of
 219 need is a condition precedent to further processing of the

220 application; requiring that the department prepare a
221 project analysis to be filed with the administrative law
222 judge and served on all parties within a certain time;
223 amending s. 403.527, F.S.; revising procedures and
224 timeframes for the certification hearing conducted by the
225 administrative law judge; revising provisions for notices
226 and publication of notices, public hearings held by local
227 governments, testimony at the public-hearing portion of
228 the certification hearing, the order of presentations at
229 the hearing, and consideration of certain communications
230 by the administrative law judge; requiring the applicant
231 to pay certain expenses and costs; requiring the
232 administrative law judge to issue a recommended order
233 disposing of the application; requiring that certain
234 notices be made in accordance with specified requirements
235 and within a certain time; requiring the Department of
236 Transportation to be a party to the proceedings; providing
237 for the administrative law judge to cancel the
238 certification hearing and relinquish jurisdiction to the
239 Department of Environmental Protection upon request by the
240 applicant or the department; requiring the department and
241 the applicant to publish notice of such cancellation;
242 providing for parties to submit proposed recommended
243 orders to the department when the certification hearing
244 has been canceled; providing that the department prepare a
245 recommended order for final action by the siting board
246 when the hearing has been canceled; amending s. 403.5271,
247 F.S.; revising procedures and timeframes for consideration

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248 | of proposed alternate corridors; revising notice
249 | requirements; providing for notice of the filing of the
250 | alternate corridor and revised time schedules; providing
251 | for notice to agencies newly affected by the proposed
252 | alternate corridor; requiring the person proposing the
253 | alternate corridor to provide all data to the agencies
254 | within a certain time; providing for a determination by
255 | the department that the data is not complete; providing
256 | for withdrawal of the proposed alternate corridor upon
257 | such determination; requiring that agencies file reports
258 | with the applicant and the department which address the
259 | proposed alternate corridor; requiring that the department
260 | file with the administrative law judge, the applicant, and
261 | all parties a project analysis of the proposed alternate
262 | corridor; providing that the party proposing an alternate
263 | corridor has the burden of proof concerning the
264 | certifiability of the alternate corridor; amending s.
265 | 403.5272, F.S.; revising procedures for informational
266 | public meetings; providing for informational public
267 | meetings held by regional planning councils; revising
268 | timeframes; amending s. 403.5275, F.S.; revising
269 | provisions for amendment to the application prior to
270 | certification; amending s. 403.528, F.S.; providing that a
271 | comprehensive application encompassing more than one
272 | proposed transmission line may be good cause for altering
273 | established time limits; amending s. 403.529, F.S.;
274 | revising provisions for final disposition of the
275 | application by the siting board; providing for the

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276 administrative law judge's or department's recommended
277 order; amending s. 403.531, F.S.; revising provisions for
278 conditions of certification; amending s. 403.5312, F.S.;
279 requiring the applicant to file notice of a certified
280 corridor route with the department; amending s. 403.5315,
281 F.S.; revising the circumstances under which a
282 certification may be modified after the certification has
283 been issued; providing for procedures if objections are
284 raised to the proposed modification; creating s. 403.5317,
285 F.S.; providing procedures for changes proposed by the
286 licensee after certification; requiring the department to
287 determine within a certain time if the proposed change
288 requires modification of the conditions of certification;
289 requiring notice to the licensee, all agencies, and all
290 parties of changes that are approved as not requiring
291 modification of the conditions of certification; creating
292 s. 403.5363, F.S.; requiring publication of certain
293 notices by the applicant, the proponent of an alternate
294 corridor, and the department; requiring the department to
295 adopt rules specifying the content of such notices;
296 amending s. 403.5365, F.S.; revising application fees and
297 the distribution of fees collected; revising procedures
298 for reimbursement of local governments and regional
299 planning organizations; amending s. 403.537, F.S.;
300 revising the schedule for notice of a public hearing by
301 the Public Service Commission in order to determine the
302 need for a transmission line; providing that the
303 commission is the sole forum in which to determine the

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304 | need for a transmission line; amending ss. 373.441,
 305 | 403.061, 403.0876, and 403.809, F.S.; conforming
 306 | terminology to changes made by the act; repealing ss.
 307 | 403.5253 and 403.5369, F.S., relating to determination of
 308 | sufficiency of application or amendment to the application
 309 | and the application of the act to applications filed
 310 | before a certain date; amending 403.885, F.S.; revising
 311 | provisions and requirements relating to the stormwater
 312 | management, wastewater management, and water restoration
 313 | grants program; providing for appropriations; providing an
 314 | effective date.

315

316 | Be It Enacted by the Legislature of the State of Florida:

317

318 | Section 1. Legislative findings and intent.--The
 319 | Legislature finds that advancing the development of renewable
 320 | energy technologies and energy efficiency is important for the
 321 | state's future, its energy stability, and the protection of its
 322 | citizens' public health and its environment. The Legislature
 323 | finds that the development of renewable energy technologies and
 324 | energy efficiency in the state will help to reduce demand for
 325 | foreign fuels, promote energy diversity, enhance system
 326 | reliability, reduce pollution, educate the public on the promise
 327 | of renewable energy technologies, and promote economic growth.
 328 | The Legislature finds that there is a need to assist in the
 329 | development of market demand that will advance the
 330 | commercialization and widespread application of renewable energy
 331 | technologies. The Legislature further finds that the state is

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332 | ideally positioned to stimulate economic development through
333 | such renewable energy technologies due to its ongoing and
334 | successful research and development track record in these areas,
335 | an abundance of natural and renewable energy sources, an ability
336 | to attract significant federal research and development funds,
337 | and the need to find and secure renewable energy technologies
338 | for the benefit of its citizens, visitors, and environment.

339 | Section 2. Section 377.801, Florida Statutes, is created
340 | to read:

341 | 377.801 Short title.--Sections 377.801-377.806 may be
342 | cited as the "Florida Renewable Energy Technologies and Energy
343 | Efficiency Act."

344 | Section 3. Section 377.802, Florida Statutes, is created
345 | to read:

346 | 377.802 Purpose.--This act is intended to provide matching
347 | grants to stimulate capital investment in the state and to
348 | enhance the market for and promote the statewide utilization of
349 | renewable energy technologies. The targeted grants program is
350 | designed to advance the already growing establishment of
351 | renewable energy technologies in the state and encourage the use
352 | of other incentives such as tax exemptions and regulatory
353 | certainty to attract additional renewable energy technology
354 | producers, developers, and users to the state. This act is also
355 | intended to provide incentives for the purchase of energy-
356 | efficient appliances and rebates for solar energy equipment
357 | installations for residential and commercial buildings.

358 | Section 4. Section 377.803, Florida Statutes, is created
359 | to read:

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360 377.803 Definitions.--As used in ss. 377.801-377.806, the
361 term:

362 (1) "Act" means the Florida Renewable Energy Technologies
363 and Energy Efficiency Act.

364 (2) "Approved metering equipment" means a device capable
365 of measuring the energy output of a solar thermal system that
366 has been approved by the commission.

367 (3) "Commission" means the Florida Public Service
368 Commission.

369 (4) "Department" means the Department of Environmental
370 Protection.

371 (5) "Person" means an individual, partnership, joint
372 venture, private or public corporation, association, firm,
373 public service company, or any other public or private entity.

374 (6) "Renewable energy" means electrical, mechanical, or
375 thermal energy produced from a method that uses one or more of
376 the following fuels or energy sources: hydrogen, biomass, solar
377 energy, geothermal energy, wind energy, ocean energy, waste
378 heat, or hydroelectric power.

379 (7) "Renewable energy technology" means any technology
380 that generates or utilizes a renewable energy resource.

381 (8) "Solar energy system" means equipment that provides
382 for the collection and use of incident solar energy for water
383 heating, space heating or cooling, or other applications that
384 would normally require a conventional source of energy such as
385 petroleum products, natural gas, or electricity that performs
386 primarily with solar energy. In other systems in which solar
387 energy is used in a supplemental way, only those components that

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388 collect and transfer solar energy shall be included in this
389 definition.

390 (9) "Solar photovoltaic system" means a device that
391 converts incident sunlight into electrical current.

392 (10) "Solar thermal system" means a device that traps heat
393 from incident sunlight in order to heat water.

394 Section 5. Section 377.804, Florida Statutes, is created
395 to read:

396 377.804 Renewable Energy Technologies Grants Program.--

397 (1) The Renewable Energy Technologies Grants Program is
398 established within the department to provide renewable energy
399 matching grants for demonstration, commercialization, research,
400 and development projects relating to renewable energy
401 technologies.

402 (2) Matching grants for renewable energy technology
403 demonstration, commercialization, research, and development
404 projects may be made to any of the following:

405 (a) Municipalities and county governments.

406 (b) Established for-profit companies licensed to do
407 business in the state.

408 (c) Universities and colleges in the state.

409 (d) Utilities located and operating within the state.

410 (e) Not-for-profit organizations.

411 (f) Other qualified persons, as determined by the
412 department.

413 (3) The department may adopt rules pursuant to ss.
414 120.536(1) and 120.54 to provide for application requirements,

415 provide for ranking of applications, and administer the awarding
416 of grants under this program.

417 (4) Factors the department shall consider in awarding
418 grants include, but are not limited to:

419 (a) The availability of matching funds or other in-kind
420 contributions applied to the total project from an applicant.
421 The department shall give greater preference to projects that
422 provide such matching funds or other in-kind contributions.

423 (b) The degree to which the project stimulates in-state
424 capital investment and economic development in metropolitan and
425 rural areas, including the creation of jobs and the future
426 development of a commercial market for renewable energy
427 technologies.

428 (c) The extent to which the proposed project has been
429 demonstrated to be technically feasible based on pilot project
430 demonstrations, laboratory testing, scientific modeling, or
431 engineering or chemical theory that supports the proposal.

432 (d) The degree to which the project incorporates an
433 innovative new technology or an innovative application of an
434 existing technology.

435 (e) The degree to which a project generates thermal,
436 mechanical, or electrical energy by means of a renewable energy
437 resource that has substantial long-term production potential.

438 (f) The degree to which a project demonstrates efficient
439 use of energy and material resources.

440 (g) The degree to which the project fosters overall
441 understanding and appreciation of renewable energy technologies.

442 (h) The ability to administer a complete project.

- 443 (i) Project duration and timeline for expenditures.
- 444 (j) The geographic area in which the project is to be
445 conducted in relation to other projects.
- 446 (k) The degree of public visibility and interaction.
- 447 (5) The department shall solicit the expertise of other
448 state agencies in evaluating project proposals. State agencies
449 shall cooperate with the Department of Environmental Protection
450 and provide such assistance as requested.
- 451 (6) The department shall coordinate and actively consult
452 with the Department of Agriculture and Consumer Services during
453 the review and approval process of grants relating to bioenergy
454 projects for renewable energy technology, and the departments
455 shall jointly determine the grant awards to these bioenergy
456 projects. No grant funding shall be awarded to any bioenergy
457 project without such joint approval. Factors for consideration
458 in awarding grants may include, but are not limited to, the
459 degree to which:
- 460 (a) The project stimulates in-state capital investment and
461 economic development in metropolitan and rural areas, including
462 the creation of jobs and the future development of a commercial
463 market for bioenergy.
- 464 (b) The project produces bioenergy from Florida-grown
465 crops or biomass.
- 466 (c) The project demonstrates efficient use of energy and
467 material resources.
- 468 (d) The project fosters overall understanding and
469 appreciation of bioenergy technologies.

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470 (e) Matching funds and in-kind contributions from an
471 applicant are available.

472 (f) The project duration and the timeline for expenditures
473 are acceptable.

474 (g) The project has a reasonable assurance of enhancing
475 the value of agricultural products or will expand agribusiness
476 in the state.

477 (h) Preliminary market and feasibility research has been
478 conducted by the applicant or others and shows there is a
479 reasonable assurance of a potential market.

480 Section 6. Section 377.805, Florida Statutes, is created
481 to read:

482 377.805 Energy-efficient products sales tax holiday.--The
483 period from 12:01 a.m., October 5, through midnight, October 11,
484 2006, shall be designated "Energy Efficient Week," and the tax
485 levied under chapter 212 may not be collected on the sale of a
486 new energy-efficient product having a selling price of \$1,500 or
487 less per product during that period. This exemption applies only
488 when the energy-efficient product is purchased for noncommercial
489 home or personal use and does not apply when the product is
490 purchased for trade, business, or resale. As used in this
491 section, the term "energy-efficient product" means a dishwasher,
492 clothes washer, air conditioner, ceiling fan, incandescent or
493 florescent light bulb, dehumidifier, programmable thermostat, or
494 refrigerator that has been designated by the United States
495 Environmental Protection Agency or by the United States
496 Department of Energy as meeting or exceeding the requirements
497 under the Energy Star Program of either agency. Purchases made

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498 | under this section may not be made using a business or company
 499 | credit or debit card or check. Any construction company,
 500 | building contractor, or commercial business or entity that
 501 | purchases or attempts to purchase the energy-efficient products
 502 | as exempt under this section commits an unfair method of
 503 | competition in violation of s. 501.204, punishable as provided
 504 | in s. 501.2075.

505 | Section 7. Section 377.806, Florida Statutes, is created
 506 | to read:

507 | 377.806 Solar Energy System Incentives Program.--

508 | (1) PURPOSE.--The Solar Energy System Incentives Program
 509 | is established within the department to provide financial
 510 | incentives for the purchase and installation of solar energy
 511 | systems. Any resident of the state who purchases and installs a
 512 | new solar energy system of 2 kilowatts or larger for a solar
 513 | photovoltaic system, a solar energy system that provides at
 514 | least 50 percent of a building's hot water consumption for a
 515 | solar thermal system, or a solar thermal pool heater, from July
 516 | 1, 2006, through June 30, 2010, is eligible for a rebate on a
 517 | portion of the purchase price of that solar energy system.

518 | (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

519 | (a) Eligibility requirements.--A solar photovoltaic system
 520 | qualifies for a rebate if:

521 | 1. The system is installed by a state-licensed master
 522 | electrician, electrical contractor, or solar contractor.

523 | 2. The system complies with state interconnection
 524 | standards as provided by the commission.

525 3. The system complies with all applicable building codes
 526 as defined by the local jurisdictional authority.

527 (b) Rebate amounts.--The rebate amount shall be set at \$4
 528 per watt based on the total wattage rating of the system. The
 529 maximum allowable rebate per solar photovoltaic system
 530 installation shall be as follows:

531 1. Twenty thousand dollars for a residence.

532 2. One hundred thousand dollars for a place of business, a
 533 publicly owned or operated facility, or a facility owned or
 534 operated by a private, not-for-profit organization, including
 535 condominiums or apartment buildings.

536 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

537 (a) Eligibility requirements.--A solar thermal system
 538 qualifies for a rebate if:

539 1. The system is installed by a state-licensed solar or
 540 plumbing contractor.

541 2. The system complies with all applicable building codes
 542 as defined by the local jurisdictional authority.

543 (b) Rebate amounts.--Authorized rebates for installation
 544 of solar thermal systems shall be as follows:

545 1. Five hundred dollars for a residence.

546 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
 547 for a place of business, a publicly owned or operated facility,
 548 or a facility owned or operated by a private, not-for-profit
 549 organization, including condominiums or apartment buildings. Btu
 550 must be verified by approved metering equipment.

551 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--

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552 (a) Eligibility requirements.--A solar thermal pool heater
553 qualifies for a rebate if the system is installed by a state-
554 licensed solar or plumbing contractor and the system complies
555 with all applicable building codes as defined by the local
556 jurisdictional authority.

557 (b) Rebate amount.--Authorized rebates for installation of
558 solar thermal pool heaters shall be \$100 per installation.

559 (5) APPLICATION.--Application for a rebate must be made
560 within 90 days after the purchase of the solar energy equipment.

561 (6) REBATE AVAILABILITY.--The department shall determine
562 and publish on a regular basis the amount of rebate funds
563 remaining in each fiscal year. The total dollar amount of all
564 rebates issued by the department is subject to the total amount
565 of appropriations in any fiscal year for this program. If funds
566 are insufficient during the current fiscal year, any requests
567 for rebates received during that fiscal year may be processed
568 during the following fiscal year. Requests for rebates received
569 in a fiscal year that are processed during the following fiscal
570 year shall be given priority over requests for rebates received
571 during the following fiscal year.

572 (7) RULES.--The department shall adopt rules pursuant to
573 ss. 120.536(1) and 120.54 to develop rebate applications and
574 administer the issuance of rebates.

575 Section 8. Section 377.901, Florida Statutes, is created
576 to read:

577 377.901 Florida Energy Council.--

578 (1) The Florida Energy Council is created within the
579 Department of Environmental Protection to provide advice and

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580 counsel to the Governor, the President of the Senate, and the
581 Speaker of the House of Representatives on the energy policy of
582 the state. The council shall advise the state on current and
583 projected energy issues, including, but not limited to,
584 transportation, generation, transmission, distributed
585 generation, fuel supply issues, emerging technologies,
586 efficiency, and conservation. In developing its recommendations,
587 the council shall be guided by the principles of reliability,
588 efficiency, affordability, and diversity.

589 (2)(a) The council shall be comprised of a diversity of
590 stakeholders and may include utility providers, alternative
591 energy providers, researchers, environmental scientists, fuel
592 suppliers, technology manufacturers, persons representing
593 environmental, consumer, and public health interests, and
594 others.

595 (b) The council shall consist of nine voting members as
596 follows:

597 1. The Secretary of Environmental Protection, or his or
598 her designee, who shall serve as chair of the council.

599 2. The chair of the Public Service Commission, or his or
600 her designee, who shall serve as vice chair of the council.

601 3. One member shall be the Commissioner of Agriculture, or
602 his or her designee.

603 4. Two members who shall be appointed by the Governor.

604 5. Two members who shall be appointed by the President of
605 the Senate.

606 6. Two members who shall be appointed by the Speaker of
607 the House of Representatives.

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608 (c) All initial members shall be appointed prior to
609 September 1, 2006. Appointments made by the Governor, the
610 President of the Senate, and the Speaker of the House of
611 Representatives shall be for terms of 2 years each. Members
612 shall serve until their successors are appointed. Vacancies
613 shall be filled in the manner of the original appointment for
614 the remainder of the term that is vacated.

615 (d) Members shall serve without compensation but are
616 entitled to reimbursement for travel expenses and per diem
617 related to council duties and responsibilities pursuant to s.
618 112.061.

619 (3) The Department of Environmental Protection shall
620 provide primary staff support to the council and shall ensure
621 that council meetings are electronically recorded. Such
622 recording shall be preserved pursuant to chapters 119 and 257.

623 (4) The Department of Environmental Protection may adopt
624 rules pursuant to ss. 120.536(1) and 120.54 to implement the
625 provisions of this section.

626 Section 9. Paragraph (ccc) is added to subsection (7) of
627 section 212.08, Florida Statutes, to read:

628 212.08 Sales, rental, use, consumption, distribution, and
629 storage tax; specified exemptions.--The sale at retail, the
630 rental, the use, the consumption, the distribution, and the
631 storage to be used or consumed in this state of the following
632 are hereby specifically exempt from the tax imposed by this
633 chapter.

634 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
635 entity by this chapter do not inure to any transaction that is

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636 otherwise taxable under this chapter when payment is made by a
637 representative or employee of the entity by any means,
638 including, but not limited to, cash, check, or credit card, even
639 when that representative or employee is subsequently reimbursed
640 by the entity. In addition, exemptions provided to any entity by
641 this subsection do not inure to any transaction that is
642 otherwise taxable under this chapter unless the entity has
643 obtained a sales tax exemption certificate from the department
644 or the entity obtains or provides other documentation as
645 required by the department. Eligible purchases or leases made
646 with such a certificate must be in strict compliance with this
647 subsection and departmental rules, and any person who makes an
648 exempt purchase with a certificate that is not in strict
649 compliance with this subsection and the rules is liable for and
650 shall pay the tax. The department may adopt rules to administer
651 this subsection.

652 (ccc) Equipment, machinery, and other materials for
653 renewable energy technologies.--

654 1. As used in this paragraph, the term:

655 a. "Biodiesel" means the mono-alkyl esters of long-chain
656 fatty acids derived from plant or animal matter for use as a
657 source of energy and meeting the specifications for biodiesel
658 and biodiesel blends with petroleum products as adopted by the
659 Department of Agriculture and Consumer Services. Biodiesel may
660 refer to biodiesel blends designated BXX, where XX represents
661 the volume percentage of biodiesel fuel in the blend.

662 b. "Ethanol" means nominally anhydrous denatured alcohol
663 produced by the fermentation of plant sugars meeting the

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664 specifications for fuel ethanol and fuel ethanol blends with
665 petroleum products as adopted by the Department of Agriculture
666 and Consumer Services. Ethanol may refer to fuel ethanol blends
667 designated EXX, where XX represents the volume percentage of
668 fuel ethanol in the blend.

669 c. "Hydrogen fuel cells" means equipment using hydrogen or
670 a hydrogen-rich fuel in an electrochemical process to generate
671 energy, electricity, or the transfer of heat.

672 2. The sale or use of the following in the state is exempt
673 from the tax imposed by this chapter:

674 a. Hydrogen-powered vehicles, materials incorporated into
675 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
676 a limit of \$2 million in tax each state fiscal year for all
677 taxpayers.

678 b. Commercial stationary hydrogen fuel cells, up to a
679 limit of \$1 million in tax each state fiscal year for all
680 taxpayers.

681 c. Materials used in the distribution of biodiesel (B10-
682 B100) and ethanol (E10-100), including fueling infrastructure,
683 transportation, and storage, up to a limit of \$1 million in tax
684 each state fiscal year for all taxpayers. Gasoline fueling
685 station pump retrofits for ethanol (E10-E100) distribution
686 qualify for the exemption provided in this sub-subparagraph.

687 3. The Department of Environmental Protection shall
688 provide to the department a list of items eligible for the
689 exemption provided in this paragraph.

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690 4.a. The exemption provided in this paragraph shall be
691 available to a purchaser only through a refund of previously
692 paid taxes.

693 b. To be eligible to receive the exemption provided in
694 this paragraph, a purchaser shall file an application with the
695 Department of Environmental Protection. The application shall be
696 developed by the Department of Environmental Protection, in
697 consultation with the department, and shall require:

698 (I) The name and address of the person claiming the
699 refund.

700 (II) A specific description of the purchase for which a
701 refund is sought, including, when applicable, a serial number or
702 other permanent identification number.

703 (III) The sales invoice or other proof of purchase showing
704 the amount of sales tax paid, the date of purchase, and the name
705 and address of the sales tax dealer from whom the property was
706 purchased.

707 (IV) A sworn statement that the information provided is
708 accurate and that the requirements of this paragraph have been
709 met.

710 c. Within 30 days after receipt of an application, the
711 Department of Environmental Protection shall review the
712 application and shall notify the applicant of any deficiencies.
713 Upon receipt of a completed application, the Department of
714 Environmental Protection shall evaluate the application for
715 exemption and issue a written certification that the applicant
716 is eligible for a refund or issue a written denial of such
717 certification within 60 days after receipt of the application.

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718 | The Department of Environmental Protection shall provide the
 719 | department with a copy of each certification issued upon
 720 | approval of an application.

721 | d. Each certified applicant shall be responsible for
 722 | forwarding a certified copy of the application and copies of all
 723 | required documentation to the department within 6 months after
 724 | certification by the Department of Environmental Protection.

725 | e. The provisions of s. 212.095 do not apply to any refund
 726 | application made pursuant to this paragraph. A refund approved
 727 | pursuant to this paragraph shall be made within 30 days after
 728 | formal approval by the department.

729 | f. The department shall adopt rules governing the manner
 730 | and form of refund applications and may establish guidelines as
 731 | to the requisites for an affirmative showing of qualification
 732 | for exemption under this paragraph.

733 | g. The Department of Environmental Protection shall be
 734 | responsible for ensuring that the exemptions do not exceed the
 735 | limits provided in subparagraph 2.

736 | 5. The Department of Environmental Protection shall
 737 | determine and publish on a regular basis the amount of sales tax
 738 | funds remaining in each fiscal year.

739 | 6. This paragraph expires July 1, 2010.

740 | Section 10. Paragraph (y) is added to subsection (7) of
 741 | section 213.053, Florida Statutes, to read:

742 | 213.053 Confidentiality and information sharing.--

743 | (7) Notwithstanding any other provision of this section,
 744 | the department may provide:

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745 (y) Information relative to ss. 212.08(7)(ccc) and 220.192
 746 to the Department of Environmental Protection for use in the
 747 conduct of its official business.

748
 749 Disclosure of information under this subsection shall be
 750 pursuant to a written agreement between the executive director
 751 and the agency. Such agencies, governmental or nongovernmental,
 752 shall be bound by the same requirements of confidentiality as
 753 the Department of Revenue. Breach of confidentiality is a
 754 misdemeanor of the first degree, punishable as provided by s.
 755 775.082 or s. 775.083.

756 Section 11. Subsection (8) of section 220.02, Florida
 757 Statutes, is amended to read:

758 220.02 Legislative intent.--

759 (8) It is the intent of the Legislature that credits
 760 against either the corporate income tax or the franchise tax be
 761 applied in the following order: those enumerated in s. 631.828,
 762 those enumerated in s. 220.191, those enumerated in s. 220.181,
 763 those enumerated in s. 220.183, those enumerated in s. 220.182,
 764 those enumerated in s. 220.1895, those enumerated in s. 221.02,
 765 those enumerated in s. 220.184, those enumerated in s. 220.186,
 766 those enumerated in s. 220.1845, those enumerated in s. 220.19,
 767 those enumerated in s. 220.185, ~~and~~ those enumerated in s.
 768 220.187, and those enumerated in ss. 220.192 and 220.193.

769 Section 12. Section 220.192, Florida Statutes, is created
 770 to read:

771 220.192 Renewable energy technologies investment tax
 772 credit.--

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773 (1) DEFINITIONS.--For purposes of this section, the term:

774 (a) "Biodiesel" means biodiesel as defined in s.

775 212.08(7)(ccc).

776 (b) "Eligible costs" means:

777 1. Seventy-five percent of all capital costs, operation
778 and maintenance costs, and research and development costs
779 incurred between July 1, 2006, and June 30, 2010, up to a limit
780 of \$3 million per state fiscal year for all taxpayers, in
781 connection with an investment in hydrogen-powered vehicles and
782 hydrogen vehicle fueling stations in the state, including, but
783 not limited to, the costs of constructing, installing, and
784 equipping such technologies in the state.

785 2. Seventy-five percent of all capital costs, operation
786 and maintenance costs, and research and development costs
787 incurred between July 1, 2006, and June 30, 2010, up to a limit
788 of \$1.5 million per state fiscal year for all taxpayers, and
789 limited to a maximum of \$12,000 per fuel cell, in connection
790 with an investment in commercial stationary hydrogen fuel cells
791 in the state, including, but not limited to, the costs of
792 constructing, installing, and equipping such technologies in the
793 state.

794 3. Seventy-five percent of all capital costs, operation
795 and maintenance costs, and research and development costs
796 incurred between July 1, 2006, and June 30, 2010, up to a limit
797 of \$6.5 million per state fiscal year for all taxpayers, in
798 connection with an investment in the production, storage, and
799 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
800 the state, including the costs of constructing, installing, and

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801 equipping such technologies in the state. Gasoline fueling
802 station pump retrofits for ethanol (E10-E100) distribution
803 qualify as an eligible cost under this subparagraph.

804 (c) "Ethanol" means ethanol as defined in s.
805 212.08(7)(ccc).

806 (d) "Hydrogen fuel cell" means hydrogen fuel cell as
807 defined in s. 212.08(7)(ccc).

808 (2) TAX CREDIT.--For tax years beginning on or after
809 January 1, 2007, a credit against the tax imposed by this
810 chapter shall be granted in an amount equal to the eligible
811 costs. Credits may be used in tax years beginning January 1,
812 2007, and ending December 31, 2010, after which the credit shall
813 expire. If the credit is not fully used in any one tax year
814 because of insufficient tax liability on the part of the
815 corporation, the unused amount may be carried forward and used
816 in tax years beginning January 1, 2007, and ending December 31,
817 2012, after which the credit carryover expires and may not be
818 used. A taxpayer that files a consolidated return in this state
819 as a member of an affiliated group under s. 220.131(1) may be
820 allowed the credit on a consolidated return basis up to the
821 amount of tax imposed upon the consolidated group. Any eligible
822 cost for which a credit is claimed and which is deducted or
823 otherwise reduces federal taxable income shall be added back in
824 computing adjusted federal income under s. 220.13.

825 (3) APPLICATION PROCESS.--Any corporation wishing to
826 obtain tax credits available under this section must submit to
827 the Department of Environmental Protection an application for
828 tax credit that includes a complete description of all eligible

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829 costs for which the corporation is seeking a credit and a
830 description of the total amount of credits sought. The
831 Department of Environmental Protection shall make a
832 determination on the eligibility of the applicant for the
833 credits sought and certify the determination to the applicant
834 and the Department of Revenue. The corporation must attach the
835 Department of Environmental Protection's certification to the
836 tax return on which the credit is claimed. The Department of
837 Environmental Protection shall be responsible for ensuring that
838 the corporate income tax credits granted in each fiscal year do
839 not exceed the limits provided for in this section. The
840 Department of Environmental Protection is authorized to adopt
841 the necessary rules, guidelines, and application materials for
842 the application process.

843 (4) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF
844 CREDITS.--

845 (a) In addition to its existing audit and investigation
846 authority, the Department of Revenue may perform any additional
847 financial and technical audits and investigations, including
848 examining the accounts, books, and records of the tax credit
849 applicant, that are necessary to verify the eligible costs
850 included in the tax credit return and to ensure compliance with
851 this section. The Department of Environmental Protection shall
852 provide technical assistance when requested by the Department of
853 Revenue on any technical audits or examinations performed
854 pursuant to this section.

855 (b) It is grounds for forfeiture of previously claimed and
856 received tax credits if the Department of Revenue determines, as

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857 | a result of either an audit or examination or from information
858 | received from the Department of Environmental Protection, that a
859 | taxpayer received tax credits pursuant to this section to which
860 | the taxpayer was not entitled. The taxpayer is responsible for
861 | returning forfeited tax credits to the Department of Revenue,
862 | and such funds shall be paid into the General Revenue Fund of
863 | the state.

864 | (c) The Department of Environmental Protection may revoke
865 | or modify any written decision granting eligibility for tax
866 | credits under this section if it is discovered that the tax
867 | credit applicant submitted any false statement, representation,
868 | or certification in any application, record, report, plan, or
869 | other document filed in an attempt to receive tax credits under
870 | this section. The Department of Environmental Protection shall
871 | immediately notify the Department of Revenue of any revoked or
872 | modified orders affecting previously granted tax credits.
873 | Additionally, the taxpayer must notify the Department of Revenue
874 | of any change in its tax credit claimed.

875 | (d) The taxpayer shall file with the Department of Revenue
876 | an amended return or such other report as the Department of
877 | Revenue prescribes by rule and shall pay any required tax and
878 | interest within 60 days after the taxpayer receives notification
879 | from the Department of Environmental Protection that previously
880 | approved tax credits have been revoked or modified. If the
881 | revocation or modification order is contested, the taxpayer
882 | shall file an amended return or other report as provided in this
883 | paragraph within 60 days after a final order is issued following
884 | proceedings.

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885 (e) A notice of deficiency may be issued by the Department
886 of Revenue at any time within 3 years after the taxpayer
887 receives formal notification from the Department of
888 Environmental Protection that previously approved tax credits
889 have been revoked or modified. If a taxpayer fails to notify the
890 Department of Revenue of any changes to its tax credit claimed,
891 a notice of deficiency may be issued at any time.

892 (5) RULES.--The Department of Revenue shall have the
893 authority to adopt rules relating to the forms required to claim
894 a tax credit under this section, the requirements and basis for
895 establishing an entitlement to a credit, and the examination and
896 audit procedures required to administer this section.

897 (6) PUBLICATION.--The Department of Environmental
898 Protection shall determine and publish on a regular basis the
899 amount of available tax credits remaining in each fiscal year.

900 Section 13. Section 220.193, Florida Statutes, is created
901 to read:

902 220.193 Florida renewable energy production credit.--

903 (1) The purpose of this section is to encourage the
904 development and expansion of facilities that produce renewable
905 energy in Florida.

906 (2) As used in this section, the term:

907 (a) "Commission" shall mean the Florida Public Service
908 Commission.

909 (b) "Florida renewable energy facility" shall mean a
910 facility in Florida that produces renewable energy, as defined
911 in s. 377.803.

912 (c) "New facility" shall mean a Florida renewable energy
913 facility that is operationally in service after May 1, 2006.

914 (d) "Expanded facility" shall mean a Florida renewable
915 energy facility that increases its electrical production by more
916 than 5 percent after May 1, 2006.

917 (3) A credit against the tax imposed by this chapter shall
918 be allowed to a taxpayer, based on the taxpayer's production and
919 sale of electricity from a new or expanded Florida renewable
920 energy facility. For a new facility, the credit shall be based
921 on the taxpayer's sale of the facility's entire electrical
922 production. For an expanded facility, the credit shall be based
923 on the increases in the facility's electrical production that
924 are achieved after May 1, 2006.

925 (a) The credit shall be \$0.01 for each kilowatt-hour of
926 electricity produced and sold by the taxpayer to an unrelated
927 party during a given tax year.

928 (b) The credit may be claimed for electricity produced and
929 sold on or after January 1, 2007. The credit may be claimed for
930 a maximum period of 10 years, commencing with the first tax year
931 the credit is earned. In cases of multiple expansions of the
932 same facility which are completed in different calendar years,
933 the taxpayer may propose staggered commencement dates for each
934 expansion project provided that the credit attributable to each
935 expansion is separately identified and quantified.

936 (c) If the credit granted pursuant to this section is not
937 fully used in one year because of insufficient tax liability on
938 the part of the taxpayer, the unused amount may be carried
939 forward for a period not to exceed 5 years. The carryover credit

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940 may be used in a subsequent year when the tax imposed by this
941 chapter for such year exceeds the credit for such year, after
942 applying the other credits and unused credit carryovers in the
943 order provided in s. 220.02(8).

944 (d) A taxpayer that files a consolidated return in this
945 state as a member of an affiliated group under s. 220.131(1) may
946 be allowed the credit on a consolidated return basis up to the
947 amount of tax imposed upon the consolidated group.

948 (e)1. Tax credits that may be available under this section
949 to an entity eligible under this section may be transferred
950 after a merger or acquisition to the surviving or acquiring
951 entity and used in the same manner with the same limitations.

952 2. The entity or its surviving or acquiring entity as
953 described in subparagraph 1. may transfer any unused credit in
954 whole or in units of no less than 25 percent of the remaining
955 credit. The entity acquiring such credit may use it in the same
956 manner and with the same limitations under this section Such
957 transferred credits may not be transferred again although they
958 may succeed to a surviving or acquiring entity subject to the
959 same conditions and limitations as described in this section.

960 3. In the event the credit provided for under this section
961 is reduced as a result of an examination or audit by the
962 Department of Revenue, such tax deficiency shall be recovered
963 from the first entity or the surviving or acquiring entity to
964 have claimed such credit up to the amount of credit taken. Any
965 subsequent deficiencies shall be assessed against any entity
966 acquiring and claiming such credit, or in the case of multiple
967 succeeding entities in the order of credit succession.

968 (f) Notwithstanding any other provision of this section,
 969 until calendar year 2011, the total credits granted by the
 970 Department of Revenue pursuant to this section shall not exceed
 971 10 million dollars for any tax year. Thereafter, such credits
 972 shall not exceed 15 million dollars for any tax year.

973 (g) A taxpayer claiming a credit under this section shall
 974 be required to add back to net income that portion of its
 975 business deductions claimed on its federal return paid or
 976 incurred for the taxable year which is equal to the amount of
 977 the credit allowable for the taxable year under this section.

978 (h) A taxpayer claiming credit under this section may not
 979 claim a credit under s. 220.192. A taxpayer claiming credit
 980 under s. 220.192 may not claim a credit under this section.

981 (4) The Department of Revenue may adopt rules to implement
 982 and administer this section, including rules prescribing forms,
 983 the documentation needed to substantiate a claim for the tax
 984 credit, and the specific procedures and guidelines for claiming
 985 the credit.

986 (5) This section shall take effect upon becoming law and
 987 shall apply to tax years beginning on and after January 1, 2007.

988 Section 14. Paragraph (a) of subsection (1) of section
 989 220.13, Florida Statutes, is amended to read:

990 220.13 "Adjusted federal income" defined.--

991 (1) The term "adjusted federal income" means an amount
 992 equal to the taxpayer's taxable income as defined in subsection
 993 (2), or such taxable income of more than one taxpayer as
 994 provided in s. 220.131, for the taxable year, adjusted as
 995 follows:

996 (a) Additions.--There shall be added to such taxable
 997 income:

998 1. The amount of any tax upon or measured by income,
 999 excluding taxes based on gross receipts or revenues, paid or
 1000 accrued as a liability to the District of Columbia or any state
 1001 of the United States which is deductible from gross income in
 1002 the computation of taxable income for the taxable year.

1003 2. The amount of interest which is excluded from taxable
 1004 income under s. 103(a) of the Internal Revenue Code or any other
 1005 federal law, less the associated expenses disallowed in the
 1006 computation of taxable income under s. 265 of the Internal
 1007 Revenue Code or any other law, excluding 60 percent of any
 1008 amounts included in alternative minimum taxable income, as
 1009 defined in s. 55(b)(2) of the Internal Revenue Code, if the
 1010 taxpayer pays tax under s. 220.11(3).

1011 3. In the case of a regulated investment company or real
 1012 estate investment trust, an amount equal to the excess of the
 1013 net long-term capital gain for the taxable year over the amount
 1014 of the capital gain dividends attributable to the taxable year.

1015 4. That portion of the wages or salaries paid or incurred
 1016 for the taxable year which is equal to the amount of the credit
 1017 allowable for the taxable year under s. 220.181. The provisions
 1018 of this subparagraph shall expire and be void on June 30, 2005.

1019 5. That portion of the ad valorem school taxes paid or
 1020 incurred for the taxable year which is equal to the amount of
 1021 the credit allowable for the taxable year under s. 220.182. The
 1022 provisions of this subparagraph shall expire and be void on June
 1023 30, 2005.

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1024 | 6. The amount of emergency excise tax paid or accrued as a
1025 | liability to this state under chapter 221 which tax is
1026 | deductible from gross income in the computation of taxable
1027 | income for the taxable year.

1028 | 7. That portion of assessments to fund a guaranty
1029 | association incurred for the taxable year which is equal to the
1030 | amount of the credit allowable for the taxable year.

1031 | 8. In the case of a nonprofit corporation which holds a
1032 | pari-mutuel permit and which is exempt from federal income tax
1033 | as a farmers' cooperative, an amount equal to the excess of the
1034 | gross income attributable to the pari-mutuel operations over the
1035 | attributable expenses for the taxable year.

1036 | 9. The amount taken as a credit for the taxable year under
1037 | s. 220.1895.

1038 | 10. Up to nine percent of the eligible basis of any
1039 | designated project which is equal to the credit allowable for
1040 | the taxable year under s. 220.185.

1041 | 11. The amount taken as a credit for the taxable year
1042 | under s. 220.187.

1043 | 12. The amount taken as a credit for the taxable year
1044 | under ss. 220.192 and 220.193.

1045 | Section 15. Subsection (2) of section 186.801, Florida
1046 | Statutes, is amended to read:

1047 | 186.801 Ten-year site plans.--

1048 | (2) Within 9 months after the receipt of the proposed
1049 | plan, the commission shall make a preliminary study of such plan
1050 | and classify it as "suitable" or "unsuitable." The commission
1051 | may suggest alternatives to the plan. All findings of the

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1052 commission shall be made available to the Department of
1053 Environmental Protection for its consideration at any subsequent
1054 electrical power plant site certification proceedings. It is
1055 recognized that 10-year site plans submitted by an electric
1056 utility are tentative information for planning purposes only and
1057 may be amended at any time at the discretion of the utility upon
1058 written notification to the commission. A complete application
1059 for certification of an electrical power plant site under
1060 chapter 403, when such site is not designated in the current 10-
1061 year site plan of the applicant, shall constitute an amendment
1062 to the 10-year site plan. In its preliminary study of each 10-
1063 year site plan, the commission shall consider such plan as a
1064 planning document and shall review:

1065 (a) The need, including the need as determined by the
1066 commission, for electrical power in the area to be served.

1067 (b) The effect on fuel diversity within the state.

1068 (c) ~~(b)~~ The anticipated environmental impact of each
1069 proposed electrical power plant site.

1070 (d) ~~(e)~~ Possible alternatives to the proposed plan.

1071 (e) ~~(d)~~ The views of appropriate local, state, and federal
1072 agencies, including the views of the appropriate water
1073 management district as to the availability of water and its
1074 recommendation as to the use by the proposed plant of salt water
1075 or fresh water for cooling purposes.

1076 (f) ~~(e)~~ The extent to which the plan is consistent with the
1077 state comprehensive plan.

1078 (g) ~~(f)~~ The plan with respect to the information of the
1079 state on energy availability and consumption.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1080 Section 16. Subsection (6) of section 366.04, Florida
1081 Statutes, is amended to read:

1082 366.04 Jurisdiction of commission.--

1083 (6) The commission shall further have exclusive
1084 jurisdiction to prescribe and enforce safety standards for
1085 transmission and distribution facilities of all public electric
1086 utilities, cooperatives organized under the Rural Electric
1087 Cooperative Law, and electric utilities owned and operated by
1088 municipalities. In adopting safety standards, the commission
1089 shall, at a minimum:

1090 (a) Adopt the 1984 edition of the National Electrical
1091 Safety Code (ANSI C2) as initial standards; and

1092 (b) Adopt, after review, any new edition of the National
1093 Electrical Safety Code (ANSI C2).

1094
1095 The standards prescribed by the current 1984 edition of the
1096 National Electrical Safety Code (ANSI C2) shall constitute
1097 acceptable and adequate requirements for the protection of the
1098 safety of the public, and compliance with the minimum
1099 requirements of that code shall constitute good engineering
1100 practice by the utilities. The administrative authority referred
1101 to in the 1984 edition of the National Electrical Safety Code is
1102 the commission. However, nothing herein shall be construed as
1103 superseding, repealing, or amending the provisions of s.
1104 403.523(1) and (10).

1105 Section 17. Subsections (1) and (8) of section 366.05,
1106 Florida Statutes, are amended to read:

1107 366.05 Powers.--

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1108 (1) In the exercise of such jurisdiction, the commission
1109 shall have power to prescribe fair and reasonable rates and
1110 charges, classifications, standards of quality and measurements,
1111 including the ability to adopt construction standards that
1112 exceed the National Electrical Safety Code, for purposes of
1113 ensuring the reliable provision of service, and service rules
1114 and regulations to be observed by each public utility; to
1115 require repairs, improvements, additions, replacements, and
1116 extensions to the plant and equipment of any public utility when
1117 reasonably necessary to promote the convenience and welfare of
1118 the public and secure adequate service or facilities for those
1119 reasonably entitled thereto; to employ and fix the compensation
1120 for such examiners and technical, legal, and clerical employees
1121 as it deems necessary to carry out the provisions of this
1122 chapter; and to adopt rules pursuant to ss. 120.536(1) and
1123 120.54 to implement and enforce the provisions of this chapter.

1124 (8) If the commission determines that there is probable
1125 cause to believe that inadequacies exist with respect to the
1126 energy grids developed by the electric utility industry,
1127 including inadequacies in fuel diversity or fuel supply
1128 reliability, it shall have the power, after proceedings as
1129 provided by law, and after a finding that mutual benefits will
1130 accrue to the electric utilities involved, to require
1131 installation or repair of necessary facilities, including
1132 generating plants and transmission facilities, with the costs to
1133 be distributed in proportion to the benefits received, and to
1134 take all necessary steps to ensure compliance. The electric
1135 utilities involved in any action taken or orders issued pursuant

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1136 | to this subsection shall have full power and authority,
 1137 | notwithstanding any general or special laws to the contrary, to
 1138 | jointly plan, finance, build, operate, or lease generating and
 1139 | transmission facilities and shall be further authorized to
 1140 | exercise the powers granted to corporations in chapter 361. This
 1141 | subsection shall not supersede or control any provision of the
 1142 | Florida Electrical Power Plant Siting Act, ss. 403.501-403.518.

1143 | Section 18. Section 366.92, Florida Statutes, is created
 1144 | to read:

1145 | 366.92 Florida renewable energy policy.--

1146 | (1) It is the intent of the Legislature to promote the
 1147 | development of renewable energy; diversify the types of fuel
 1148 | used to generate electricity in Florida; lessen Florida's
 1149 | dependence on natural gas and fuel oil for the production of
 1150 | electricity; minimize the volatility of fuel costs; encourage
 1151 | investment within the state; improve environmental conditions;
 1152 | and at the same time, minimize the costs of power supply to
 1153 | electric utilities and their customers.

1154 | (2) For the purposes of this section, "Florida renewable
 1155 | energy resources" shall mean renewable energy, as defined in s.
 1156 | 377.803, that is produced in Florida.

1157 | (3) The commission shall adopt appropriate goals for
 1158 | increasing the use of existing, expanded, and new Florida
 1159 | renewable energy resources. The commission may change the goals.
 1160 | The commission shall review and reestablish the goals at least
 1161 | once every five years.

1162 | (4) The commission may adopt rules to administer and
 1163 | implement the provisions of this section.

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1164 Section 19. The Florida Public Service Commission shall
1165 direct a study of the electric transmission grid in the state.
1166 The study shall look at electric system reliability to examine
1167 the efficiency and reliability of power transfer and emergency
1168 contingency conditions. In addition, the study shall examine the
1169 hardening of infrastructure to address issues arising from the
1170 2004 and 2005 hurricane seasons. A report of the results of the
1171 study shall be provided to the Governor, the President of the
1172 Senate, and the Speaker of the House of Representatives by March
1173 1, 2007.

1174 Section 20. Subsections (5), (8), (9), (12), (18), (24),
1175 and (27) of section 403.503, Florida Statutes, are amended,
1176 subsections (6) through (28) are renumbered as (7) through (29),
1177 respectively, and new subsections (6) and (16) are added to
1178 that section, to read:

1179 403.503 Definitions relating to Florida Electrical Power
1180 Plant Siting Act.--As used in this act:

1181 (5) "Application" means the documents required by the
1182 department to be filed to initiate a certification review and
1183 evaluation, including the initial document filing, amendments,
1184 and responses to requests from the department for additional
1185 data and information ~~proceeding and shall include the documents~~
1186 ~~necessary for the department to render a decision on any permit~~
1187 ~~required pursuant to any federally delegated or approved permit~~
1188 ~~program.~~

1189 (6) "Associated facilities" means, for the purpose of
1190 certification, those facilities which directly support the
1191 construction and operation of the electrical power plant such as

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1192 fuel unloading facilities; pipelines necessary for transporting
 1193 fuel for the operation of the facility or other fuel
 1194 transportation facilities; water or wastewater transport
 1195 pipelines; construction, maintenance, and access roads; and
 1196 railway lines necessary for transport of construction equipment
 1197 or fuel for the operation of the facility.

1198 (8) "Completeness" means that the application has
 1199 addressed all applicable sections of the prescribed application
 1200 format, and ~~but does not mean~~ that those sections are sufficient
 1201 in comprehensiveness of data or in quality of information
 1202 provided to allow the department to determine whether the
 1203 application provides the reviewing agencies adequate information
 1204 to prepare the reports required by s. 403.507.

1205 (9) "Corridor" means the proposed area within which an
 1206 associated linear facility right-of-way is to be located. The
 1207 width of the corridor proposed for certification as an
 1208 associated facility, at the option of the applicant, may be the
 1209 width of the right-of-way or a wider boundary, not to exceed a
 1210 width of 1 mile. The area within the corridor in which a right-
 1211 of-way may be located may be further restricted by a condition
 1212 of certification. After all property interests required for the
 1213 right-of-way have been acquired by the licensee ~~applicant~~, the
 1214 boundaries of the area certified shall narrow to only that land
 1215 within the boundaries of the right-of-way.

1216 (12) "Electrical power plant" means, for the purpose of
 1217 certification, any steam or solar electrical generating facility
 1218 using any process or fuel, including nuclear materials, ~~and~~
 1219 ~~includes associated facilities which directly support the~~

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1220 ~~construction and operation of the electrical power plant and~~
 1221 ~~those associated transmission lines which connect the electrical~~
 1222 ~~power plant to an existing transmission network or rights-of-way~~
 1223 ~~to which the applicant intends to connect,~~ except that this term
 1224 does not include any steam or solar electrical generating
 1225 facility of less than 75 megawatts in capacity unless the
 1226 applicant for such a facility elects to apply for certification
 1227 under this act. This term includes associated facilities to be
 1228 owned by the applicant which are physically connected to the
 1229 electrical power plant site or which are directly connected to
 1230 the electrical power plant site by other proposed associated
 1231 facilities to be owned by the applicant, and associated
 1232 transmission lines to be owned by the applicant which connect
 1233 the electrical power plant to an existing transmission network
 1234 or rights-of-way of which the applicant intends to connect. An
 1235 ~~associated transmission line may include,~~ At the applicant's
 1236 option, this term may include, any offsite associated facilities
 1237 which will not be owned by the applicant; offsite associated
 1238 facilities which are owned by the applicant but which are not
 1239 directly connected to the electrical power plant site; any
 1240 proposed terminal or intermediate substations or substation
 1241 expansions connected to the associated transmission line; or new
 1242 transmission lines, upgrades, or improvements of an existing
 1243 transmission line on any portion of the applicant's electrical
 1244 transmission system necessary to support the generation injected
 1245 into the system from the proposed electrical power plant.

1246 (16) "Licensee" means an applicant that has obtained a
 1247 certification order for the subject project.

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1248 ~~(19)-(18)~~ "Nonprocedural requirements of agencies" means
 1249 any agency's regulatory requirements established by statute,
 1250 rule, ordinance, zoning ordinance, land development code, or
 1251 comprehensive plan, excluding any provisions prescribing forms,
 1252 fees, procedures, or time limits for the review or processing of
 1253 information submitted to demonstrate compliance with such
 1254 regulatory requirements.

1255 ~~(25)-(24)~~ "Right-of-way" means land necessary for the
 1256 construction and maintenance of a connected associated linear
 1257 facility, such as a railroad line, pipeline, or transmission
 1258 line as owned by or proposed to be certified by the applicant.
 1259 The typical width of the right-of-way shall be identified in the
 1260 application. The right-of-way shall be located within the
 1261 certified corridor and shall be identified by the applicant
 1262 subsequent to certification in documents filed with the
 1263 department prior to construction.

1264 ~~(28)-(27)~~ "Ultimate site capacity" means the maximum
 1265 generating capacity for a site as certified by the board.
 1266 ~~"Sufficiency" means that the application is not only complete~~
 1267 ~~but that all sections are sufficient in the comprehensiveness of~~
 1268 ~~data or in the quality of information provided to allow the~~
 1269 ~~department to determine whether the application provides the~~
 1270 ~~reviewing agencies adequate information to prepare the reports~~
 1271 ~~required by s. 403.507.~~

1272 Section 21. Subsections (1), (7), (9), and (10) of section
 1273 403.504, Florida Statutes, are amended, and new subsections (9),
 1274 (10), (11), and (12) are added to that section, to read:

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1275 403.504 Department of Environmental Protection; powers and
1276 duties enumerated.--The department shall have the following
1277 powers and duties in relation to this act:

1278 (1) To adopt rules pursuant to ss. 120.536(1) and 120.54
1279 to implement the provisions of this act, including rules setting
1280 forth environmental precautions to be followed in relation to
1281 the location, construction, and operation of electrical power
1282 plants.

1283 (7) To conduct studies and prepare a project written
1284 analysis under s. 403.507.

1285 (9) To issue final orders after receipt of the
1286 administrative law judge's order relinquishing jurisdiction
1287 pursuant to s. 403.508(6).

1288 (10) To act as clerk for the siting board.

1289 (11) To administer and manage the terms and conditions of
1290 the certification order and supporting documents and records for
1291 the life of the facility.

1292 (12) To issue emergency orders on behalf of the board for
1293 facilities licensed under this act.

1294 ~~(9) To notify all affected agencies of the filing of a~~
1295 ~~notice of intent within 15 days after receipt of the notice.~~

1296 ~~(10) To issue, with the electrical power plant~~
1297 ~~certification, any license required pursuant to any federally~~
1298 ~~delegated or approved permit program.~~

1299 Section 22. Section 403.5055, Florida Statutes, is amended
1300 to read:

1301 403.5055 Application for permits pursuant to s.

1302 403.0885.--In processing applications for permits pursuant to s.

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1303 403.0885 that are associated with applications for electrical
1304 power plant certification:

1305 (1) The procedural requirements set forth in 40 C.F.R. s.
1306 123.25, including public notice, public comments, and public
1307 hearings, shall be closely coordinated with the certification
1308 process established under this part. In the event of a conflict
1309 between the certification process and federally required
1310 procedures for NPDES permit issuance, the applicable federal
1311 requirements shall control.

1312 ~~(2) The department's proposed action pursuant to 40 C.F.R.~~
1313 ~~s. 124.6, including any draft NPDES permit (containing the~~
1314 ~~information required under 40 C.F.R. s. 124.6(d)), shall within~~
1315 ~~130 days after the submittal of a complete application be~~
1316 ~~publicly noticed and transmitted to the United States~~
1317 ~~Environmental Protection Agency for its review pursuant to 33~~
1318 ~~U.S.C. s. 1342(d).~~

1319 (2)(3) If available at the time the department issues its
1320 project analysis pursuant to s. 403.507(5), the department shall
1321 include in its project analysis ~~written analysis pursuant to s.~~
1322 ~~403.507(3) copies of the department's proposed action pursuant~~
1323 ~~to 40 C.F.R. s. 124.6 on any application for a NPDES permit; any~~
1324 ~~corresponding comments received from the United States~~
1325 ~~Environmental Protection Agency, the applicant, or the general~~
1326 ~~public; and the department's response to those comments.~~

1327 (3)(4) The department shall not issue or deny the permit
1328 pursuant to s. 403.0885 in advance of the issuance of the
1329 electrical electric power plant certification under this part
1330 unless required to do so by the provisions of federal law. When

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1331 possible, any hearing on a permit issued pursuant to s. 403.0885
1332 shall be conducted in conjunction with the certification hearing
1333 held pursuant to this act. The department's actions on an NPDES
1334 permit shall be based on the record and recommended order of the
1335 certification hearing, if the hearing on the NPDES was conducted
1336 in conjunction with the certification hearing, and of any other
1337 proceeding held in connection with the application for an NPDES
1338 permit, timely public comments received with respect to the
1339 application, and the provisions of federal law. The department's
1340 action on an NPDES permit, if issued, shall differ from the
1341 actions taken by the siting board regarding the certification
1342 order if federal laws and regulations require different action
1343 to be taken to ensure compliance with the Clean Water Act, as
1344 amended, and implementing regulations. Nothing in this part
1345 shall be construed to displace the department's authority as the
1346 final permitting entity under the federally approved state NPDES
1347 program. Nothing in this part shall be construed to authorize
1348 the issuance of a state NPDES permit which does not conform to
1349 the requirements of the federally approved state NPDES program.
1350 ~~The permit, if issued, shall be valid for no more than 5 years.~~

1351 ~~(5) The department's action on an NPDES permit renewal, if~~
1352 ~~issued, shall differ from the actions taken by the siting board~~
1353 ~~regarding the certification order if federal laws and~~
1354 ~~regulations require different action to be taken to ensure~~
1355 ~~compliance with the Clean Water Act, as amended, and~~
1356 ~~implementing regulations.~~

1357 Section 23. Section 403.506, Florida Statutes, is amended
1358 to read:

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1359 | 403.506 Applicability, thresholds, and certification.--
 1360 | (1) The provisions of this act shall apply to any
 1361 | electrical power plant as defined herein, except that the
 1362 | provisions of this act shall not apply to any electrical power
 1363 | plant or steam generating plant of less than 75 megawatts in
 1364 | capacity or to any substation to be constructed as part of an
 1365 | associated transmission line unless the applicant has elected to
 1366 | apply for certification of such plant or substation under this
 1367 | act. The provisions of this act shall not apply to any unit
 1368 | capacity expansion of 35 megawatts or less of an existing
 1369 | exothermic reaction cogeneration unit that was exempt from this
 1370 | act when it was originally built; however, this exemption shall
 1371 | not apply if the unit uses oil or natural gas for purposes other
 1372 | than unit startup. No construction of any new electrical power
 1373 | plant or expansion in steam generating capacity as measured by
 1374 | an increase in the maximum electrical generator rating of any
 1375 | existing electrical power plant may be undertaken after October
 1376 | 1, 1973, without first obtaining certification in the manner as
 1377 | herein provided, except that this act shall not apply to any
 1378 | such electrical power plant which is presently operating or
 1379 | under construction or which has, upon the effective date of
 1380 | chapter 73-33, Laws of Florida, applied for a permit or
 1381 | certification under requirements in force prior to the effective
 1382 | date of such act.
 1383 | (2) Except as provided in the certification, modification
 1384 | of nonnuclear fuels, internal related hardware, including
 1385 | increases in steam turbine efficiency, or operating conditions
 1386 | not in conflict with certification which increase the electrical

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1387 output of a unit to no greater capacity than the maximum
1388 electrical generator rating ~~operating capacity~~ of the existing
1389 generator shall not constitute an alteration or addition to
1390 generating capacity which requires certification pursuant to
1391 this act.

1392 ~~(3) The application for any related department license~~
1393 ~~which is required pursuant to any federally delegated or~~
1394 ~~approved permit program shall be processed within the time~~
1395 ~~periods allowed by this act, in lieu of those specified in s.~~
1396 ~~120.60. However, permits issued pursuant to s. 403.0885 shall be~~
1397 ~~processed in accordance with 40 C.F.R. part 123.~~

1398 Section 24. Section 403.5064, Florida Statutes, is amended
1399 to read:

1400 403.5064 Application ~~Distribution of application;~~
1401 schedules.--

1402 (1) The formal date of filing of a certification
1403 application and commencement of the certification review process
1404 shall be when the applicant submits:

1405 (a) Copies of the certification application in a quantity
1406 and format as prescribed by rule to the department and other
1407 agencies identified in s. 403.507(2)(a).

1408 (b) The application fee specified under s. 403.518 to the
1409 department.

1410 (2) ~~(1)~~ Within 7 days after the filing of an application,
1411 the department shall provide to the applicant and the Division
1412 of Administrative Hearings the names and addresses of any
1413 additional ~~those affected or other~~ agencies or persons entitled
1414 to notice and copies of the application and any amendments.

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1415 Copies of the application shall be distributed within 5 days by
 1416 the applicant to these additional agencies. This distribution
 1417 shall not be a basis for altering the schedule of dates for the
 1418 certification process.

1419 (3) Any amendment to the application made prior to
 1420 certification shall be disposed of as part of the original
 1421 certification proceeding. Amendment of the application may be
 1422 considered good cause for alteration of time limits pursuant to
 1423 s. 403.5095.

1424 (4)-(2) Within 7 days after the filing of an application
 1425 ~~completeness has been determined,~~ the department shall prepare a
 1426 proposed schedule of dates for determination of completeness,
 1427 submission of statements of issues, determination of
 1428 sufficiency, and submittal of final reports, from affected and
 1429 ~~other agencies~~ and other significant dates to be followed during
 1430 the certification process, including dates for filing notices of
 1431 appearance to be a party pursuant to s. 403.508 (3)-(4). This
 1432 schedule shall be timely provided by the department to the
 1433 applicant, the administrative law judge, all agencies identified
 1434 pursuant to subsection (2) -(1), and all parties. Within 7 days
 1435 after the filing of the proposed schedule, the administrative
 1436 law judge shall issue an order establishing a schedule for the
 1437 matters addressed in the department's proposed schedule and
 1438 other appropriate matters, if any.

1439 ~~(5)-(3) Within 7 days after completeness has been~~
 1440 ~~determined, the applicant shall distribute copies of the~~
 1441 ~~application to all agencies identified by the department~~
 1442 ~~pursuant to subsection (1).~~ Copies of changes and amendments to

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1443 the application shall be timely distributed by the applicant to
1444 all ~~affected~~ agencies and parties who have received a copy of
1445 the application.

1446 (6) Notice of the filing of the application shall be
1447 published in accordance with the requirements of s. 403.5115.

1448 Section 25. Section 403.5065, Florida Statutes, is amended
1449 to read:

1450 403.5065 Appointment of administrative law judge; powers
1451 and duties.--

1452 (1) Within 7 days after receipt of an application, ~~whether~~
1453 ~~complete or not,~~ the department shall request the Division of
1454 Administrative Hearings to designate an administrative law judge
1455 to conduct the hearings required by this act. The division
1456 director shall designate an administrative law judge within 7
1457 days after receipt of the request from the department. In
1458 designating an administrative law judge for this purpose, the
1459 division director shall, whenever practicable, assign an
1460 administrative law judge who has had prior experience or
1461 training in electrical power plant site certification
1462 proceedings. Upon being advised that an administrative law judge
1463 has been appointed, the department shall immediately file a copy
1464 of the application and all supporting documents with the
1465 designated administrative law judge, who shall docket the
1466 application.

1467 (2) The administrative law judge shall have all powers and
1468 duties granted to administrative law judges by chapter 120 and
1469 by the laws and rules of the department.

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1470 Section 26. Section 403.5066, Florida Statutes, is amended
1471 to read:

1472 403.5066 Determination of completeness.--

1473 (1) (a) Within 30 days after the filing of an application,
1474 affected agencies shall file a statement with the department
1475 containing each agency's recommendations on the completeness of
1476 the application.

1477 (b) Within 40 ~~15~~ days after the filing receipt of an
1478 application, the department shall file a statement with the
1479 Division of Administrative Hearings, ~~and~~ with the applicant, ~~and~~
1480 with all parties declaring its position with regard to the
1481 completeness, ~~not the sufficiency,~~ of the application. ~~The~~
1482 department's statement shall be based upon consultation with the
1483 affected agencies.

1484 (2) ~~(1)~~ If the department declares the application to be
1485 incomplete, the applicant, within 15 days after the filing of
1486 the statement by the department, shall file with the Division of
1487 Administrative Hearings, ~~and~~ with the department, ~~and all~~
1488 parties a statement:

1489 (a) A withdrawal of ~~Agreeing with the statement of the~~
1490 department ~~and withdrawing~~ the application;

1491 (b) A statement agreeing to supply the additional
1492 information necessary to make the application complete. Such
1493 additional information shall be provided within 30 days after
1494 the issuance of the department's statement on completeness of
1495 the application. The time schedules under this act shall not be
1496 tolled if the applicant makes the application complete within 30
1497 days after the issuance of the department's statement on

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1498 completeness of the application. A subsequent finding by the
 1499 department that the application remains incomplete, based upon
 1500 the additional information submitted by the applicant or upon
 1501 the failure of the applicant to timely submit the additional
 1502 information, tolls the time schedules under this act until the
 1503 application is determined complete; ~~Agreeing with the statement~~
 1504 of the department and agreeing to amend the application without
 1505 withdrawing it. The time schedules referencing a complete
 1506 application under this act shall not commence until the
 1507 application is determined complete; or

1508 (c) A statement contesting the department's determination
 1509 of incompleteness; or ~~contesting the statement of the~~
 1510 department.

1511 (d) A statement agreeing with the department and
 1512 requesting additional time beyond 30 days to provide the
 1513 information necessary to make the application complete. If the
 1514 applicant exercises this option, the time schedules under this
 1515 act are tolled until the application is determined complete.

1516 (3) (a) ~~(2)~~ If the applicant contests the determination by
 1517 the department that an application is incomplete, the
 1518 administrative law judge shall schedule a hearing on the
 1519 statement of completeness. The hearing shall be held as
 1520 expeditiously as possible, but not later than 21 ~~30~~ days after
 1521 the filing of the statement by the department. The
 1522 administrative law judge shall render a decision within 7 ~~10~~
 1523 days after the hearing.

1524 (b) Parties to a hearing on the issue of completeness
 1525 shall include the applicant, the department, and any agency that
 1526 has jurisdiction over the matter in dispute.

1527 (c)-(a) If the administrative law judge determines that the
 1528 application was not complete ~~as filed~~, the applicant shall
 1529 withdraw the application or make such additional submittals as
 1530 necessary to complete it. The time schedules referencing a
 1531 complete application under this act shall not commence until the
 1532 application is determined complete.

1533 (d)-(b) If the administrative law judge determines that the
 1534 application was complete at the time it was declared incomplete
 1535 ~~filed~~, the time schedules referencing a complete application
 1536 under this act shall commence upon such determination.

1537 (4) If the applicant provides additional information to
 1538 address the issues identified in the determination of
 1539 incompleteness, each affected agency may submit to the
 1540 department, no later than 15 days after the applicant files the
 1541 additional information, a recommendation on whether the agency
 1542 believes the application is complete. Within 22 days after
 1543 receipt of the additional information from the applicant
 1544 submitted under paragraph (2)(b), paragraph (2)(d), or paragraph
 1545 (3)(c), the department shall determine whether the additional
 1546 information supplied by an applicant makes the application
 1547 complete. If the department finds that the application is still
 1548 incomplete, the applicant may exercise any of the options
 1549 specified in subsection (2) as often as is necessary to resolve
 1550 the dispute.

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1551 Section 27. Section 403.50663, Florida Statutes, is
1552 created to read:

1553 403.50663 Informational public meetings.--

1554 (1) A local government within whose jurisdiction the power
1555 plant is proposed to be sited may hold one informational public
1556 meeting in addition to the hearings specifically authorized by
1557 this act on any matter associated with the electrical power
1558 plant proceeding. Such informational public meetings shall be
1559 held by the local government or by the regional planning council
1560 if the local government does not hold such meeting within 70
1561 days after the filing of the application. The purpose of an
1562 informational public meeting is for the local government or
1563 regional planning council to further inform the public about the
1564 proposed electrical power plant or associated facilities, obtain
1565 comments from the public, and formulate its recommendation with
1566 respect to the proposed electrical power plant.

1567 (2) Informational public meetings shall be held solely at
1568 the option of each local government or regional planning council
1569 if a public meeting is not held by the local government. It is
1570 the legislative intent that local governments or regional
1571 planning councils attempt to hold such public meetings. Parties
1572 to the proceedings under this act shall be encouraged to attend;
1573 however, no party other than the applicant and the department
1574 shall be required to attend such informational public meetings.

1575 (3) A local government or regional planning council that
1576 intends to conduct an informational public meeting must provide
1577 notice of the meeting to all parties not less than 5 days prior
1578 to the meeting.

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1579 (4) The failure to hold an informational public meeting or
 1580 the procedure used for the informational public meeting are not
 1581 grounds for the alteration of any time limitation in this act
 1582 under s. 403.5095 or grounds to deny or condition certification.

1583 Section 28. Section 403.50665, Florida Statutes, is
 1584 created to read:

1585 403.50665 Land use consistency.--

1586 (1) The applicant shall include in the application a
 1587 statement on the consistency of the site or any directly
 1588 associated facilities with existing land use plans and zoning
 1589 ordinances that were in effect on the date the application was
 1590 filed and a full description of such consistency.

1591 (2) Within 45 days after the filing of the application,
 1592 each local government shall file a determination with the
 1593 department, the applicant, the administrative law judge, and all
 1594 parties on the consistency of the site or any directly
 1595 associated facilities with existing land use plans and zoning
 1596 ordinances that were in effect on the date the application was
 1597 filed, based on the information provided in the application.
 1598 Notice of the consistency determination shall be published in
 1599 accordance with the requirements of s. 403.5115.

1600 (3) If the local government issues a determination that
 1601 the proposed electrical power plant is not consistent or in
 1602 compliance with local land use plans and zoning ordinances, the
 1603 applicant may apply to the local government for the necessary
 1604 local approval to address the inconsistencies in the local
 1605 government's determination. If the applicant makes such an
 1606 application to the local government, the time schedules under

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1607 this act shall be tolled until the local government issues its
1608 revised determination on land use and zoning or the applicant
1609 otherwise withdraws its application to the local government. If
1610 the applicant applies to the local government for necessary
1611 local land use or zoning approval, the local government shall
1612 issue a revised determination within 30 days following the
1613 conclusion of that local proceeding, and the time schedules and
1614 notice requirements under this act shall apply to such revised
1615 determination.

1616 (4) If any substantially affected person wishes to dispute
1617 the local government's determination, he or she shall file a
1618 petition with the department within 21 days after the
1619 publication of notice of the local government's determination.
1620 If a hearing is requested, the provisions of s. 403.508(1) shall
1621 apply.

1622 (5) The dates in this section may be altered upon
1623 agreement between the applicant, the local government, and the
1624 department pursuant to s. 403.5095.

1625 (6) If it is determined by the local government that the
1626 proposed site or directly associated facility does conform with
1627 existing land use plans and zoning ordinances in effect as of
1628 the date of the application and no petition has been filed, the
1629 responsible zoning or planning authority shall not thereafter
1630 change such land use plans or zoning ordinances so as to
1631 foreclose construction and operation of the proposed site or
1632 directly associated facilities unless certification is
1633 subsequently denied or withdrawn.

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1634 Section 29. Section 403.5067, Florida Statutes, is
1635 repealed.

1636 Section 30. Section 403.507, Florida Statutes, is amended
1637 to read:

1638 403.507 Preliminary statements of issues, reports, project
1639 analyses, and studies.--

1640 (1) Each affected agency identified in paragraph (2) (a)
1641 shall submit a preliminary statement of issues to the
1642 department, ~~and the applicant,~~ and all parties no later than 40
1643 ~~60~~ days after the certification application has been determined
1644 ~~distribution of the complete application.~~ The failure to raise
1645 an issue in this statement shall not preclude the issue from
1646 being raised in the agency's report.

1647 (2) (a) No later than 100 days after the certification
1648 application has been determined complete, the following agencies
1649 shall prepare reports as provided below and shall submit them to
1650 the department and the applicant ~~within 150 days after~~
1651 ~~distribution of the complete application:~~

1652 1. The Department of Community Affairs shall prepare a
1653 report containing recommendations which address the impact upon
1654 the public of the proposed electrical power plant, based on the
1655 degree to which the electrical power plant is consistent with
1656 the applicable portions of the state comprehensive plan,
1657 emergency management, and other such matters within its
1658 jurisdiction. The Department of Community Affairs may also
1659 comment on the consistency of the proposed electrical power
1660 plant with applicable strategic regional policy plans or local
1661 comprehensive plans and land development regulations.

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1662 ~~2.~~ ~~The Public Service Commission shall prepare a report as~~
1663 ~~to the present and future need for the electrical generating~~
1664 ~~capacity to be supplied by the proposed electrical power plant.~~
1665 ~~The report shall include the commission's determination pursuant~~
1666 ~~to s. 403.519 and may include the commission's comments with~~
1667 ~~respect to any other matters within its jurisdiction.~~

1668 ~~2.3.~~ The water management district shall prepare a report
1669 as to matters within its jurisdiction, including but not limited
1670 to, the impact of the proposed electrical power plant on water
1671 resources, regional water supply planning, and district-owned
1672 lands and works.

1673 ~~3.4.~~ Each local government in whose jurisdiction the
1674 proposed electrical power plant is to be located shall prepare a
1675 report as to the consistency of the proposed electrical power
1676 plant with all applicable local ordinances, regulations,
1677 standards, or criteria that apply to the proposed electrical
1678 power plant, ~~including adopted local comprehensive plans, land~~
1679 ~~development regulations, and any applicable local environmental~~
1680 ~~regulations adopted pursuant to s. 403.182 or by other means.~~

1681 ~~4.5.~~ The Fish and Wildlife Conservation Commission shall
1682 prepare a report as to matters within its jurisdiction.

1683 ~~5.6.~~ Each ~~The~~ regional planning council shall prepare a
1684 report containing recommendations that address the impact upon
1685 the public of the proposed electrical power plant, based on the
1686 degree to which the electrical power plant is consistent with
1687 the applicable provisions of the strategic regional policy plan
1688 adopted pursuant to chapter 186 and other matters within its
1689 jurisdiction.

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1690 6. The Department of Transportation shall address the
 1691 impact of the proposed electrical power plant on matters within
 1692 its jurisdiction.

1693 **(b)7.** Any other agency, if requested by the department,
 1694 shall also perform studies or prepare reports as to matters
 1695 within that agency's jurisdiction which may potentially be
 1696 affected by the proposed electrical power plant.

1697 ~~(b) As needed to verify or supplement the studies made by~~
 1698 ~~the applicant in support of the application, it shall be the~~
 1699 ~~duty of the department to conduct, or contract for, studies of~~
 1700 ~~the proposed electrical power plant and site, including, but not~~
 1701 ~~limited to, the following, which shall be completed no later~~
 1702 ~~than 210 days after the complete application is filed with the~~
 1703 ~~department:~~

- 1704 ~~1. Cooling system requirements.~~
- 1705 ~~2. Construction and operational safeguards.~~
- 1706 ~~3. Proximity to transportation systems.~~
- 1707 ~~4. Soil and foundation conditions.~~
- 1708 ~~5. Impact on suitable present and projected water supplies~~
 1709 ~~for this and other competing uses.~~
- 1710 ~~6. Impact on surrounding land uses.~~
- 1711 ~~7. Accessibility to transmission corridors.~~
- 1712 ~~8. Environmental impacts.~~
- 1713 ~~9. Requirements applicable under any federally delegated~~
 1714 ~~or approved permit program.~~

1715 **(3)(e)** Each report described in subsection (2) paragraphs
 1716 ~~(a) and (b)~~ shall contain:

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1717 (a) A notice of any nonprocedural requirements not
1718 specifically listed in the application from which a variance,
1719 exemption, exception all information on variances, exemptions,
1720 exceptions, or other relief is necessary in order for the
1721 proposed electrical power plant to be certified. Failure of such
1722 notification by an agency shall be treated as a waiver from
1723 nonprocedural requirements of that agency. However, no variance
1724 shall be granted from standards or regulations of the department
1725 applicable under any federally delegated or approved permit
1726 program, except as expressly allowed in such program. which may
1727 be required by s. 403.511(2) and

1728 (b) A recommendation for approval or denial of the
1729 application.

1730 (c) Any proposed conditions of certification on matters
1731 within the jurisdiction of such agency. For each condition
1732 proposed by an agency in its report, the agency shall list the
1733 specific statute, rule, or ordinance which authorizes the
1734 proposed condition.

1735 (d) The agencies shall initiate the activities required by
1736 this section no later than 15 ~~30~~ days after the ~~complete~~
1737 application is distributed. The agencies shall keep the
1738 applicant and the department informed as to the progress of the
1739 studies and any issues raised thereby.

1740 ~~(3) No later than 60 days after the application for a~~
1741 ~~federally required new source review or prevention of~~
1742 ~~significant deterioration permit for the electrical power plant~~
1743 ~~is complete and sufficient, the department shall issue its~~
1744 ~~preliminary determination on such permit. Notice of such~~

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1745 ~~determination shall be published as required by the department's~~
 1746 ~~rules for notices of such permits. The department shall receive~~
 1747 ~~public comments and comments from the United States~~
 1748 ~~Environmental Protection Agency and other affected agencies on~~
 1749 ~~the preliminary determination as provided for in the federally~~
 1750 ~~approved state implementation plan. The department shall~~
 1751 ~~maintain a record of all comments received and considered in~~
 1752 ~~taking action on such permits. If a petition for an~~
 1753 ~~administrative hearing on the department's preliminary~~
 1754 ~~determination is filed by a substantially affected person, that~~
 1755 ~~hearing shall be consolidated with the certification hearing.~~

1756 (4) (a) No later than 150 days after the application is
 1757 filed, the Public Service Commission shall prepare a report as
 1758 to the present and future need for electrical generating
 1759 capacity to be supplied by the proposed electrical power plant.
 1760 The report shall include the commission's determination pursuant
 1761 to s. 403.519 and may include the commission's comments with
 1762 respect to any other matters within its jurisdiction.

1763 (b) Receipt of an affirmative determination of need by the
 1764 submittal deadline under paragraph (a) shall be a condition
 1765 precedent to issuance of the department's project analysis and
 1766 conduct of the certification hearing.

1767 (5)(4) The department shall prepare a project written
 1768 analysis, which shall be filed with the designated
 1769 administrative law judge and served on all parties no later than
 1770 130 ~~240~~ days after the ~~complete~~ application is determined
 1771 complete filed with the department, but no later than 60 days
 1772 prior to the hearing, and which shall include:

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1773 (a) A statement indicating whether the proposed electrical
1774 power plant and proposed ultimate site capacity will be in
1775 compliance and consistent with matters within the department's
1776 standard jurisdiction, including ~~with~~ the rules of the
1777 department, as well as whether the proposed electrical power
1778 plant and proposed ultimate site capacity will be in compliance
1779 with the nonprocedural requirements of the affected agencies.

1780 (b) Copies of the studies and reports required by this
1781 section ~~and s. 403.519.~~

1782 (c) The comments received by the department from any other
1783 agency or person.

1784 (d) The recommendation of the department as to the
1785 disposition of the application, of variances, exemptions,
1786 exceptions, or other relief identified by any party, and of any
1787 proposed conditions of certification which the department
1788 believes should be imposed.

1789 (e) If available, the recommendation of the department
1790 regarding the issuance of any license required pursuant to a
1791 federally delegated or approved permit program.

1792 ~~(f) Copies of the department's draft of the operation~~
1793 ~~permit for a major source of air pollution, which must also be~~
1794 ~~provided to the United States Environmental Protection Agency~~
1795 ~~for review within 5 days after issuance of the written analysis.~~

1796 ~~(6)-(5)~~ Except when good cause is shown, the failure of any
1797 agency to submit a preliminary statement of issues or a report,
1798 or to submit its preliminary statement of issues or report
1799 within the allowed time, shall not be grounds for the alteration
1800 of any time limitation in this act. Neither the failure to

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1801 submit a preliminary statement of issues or a report nor the
1802 inadequacy of the preliminary statement of issues or report are
1803 ~~shall be~~ grounds to deny or condition certification.

1804 Section 31. Section 403.508, Florida Statutes, is amended
1805 to read:

1806 403.508 Land use and certification hearings ~~proceedings~~,
1807 parties, participants.--

1808 (1) (a) If a petition for a hearing on land use has been
1809 filed pursuant to s. 403.50665, the designated administrative
1810 law judge shall conduct a land use hearing in the county of the
1811 proposed site or directly associated facility, as applicable, as
1812 expeditiously as possible, but not later than 30 ~~within 90~~ days
1813 after the department's receipt of the petition ~~a complete~~
1814 ~~application for electrical power plant site certification by the~~
1815 ~~department.~~ The place of such hearing shall be as close as
1816 possible to the proposed site or directly associated facility.
1817 If a petition is filed, the hearing shall be held regardless of
1818 the status of the completeness of the application. However,
1819 incompleteness of information necessary for a local government
1820 to evaluate an application may be claimed by the local
1821 government as cause for a statement of inconsistency with
1822 existing land use plans and zoning ordinances under s.
1823 403.50665.

1824 (b) Notice of the land use hearing shall be published in
1825 accordance with the requirements of s. 403.5115.

1826 (c)-(2) The sole issue for determination at the land use
1827 hearing shall be whether or not the proposed site is consistent
1828 and in compliance with existing land use plans and zoning

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1829 | ordinances. If the administrative law judge concludes that the
1830 | proposed site is not consistent or in compliance with existing
1831 | land use plans and zoning ordinances, the administrative law
1832 | judge shall receive at the hearing evidence on, and address in
1833 | the recommended order any changes to or approvals or variances
1834 | under, the applicable land use plans or zoning ordinances which
1835 | will render the proposed site consistent and in compliance with
1836 | the local land use plans and zoning ordinances.

1837 | (d) The designated administrative law judge's recommended
1838 | order shall be issued within 30 days after completion of the
1839 | hearing and shall be reviewed by the board within 60 ~~45~~ days
1840 | after receipt of the recommended order by the board.

1841 | (e) If it is determined by the board that the proposed
1842 | site does conform with existing land use plans and zoning
1843 | ordinances in effect as of the date of the application, or as
1844 | otherwise provided by this act, the responsible zoning or
1845 | planning authority shall not thereafter change such land use
1846 | plans or zoning ordinances so as to foreclose construction and
1847 | operation of ~~affect~~ the proposed electrical power plant on the
1848 | proposed site or directly associated facilities unless
1849 | certification is subsequently denied or withdrawn.

1850 | (f) If it is determined by the board that the proposed
1851 | site does not conform with existing land use plans and zoning
1852 | ordinances, ~~it shall be the responsibility of the applicant to~~
1853 | ~~make the necessary application for rezoning. Should the~~
1854 | ~~application for rezoning be denied, the applicant may appeal~~
1855 | ~~this decision to the board, which may, if it determines after~~
1856 | notice and hearing and upon consideration of the recommended

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1857 order on land use and zoning issues that it is in the public
1858 interest to authorize the use of the land as a site for an
1859 electrical power plant, authorize a variance or other necessary
1860 approval to the adopted land use plan and zoning ordinances
1861 required to render the proposed site consistent with local land
1862 use plans and zoning ordinances. The board's action shall not be
1863 controlled by any other procedural requirements of law. In the
1864 event a variance or other approval is denied by the board, it
1865 shall be the responsibility of the applicant to make the
1866 necessary application for any approvals determined by the board
1867 as required to make the proposed site consistent and in
1868 compliance with local land use plans and zoning ordinances. No
1869 further action may be taken on the complete application by the
1870 department until the proposed site conforms to the adopted land
1871 use plan or zoning ordinances or the board grants relief as
1872 provided under this act.

1873 (2) (a) (3) A certification hearing shall be held by the
1874 designated administrative law judge no later than 265 ~~300~~ days
1875 after the ~~complete~~ application is filed with the department,
1876 ~~however, an affirmative determination of need by the Public~~
1877 ~~Service Commission pursuant to s. 403.519 shall be a condition~~
1878 ~~precedent to the conduct of the certification hearing. The~~
1879 certification hearing shall be held at a location in proximity
1880 to the proposed site. ~~The certification hearing shall also~~
1881 ~~constitute the sole hearing allowed by chapter 120 to determine~~
1882 ~~the substantial interest of a party regarding any required~~
1883 ~~agency license or any related permit required pursuant to any~~
1884 ~~federally delegated or approved permit program. At the~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1885 conclusion of the certification hearing, the designated
 1886 administrative law judge shall, after consideration of all
 1887 evidence of record, submit to the board a recommended order no
 1888 later than 45 ~~60~~ days after the filing of the hearing
 1889 transcript. ~~In the event the administrative law judge fails to~~
 1890 ~~issue a recommended order within 60 days after the filing of the~~
 1891 ~~hearing transcript, the administrative law judge shall submit a~~
 1892 ~~report to the board with a copy to all parties within 60 days~~
 1893 ~~after the filing of the hearing transcript to advise the board~~
 1894 ~~of the reason for the delay in the issuance of the recommended~~
 1895 ~~order and of the date by which the recommended order will be~~
 1896 ~~issued.~~

1897 (b) Notice of the certification hearing and notice of the
 1898 deadline for filing of notice of intent to be a party shall be
 1899 made in accordance with the requirements of s. 403.5115.

1900 (3) (a) ~~(4) (a)~~ Parties to the proceeding shall include:

- 1901 1. The applicant.
- 1902 2. The Public Service Commission.
- 1903 3. The Department of Community Affairs.
- 1904 4. The Fish and Wildlife Conservation Commission.
- 1905 5. The water management district.
- 1906 6. The department.
- 1907 7. The regional planning council.
- 1908 8. The local government.
- 1909 9. The Department of Transportation.

1910 (b) Any party listed in paragraph (a) other than the
 1911 department or the applicant may waive its right to participate
 1912 in these proceedings. If such listed party fails to file a

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1913 notice of its intent to be a party on or before the 90th day
 1914 prior to the certification hearing, such party shall be deemed
 1915 to have waived its right to be a party.

1916 (c) Notwithstanding the provisions of chapter 120, upon
 1917 the filing with the administrative law judge of a notice of
 1918 intent to be a party no later than 75 days after the application
 1919 is filed ~~at least 15 days prior to the date of the land use~~
 1920 ~~hearing,~~ the following shall also be parties to the proceeding:

1921 1. Any agency not listed in paragraph (a) as to matters
 1922 within its jurisdiction.

1923 2. Any domestic nonprofit corporation or association
 1924 formed, in whole or in part, to promote conservation or natural
 1925 beauty; to protect the environment, personal health, or other
 1926 biological values; to preserve historical sites; to promote
 1927 consumer interests; to represent labor, commercial, or
 1928 industrial groups; or to promote comprehensive planning or
 1929 orderly development of the area in which the proposed electrical
 1930 power plant is to be located.

1931 (d) Notwithstanding paragraph (e), failure of an agency
 1932 described in subparagraph (c)1. to file a notice of intent to be
 1933 a party within the time provided herein shall constitute a
 1934 waiver of the right of that agency to participate as a party in
 1935 the proceeding.

1936 (e) Other parties may include any person, including those
 1937 persons enumerated in paragraph (c) who have failed to timely
 1938 file a notice of intent to be a party, whose substantial
 1939 interests are affected and being determined by the proceeding
 1940 and who timely file a motion to intervene pursuant to chapter

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1941 120 and applicable rules. Intervention pursuant to this
 1942 paragraph may be granted at the discretion of the designated
 1943 administrative law judge and upon such conditions as he or she
 1944 may prescribe any time prior to 30 days before the commencement
 1945 of the certification hearing.

1946 (f) Any agency, including those whose properties or works
 1947 are being affected pursuant to s. 403.509(4), shall be made a
 1948 party upon the request of the department or the applicant.

1949 (4) (a) The order of presentation at the certification
 1950 hearing, unless otherwise changed by the administrative law
 1951 judge to ensure the orderly presentation of witnesses and
 1952 evidence, shall be:

- 1953 1. The applicant.
- 1954 2. The department.
- 1955 3. State agencies.
- 1956 4. Regional agencies, including regional planning councils
 1957 and water management districts.
- 1958 5. Local governments.
- 1959 6. Other parties.

1960 (b) (5) When appropriate, any person may be given an
 1961 opportunity to present oral or written communications to the
 1962 designated administrative law judge. If the designated
 1963 administrative law judge proposes to consider such
 1964 communications, then all parties shall be given an opportunity
 1965 to cross-examine or challenge or rebut such communications.

1966 (5) At the conclusion of the certification hearing, the
 1967 designated administrative law judge shall, after consideration
 1968 of all evidence of record, submit to the board a recommended

1969 | order no later than 45 days after the filing of the hearing
 1970 | transcript.

1971 | (6) (a) No earlier than 29 days prior to the conduct of the
 1972 | certification hearing, the department or the applicant may
 1973 | request that the administrative law judge cancel the
 1974 | certification hearing and relinquish jurisdiction to the
 1975 | department if all parties to the proceeding stipulate that there
 1976 | are no disputed issues of fact or law to be raised at the
 1977 | certification hearing, and if sufficient time remains for the
 1978 | applicant and the department to publish public notices of the
 1979 | cancellation of the hearing at least 3 days prior to the
 1980 | scheduled date of the hearing.

1981 | (b) The administrative law judge shall issue an order
 1982 | granting or denying the request within 5 days after receipt of
 1983 | the request.

1984 | (c) If the administrative law judge grants the request,
 1985 | the department and the applicant shall publish notices of the
 1986 | cancellation of the certification hearing, in accordance with s.
 1987 | 403.5115.

1988 | (d)1. If the administrative law judge grants the request,
 1989 | the department shall prepare and issue a final order in
 1990 | accordance with s. 403.509(1) (a).

1991 | 2. Parties may submit proposed recommended orders to the
 1992 | department no later than 10 days after the administrative law
 1993 | judge issues an order relinquishing jurisdiction.

1994 | (7) The applicant shall pay those expenses and costs
 1995 | associated with the conduct of the hearings and the recording
 1996 | and transcription of the proceedings.

1997 ~~(6) The designated administrative law judge shall have all~~
 1998 ~~powers and duties granted to administrative law judges by~~
 1999 ~~chapter 120 and this chapter and by the rules of the department~~
 2000 ~~and the Administration Commission, including the authority to~~
 2001 ~~resolve disputes over the completeness and sufficiency of an~~
 2002 ~~application for certification.~~

2003 ~~(7) The order of presentation at the certification~~
 2004 ~~hearing, unless otherwise changed by the administrative law~~
 2005 ~~judge to ensure the orderly presentation of witnesses and~~
 2006 ~~evidence, shall be:~~

2007 ~~(a) The applicant.~~

2008 ~~(b) The department.~~

2009 ~~(c) State agencies.~~

2010 ~~(d) Regional agencies, including regional planning~~
 2011 ~~councils and water management districts.~~

2012 ~~(e) Local governments.~~

2013 ~~(f) Other parties.~~

2014 (8) In issuing permits under the federally approved new
 2015 source review or prevention of significant deterioration permit
 2016 program, the department shall observe the procedures specified
 2017 under the federally approved state implementation plan,
 2018 including public notice, public comment, public hearing, and
 2019 notice of applications and amendments to federal, state, and
 2020 local agencies, to assure that all such permits issued in
 2021 coordination with the certification of a power plant under this
 2022 act are federally enforceable and are issued after opportunity
 2023 for informed public participation regarding the terms and
 2024 conditions thereof. When possible, any hearing on a federally

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2025 approved or delegated program permit such as new source review,
 2026 prevention of significant deterioration permit, or NPDES permit
 2027 shall be conducted in conjunction with the certification hearing
 2028 held under this act. The department shall accept written comment
 2029 with respect to an application for, or the department's
 2030 preliminary determination on, a new source review or prevention
 2031 of significant deterioration permit for a period of no less than
 2032 30 days from the date notice of such action is published. Upon
 2033 request submitted within 30 days after published notice, the
 2034 department shall hold a public meeting, in the area affected,
 2035 for the purpose of receiving public comment on issues related to
 2036 the new source review or prevention of significant deterioration
 2037 permit. If requested following notice of the department's
 2038 preliminary determination, the public meeting to receive public
 2039 comment shall be held prior to the scheduled certification
 2040 hearing. The department shall also solicit comments from the
 2041 United States Environmental Protection Agency and other affected
 2042 federal agencies regarding the department's preliminary
 2043 determination for any federally required new source review or
 2044 prevention of significant deterioration permit. It is the intent
 2045 of the Legislature that the review, processing, and issuance of
 2046 such federally delegated or approved permits be closely
 2047 coordinated with the certification process established under
 2048 this part. In the event of a conflict between the certification
 2049 process and federally required procedures contained in the state
 2050 implementation plan, the applicable federal requirements of the
 2051 implementation plan shall control.

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2052 Section 32. Section 403.509, Florida Statutes, is amended
2053 to read:

2054 403.509 Final disposition of application.--

2055 (1) (a) If the administrative law judge has granted a
2056 request to cancel the certification hearing and has relinquished
2057 jurisdiction to the department under the provisions of s.
2058 403.508(6), within 40 days thereafter, the secretary of the
2059 department shall act upon the application by written order in
2060 accordance with the terms of this act and the stipulation of the
2061 parties in requesting cancellation of the certification hearing.

2062 (b) If the administrative law judge has not granted a
2063 request to cancel the certification hearing under the provisions
2064 of s. 403.508(6), within 60 days after receipt of the designated
2065 administrative law judge's recommended order, the board shall
2066 act upon the application by written order, approving
2067 ~~certification~~ or denying certification ~~the issuance of a~~
2068 ~~certificate~~, in accordance with the terms of this act, and
2069 stating the reasons for issuance or denial. If certification ~~the~~
2070 ~~certificate~~ is denied, the board shall set forth in writing the
2071 action the applicant would have to take to secure the board's
2072 approval of the application.

2073 (2) The issues that may be raised in any hearing before
2074 the board shall be limited to those matters raised in the
2075 certification proceeding before the administrative law judge or
2076 raised in the recommended order. All parties, or their
2077 representatives, or persons who appear before the board shall be
2078 subject to the provisions of s. 120.66.

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2079 (3) In determining whether an application should be
 2080 approved in whole, approved with modifications or conditions, or
 2081 denied, the board, or secretary when applicable, shall consider
 2082 whether, and the extent to which, the location of the electrical
 2083 power plant and directly associated facilities and their
 2084 construction and operation will:

2085 (a) Provide reasonable assurance that operational
 2086 safeguards are technically sufficient for the public welfare and
 2087 protection.

2088 (b) Comply with applicable nonprocedural requirements of
 2089 agencies.

2090 (c) Be consistent with applicable local government
 2091 comprehensive plans and land development regulations.

2092 (d) Meet the electrical energy needs of the state in an
 2093 orderly and timely fashion.

2094 (e) Effect a reasonable balance between the need for the
 2095 facility as established pursuant to s. 403.519, and the impacts
 2096 upon air and water quality, fish and wildlife, water resources,
 2097 and other natural resources of the state resulting from the
 2098 construction and operation of the facility.

2099 (f) Minimize, through the use of reasonable and available
 2100 methods, the adverse effects on human health, the environment,
 2101 and the ecology of the land and its wildlife and the ecology of
 2102 state waters and their aquatic life.

2103 (g) Serve and protect the broad interests of the public.

2104 ~~(3) Within 30 days after issuance of the certification,~~
 2105 ~~the department shall issue and forward to the United States~~
 2106 ~~Environmental Protection Agency a proposed operation permit for~~

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2107 ~~a major source of air pollution and must issue or deny any other~~
 2108 ~~license required pursuant to any federally delegated or approved~~
 2109 ~~permit program. The department's action on the license and its~~
 2110 ~~action on the proposed operation permit for a major source of~~
 2111 ~~air pollution shall be based upon the record and recommended~~
 2112 ~~order of the certification hearing. The department's actions on~~
 2113 ~~a federally required new source review or prevention of~~
 2114 ~~significant deterioration permit shall be based on the record~~
 2115 ~~and recommended order of the certification hearing and of any~~
 2116 ~~other proceeding held in connection with the application for a~~
 2117 ~~new source review or prevention of significant deterioration~~
 2118 ~~permit, on timely public comments received with respect to the~~
 2119 ~~application or preliminary determination for such permit, and on~~
 2120 ~~the provisions of the state implementation plan.~~

2121 (4) The department's action on a federally required new
 2122 source review or prevention of significant deterioration permit
 2123 shall differ from the actions taken by the siting board
 2124 regarding the certification if the federally approved state
 2125 implementation plan requires such a different action to be taken
 2126 by the department. Nothing in this part shall be construed to
 2127 displace the department's authority as the final permitting
 2128 entity under the federally approved permit program. Nothing in
 2129 this part shall be construed to authorize the issuance of a new
 2130 source review or prevention of significant deterioration permit
 2131 which does not conform to the requirements of the federally
 2132 approved state implementation plan. ~~Any final operation permit~~
 2133 ~~for a major source of air pollution must be issued in accordance~~
 2134 ~~with the provisions of s. 403.0872. Unless the federally~~

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2135 ~~delegated or approved permit program provides otherwise,~~
 2136 ~~licenses issued by the department under this subsection shall be~~
 2137 ~~effective for the term of the certification issued by the board.~~
 2138 ~~If renewal of any license issued by the department pursuant to a~~
 2139 ~~federally delegated or approved permit program is required, such~~
 2140 ~~renewal shall not affect the certification issued by the board,~~
 2141 ~~except as necessary to resolve inconsistencies pursuant to s.~~
 2142 ~~403.516(1)(a).~~

2143 (5)~~(4)~~ In regard to the properties and works of any agency
 2144 which is a party to the certification hearing, the board shall
 2145 have the authority to decide issues relating to the use, the
 2146 connection thereto, or the crossing thereof, for the electrical
 2147 power plant and directly associated facilities ~~site~~ and to
 2148 direct any such agency to execute, within 30 days after the
 2149 entry of certification, the necessary license or easement for
 2150 such use, connection, or crossing, subject only to the
 2151 conditions set forth in such certification.

2152 (6)~~(5)~~ ~~Except for the issuance of any operation permit for~~
 2153 ~~a major source of air pollution pursuant to s. 403.0872, The~~
 2154 ~~issuance or denial of the certification by the board or~~
 2155 ~~secretary of the department and the issuance or denial of any~~
 2156 ~~related department license required pursuant to any federally~~
 2157 ~~delegated or approved permit program shall be the final~~
 2158 ~~administrative action required as to that application.~~

2159 ~~(6)~~ ~~All certified electrical power plants must apply for~~
 2160 ~~and obtain a major source air operation permit pursuant to s.~~
 2161 ~~403.0872. Major source air operation permit applications for~~
 2162 ~~certified electrical power plants must be submitted pursuant to~~

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2163 | ~~a schedule developed by the department. To the extent that any~~
2164 | ~~conflicting provision, limitation, or restriction under any~~
2165 | ~~rule, regulation, or ordinance imposed by any political~~
2166 | ~~subdivision of the state, or by any local pollution control~~
2167 | ~~program, was superseded during the certification process~~
2168 | ~~pursuant to s. 403.510(1), such rule, regulation, or ordinance~~
2169 | ~~shall continue to be superseded for purposes of the major source~~
2170 | ~~air-operation permit program under s. 403.0872.~~

2171 | Section 33. Section 403.511, Florida Statutes, is amended
2172 | to read:

2173 | 403.511 Effect of certification.--

2174 | (1) Subject to the conditions set forth therein, any
2175 | certification ~~signed by the Governor~~ shall constitute the sole
2176 | license of the state and any agency as to the approval of the
2177 | site and the construction and operation of the proposed
2178 | electrical power plant, except for the issuance of department
2179 | licenses required under any federally delegated or approved
2180 | permit program and except as otherwise provided in subsection
2181 | (4).

2182 | (2)(a) The certification shall authorize the licensee
2183 | ~~applicant~~ named therein to construct and operate the proposed
2184 | electrical power plant, subject only to the conditions of
2185 | certification set forth in such certification, and except for
2186 | the issuance of department licenses or permits required under
2187 | any federally delegated or approved permit program.

2188 | (b)1. Except as provided in subsection (4), the
2189 | certification may include conditions which constitute variances,
2190 | exemptions, or exceptions from nonprocedural requirements of the

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2191 department or any agency which were expressly considered during
 2192 the proceeding, including, but not limited to, any site specific
 2193 criteria, standards, or limitations under local land use and
 2194 zoning approvals which affect the proposed electrical power
 2195 plant or its site, unless waived by the agency ~~as provided below~~
 2196 and which otherwise would be applicable to the construction and
 2197 operation of the proposed electrical power plant.

2198 2. No variance, exemption, exception, or other relief
 2199 shall be granted from a state statute or rule for the protection
 2200 of endangered or threatened species, aquatic preserves,
 2201 Outstanding National Resource Waters, or Outstanding Florida
 2202 Waters or for the disposal of hazardous waste, except to the
 2203 extent authorized by the applicable statute or rule or except
 2204 upon a finding in the certification order ~~by the siting board~~
 2205 that the public interests set forth in s. 403.509(3) ~~403.502~~ in
 2206 certifying the electrical power plant at the site proposed by
 2207 the applicant overrides the public interest protected by the
 2208 statute or rule from which relief is sought. ~~Each party shall~~
 2209 ~~notify the applicant and other parties at least 60 days prior to~~
 2210 ~~the certification hearing of any nonprocedural requirements not~~
 2211 ~~specifically listed in the application from which a variance,~~
 2212 ~~exemption, exception, or other relief is necessary in order for~~
 2213 ~~the board to certify any electrical power plant proposed for~~
 2214 ~~certification. Failure of such notification by an agency shall~~
 2215 ~~be treated as a waiver from nonprocedural requirements of the~~
 2216 ~~department or any other agency. However, no variance shall be~~
 2217 ~~granted from standards or regulations of the department~~

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2218 ~~applicable under any federally delegated or approved permit~~
 2219 ~~program, except as expressly allowed in such program.~~

2220 (3) The certification and any order on land use and zoning
 2221 issued under this act shall be in lieu of any license, permit,
 2222 certificate, or similar document required by any state,
 2223 regional, or local agency pursuant to, but not limited to,
 2224 chapter 125, chapter 161, chapter 163, chapter 166, chapter 186,
 2225 chapter 253, chapter 298, chapter 370, chapter 373, chapter 376,
 2226 chapter 380, chapter 381, chapter 387, chapter 403, except for
 2227 permits issued pursuant to any federally delegated or approved
 2228 permit program ~~s. 403.0885~~ and except as provided in ~~s.~~
 2229 ~~403.509(3) and (6),~~ chapter 404, or the Florida Transportation
 2230 Code, or 33 U.S.C. s. 1341.

2231 (4) This act shall not affect in any way the ratemaking
 2232 powers of the Public Service Commission under chapter 366; nor
 2233 shall this act in any way affect the right of any local
 2234 government to charge appropriate fees or require that
 2235 construction be in compliance with applicable building
 2236 construction codes.

2237 (5) (a) An electrical power plant certified pursuant to
 2238 this act shall comply with rules adopted by the department
 2239 subsequent to the issuance of the certification which prescribe
 2240 new or stricter criteria, to the extent that the rules are
 2241 applicable to electrical power plants. Except when express
 2242 variances, exceptions, exemptions, or other relief have been
 2243 granted, subsequently adopted rules which prescribe new or
 2244 stricter criteria shall operate as automatic modifications to
 2245 certifications.

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2246 (b) Upon written notification to the department, any
 2247 holder of a certification issued pursuant to this act may choose
 2248 to operate the certified electrical power plant in compliance
 2249 with any rule subsequently adopted by the department which
 2250 prescribes criteria more lenient than the criteria required by
 2251 the terms and conditions in the certification which are not
 2252 site-specific.

2253 (c) No term or condition of certification shall be
 2254 interpreted to preclude the postcertification exercise by any
 2255 party of whatever procedural rights it may have under chapter
 2256 120, including those related to rulemaking proceedings. This
 2257 subsection shall apply to previously issued certifications.

2258 (6) No term or condition of a site certification shall be
 2259 interpreted to supersede or control the provisions of a final
 2260 operation permit for a major source of air pollution issued by
 2261 the department pursuant to s. 403.0872 to a such facility
 2262 certified under this part.

2263 (7) Pursuant to s. 380.23, electrical power plants are
 2264 subject to the federal coastal consistency review program.
 2265 Issuance of certification shall constitute the state's
 2266 certification of coastal zone consistency.

2267 Section 34. Section 403.5112, Florida Statutes, is created
 2268 to read:

2269 403.5112 Filing of notice of certified corridor route.--

2270 (1) Within 60 days after certification of a directly
 2271 associated linear facility pursuant to this act, the applicant
 2272 shall file, in accordance with s. 28.222, with the department

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2273 and the clerk of the circuit court for each county through which
2274 the corridor will pass, a notice of the certified route.

2275 (2) The notice shall consist of maps or aerial photographs
2276 in the scale of 1:24,000 which clearly show the location of the
2277 certified route and shall state that the certification of the
2278 corridor will result in the acquisition of rights-of-way within
2279 the corridor. Each clerk shall record the filing in the official
2280 record of the county for the duration of the certification or
2281 until such time as the applicant certifies to the department and
2282 the clerk that all lands required for the transmission line
2283 rights-of-way within the corridor have been acquired within such
2284 county, whichever is sooner.

2285 Section 35. Section 403.5113, Florida Statutes, is created
2286 to read:

2287 403.5113 Postcertification amendments.--

2288 (1) If, subsequent to certification by the board, a
2289 licensee proposes any material change to the application and
2290 revisions or amendments thereto, as certified, the licensee
2291 shall submit a written request for amendment and a description
2292 of the proposed change to the application to the department.
2293 Within 30 days after the receipt of the request for the
2294 amendment, the department shall determine whether the proposed
2295 change to the application requires a modification of the
2296 conditions of certification.

2297 (2) If the department concludes that the change would not
2298 require a modification of the conditions of certification, the
2299 department shall provide written notification of the approval of

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2300 the proposed amendment to the licensee, all agencies, and all
2301 other parties.

2302 (3) If the department concludes that the change would
2303 require a modification of the conditions of certification, the
2304 department shall provide written notification to the licensee
2305 that the proposed change to the application requires a request
2306 for modification pursuant to s. 403.516.

2307 (4) Postcertification submittals filed by the licensee
2308 with one or more agencies are for the purpose of monitoring for
2309 compliance with the issued certification and must be reviewed by
2310 the agencies on an expedited and priority basis because each
2311 facility certified under this act is a critical infrastructure
2312 facility. In no event shall a postcertification review be
2313 completed in more than 90 days after complete information is
2314 submitted to the reviewing agencies.

2315 Section 36. Section 403.5115, Florida Statutes, is amended
2316 to read:

2317 403.5115 Public notice; ~~costs of proceeding.~~--

2318 (1) The following notices are to be published by the
2319 applicant:

2320 (a) Notice ~~A notice~~ of the filing of a notice of intent
2321 under s. 403.5063, which shall be published within 21 days after
2322 the filing of the notice. The notice shall be published as
2323 specified by subsection (2), except that the newspaper notice
2324 shall be one-fourth page in size in a standard size newspaper or
2325 one-half page in size in a tabloid size newspaper.

2326 (b) Notice ~~A notice~~ of filing of the application, which
2327 shall include a description of the proceedings required by this

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2328 act, within 21 days after the date of the application filing be
 2329 published as specified in subsection (2), within 15 days after
 2330 the application has been determined complete. Such notice shall
 2331 give notice of the provisions of s. 403.511(1) and (2) ~~and that~~
 2332 ~~the application constitutes a request for a federally required~~
 2333 ~~new source review or prevention of significant deterioration~~
 2334 ~~permit.~~

2335 (c) Notice of the land use determination made pursuant to
 2336 s. 403.50665(1) within 21 days after the determination is filed.

2337 (d) Notice of the land use hearing, which shall be
 2338 published as specified in subsection (2), no later than 15 45
 2339 days before the hearing.

2340 (e)~~(d)~~ Notice of the certification hearing and notice of
 2341 the deadline for filing notice of intent to be a party, which
 2342 shall be published as specified in subsection (2), at least 65
 2343 days before the date set for the certification no later than 45
 2344 days before the hearing.

2345 (f) Notice of the cancellation of the certification
 2346 hearing, if applicable, no later than 3 days before the date of
 2347 the originally scheduled certification hearing.

2348 (g)~~(e)~~ Notice of modification when required by the
 2349 department, based on whether the requested modification of
 2350 certification will significantly increase impacts to the
 2351 environment or the public. Such notice shall be published as
 2352 specified under subsection (2):

2353 1. Within 21 days after receipt of a request for
 2354 modification. ~~, except that~~ The newspaper notice shall be of a

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2355 size as directed by the department commensurate with the scope
2356 of the modification.

2357 2. If a hearing is to be conducted in response to the
2358 request for modification, then notice shall be published no
2359 later than 30 days before the hearing ~~provided as specified in~~
2360 ~~paragraph (d).~~

2361 (h) (f) Notice of a supplemental application, which shall
2362 be published as specified in paragraph (b) and subsection
2363 (2) . follows:

2364 ~~1. Notice of receipt of the supplemental application shall~~
2365 ~~be published as specified in paragraph (b).~~

2366 ~~2. Notice of the certification hearing shall be published~~
2367 ~~as specified in paragraph (d).~~

2368 (i) Notice of existing site certification pursuant to s.
2369 403.5175. Notices shall be published as specified in paragraph
2370 (b) and subsection (2).

2371 (2) Notices provided by the applicant shall be published
2372 in newspapers of general circulation within the county or
2373 counties in which the proposed electrical power plant will be
2374 located. The newspaper notices shall be at least one-half page
2375 in size in a standard size newspaper or a full page in a tabloid
2376 size newspaper ~~and published in a section of the newspaper other~~
2377 ~~than the legal notices section.~~ These notices shall include a
2378 map generally depicting the project and all associated
2379 facilities corridors. A newspaper of general circulation shall
2380 be the newspaper which has the largest daily circulation in that
2381 county and has its principal office in that county. If the
2382 newspaper with the largest daily circulation has its principal

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2383 office outside the county, the notices shall appear in both the
2384 newspaper having the largest circulation in that county and in a
2385 newspaper authorized to publish legal notices in that county.

2386 (3) All notices published by the applicant shall be paid
2387 for by the applicant and shall be in addition to the application
2388 fee.

2389 (4) The department shall arrange for publication of the
2390 following notices in the manner specified by chapter 120 and
2391 provide copies of those notices to any persons who have
2392 requested to be placed on the departmental mailing list for this
2393 purpose:

2394 (a) Notice ~~Publish in the Florida Administrative Weekly~~
2395 ~~notices~~ of the filing of the notice of intent within 15 days
2396 after receipt of the notice.†

2397 (b) Notice of the filing of the application, no later than
2398 21 days after the application filing.†

2399 (c) Notice of the land use determination made pursuant to
2400 s. 403.50665(1) within 21 days after the determination is filed.

2401 (d) Notice of the land use hearing before the
2402 administrative law judge, if applicable, no later than 15 days
2403 before the hearing.†

2404 (e) Notice of the land use hearing before the board, if
2405 applicable.

2406 (f) Notice of the certification hearing at least 45 days
2407 before the date set for the certification hearing.†

2408 (g) Notice of the cancellation of the certification
2409 hearing, if applicable, no later than 3 days prior to the date
2410 of the originally scheduled certification hearing.

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2411 (h) Notice of the hearing before the board, if
2412 applicable.

2413 (i) Notice ~~and~~ of stipulations, proposed agency action, or
2414 petitions for modification. ~~and~~

2415 ~~(b) Provide copies of those notices to any persons who~~
2416 ~~have requested to be placed on the departmental mailing list for~~
2417 ~~this purpose.~~

2418 ~~(5) The applicant shall pay those expenses and costs~~
2419 ~~associated with the conduct of the hearings and the recording~~
2420 ~~and transcription of the proceedings.~~

2421 Section 37. Section 403.513, Florida Statutes, is amended
2422 to read:

2423 403.513 Review.--Proceedings under this act shall be
2424 subject to judicial review as provided in chapter 120. When
2425 possible, separate appeals of the certification order issued by
2426 the board and of any department permit issued pursuant to a
2427 federally delegated or approved permit program may ~~shall~~ be
2428 consolidated for purposes of judicial review.

2429 Section 38. Section 403.516, Florida Statutes, is amended
2430 to read:

2431 403.516 Modification of certification.--

2432 (1) A certification may be modified after issuance in any
2433 one of the following ways:

2434 (a) The board may delegate to the department the authority
2435 to modify specific conditions in the certification.

2436 (b)1. The department may modify specific conditions of a
2437 site certification which are inconsistent with the terms of any
2438 federally delegated or approved ~~final air pollution operation~~

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2439 | permit for the certified electrical power plant ~~issued by the~~
 2440 | ~~United States Environmental Protection Agency under the terms of~~
 2441 | ~~42 U.S.C. s. 7661d.~~

2442 | 2. Such modification may be made without further notice if
 2443 | the matter has been previously noticed under the requirements
 2444 | for any federally delegated or approved permit program.

2445 | (c) The licensee may file a petition for modification with
 2446 | the department, or the department may initiate the modification
 2447 | upon its own initiative.

2448 | 1. A petition for modification must set forth:

2449 | a. The proposed modification.

2450 | b. The factual reasons asserted for the modification.

2451 | c. The anticipated environmental effects of the proposed
 2452 | modification.

2453 | 2.(b) The department may modify the terms and conditions
 2454 | of the certification if no party to the certification hearing
 2455 | objects in writing to such modification within 45 days after
 2456 | notice by mail to such party's last address of record, and if no
 2457 | other person whose substantial interests will be affected by the
 2458 | modification objects in writing within 30 days after issuance of
 2459 | public notice.

2460 | 3. If objections are raised or the department denies the
 2461 | request, the applicant or department may file a request petition
 2462 | for a hearing on the modification with the department. Such
 2463 | request shall be handled pursuant to chapter 120 paragraph (e).

2464 | ~~(c) A petition for modification may be filed by the~~
 2465 | ~~applicant or the department setting forth:~~

2466 | ~~1. The proposed modification,~~

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2467 ~~2. The factual reasons asserted for the modification, and~~
2468 ~~3. The anticipated effects of the proposed modification on~~
2469 ~~the applicant, the public, and the environment.~~

2470

2471 ~~The petition for modification shall be filed with the department~~
2472 ~~and the Division of Administrative Hearings.~~

2473 4. Requests referred to the Division of Administrative
2474 Hearings shall be disposed of in the same manner as an
2475 application, but with time periods established by the
2476 administrative law judge commensurate with the significance of
2477 the modification requested.

2478 (d) As required by s. 403.511(5).

2479 ~~(2) Petitions filed pursuant to paragraph (1)(c) shall be~~
2480 ~~disposed of in the same manner as an application, but with time~~
2481 ~~periods established by the administrative law judge commensurate~~
2482 ~~with the significance of the modification requested.~~

2483 ~~(2)(3)~~ Any agreement or modification under this section
2484 must be in accordance with the terms of this act. No
2485 modification to a certification shall be granted that
2486 constitutes a variance from standards or regulations of the
2487 department applicable under any federally delegated or approved
2488 permit program, except as expressly allowed in such program.

2489 Section 39. Section 403.517, Florida Statutes, is amended
2490 to read:

2491 403.517 Supplemental applications for sites certified for
2492 ultimate site capacity.--

2493 (1) (a) Supplemental ~~The department shall adopt rules~~
2494 ~~governing the processing of supplemental applications~~ may be

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2495 | submitted for certification of the construction and operation of
 2496 | electrical power plants to be located at sites which have been
 2497 | previously certified for an ultimate site capacity pursuant to
 2498 | this act. Supplemental applications shall be limited to
 2499 | electrical power plants using the fuel type previously certified
 2500 | for that site. Such applications shall include all new directly
 2501 | associated facilities that support the construction and
 2502 | operation of the electrical power plant. The rules adopted
 2503 | pursuant to this section shall include provisions for:
 2504 | 1. ~~Prompt appointment of a designated administrative law~~
 2505 | ~~judge.~~
 2506 | 2. ~~The contents of the supplemental application.~~
 2507 | 3. ~~Resolution of disputes as to the completeness and~~
 2508 | ~~sufficiency of supplemental applications by the designated~~
 2509 | ~~administrative law judge.~~
 2510 | 4. ~~Public notice of the filing of the supplemental~~
 2511 | ~~applications.~~
 2512 | 5. ~~Time limits for prompt processing of supplemental~~
 2513 | ~~applications.~~
 2514 | 6. ~~Final disposition by the board within 215 days of the~~
 2515 | ~~filing of a complete supplemental application.~~
 2516 | (b) The review shall use the same procedural steps and
 2517 | notices as for an initial application.
 2518 | (c) The time limits for the processing of a complete
 2519 | supplemental application shall be designated by the department
 2520 | commensurate with the scope of the supplemental application, but
 2521 | shall not exceed any time limitation governing the review of
 2522 | initial applications for site certification pursuant to this

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2523 act, it being the legislative intent to provide shorter time
 2524 limitations for the processing of supplemental applications for
 2525 electrical power plants to be constructed and operated at sites
 2526 which have been previously certified for an ultimate site
 2527 capacity.

2528 (d)~~(e)~~ Any time limitation in this section or in rules
 2529 adopted pursuant to this section may be altered pursuant to s.
 2530 403.5095 ~~by the designated administrative law judge upon~~
 2531 ~~stipulation between the department and the applicant, unless~~
 2532 ~~objected to by any party within 5 days after notice, or for good~~
 2533 ~~cause shown by any party. The parties to the proceeding shall~~
 2534 ~~adhere to the provisions of chapter 120 and this act in~~
 2535 ~~considering and processing such supplemental applications.~~

2536 (2) ~~Supplemental applications shall be reviewed as~~
 2537 ~~provided in ss. 403.507 403.511, except that the time limits~~
 2538 ~~provided in this section shall apply to such supplemental~~
 2539 ~~applications.~~

2540 ~~(3)~~ The land use and zoning consistency determination of
 2541 s. 403.50665 ~~hearing requirements of s. 403.508(1) and (2)~~ shall
 2542 not be applicable to the processing of supplemental applications
 2543 pursuant to this section so long as:

2544 (a) The previously certified ultimate site capacity is not
 2545 exceeded; and

2546 (b) The lands required for the construction or operation
 2547 of the electrical power plant which is the subject of the
 2548 supplemental application are within the boundaries of the
 2549 previously certified site.

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2550 ~~(4) For the purposes of this act, the term "ultimate site~~
 2551 ~~capacity" means the maximum generating capacity for a site as~~
 2552 ~~certified by the board.~~

2553 Section 40. Section 403.5175, Florida Statutes, is amended
 2554 to read:

2555 403.5175 Existing electrical power plant site
 2556 certification.--

2557 (1) An electric utility that owns or operates an existing
 2558 electrical power plant as defined in s. 403.503(12) may apply
 2559 for certification of an existing power plant and its site in
 2560 order to obtain all agency licenses necessary to ensure ~~assure~~
 2561 compliance with federal or state environmental laws and
 2562 regulation using the centrally coordinated, one-stop licensing
 2563 process established by this part. An application for site
 2564 certification under this section must be in the form prescribed
 2565 by department rule. Applications must be reviewed and processed
 2566 using the same procedural steps and notices as for an
 2567 application for a new facility in accordance with ss. 403.5064-
 2568 ~~403.5115~~, except that a determination of need by the Public
 2569 Service Commission is not required.

2570 (2) An application for certification under this section
 2571 must include:

2572 (a) A description of the site and existing power plant
 2573 installations;

2574 (b) A description of all proposed changes or alterations
 2575 to the site or electrical power plant, including all new
 2576 associated facilities that are the subject of the application;

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2577 (c) A description of the environmental and other impacts
2578 caused by the existing utilization of the site and directly
2579 associated facilities, and the operation of the electrical power
2580 plant that is the subject of the application, and of the
2581 environmental and other benefits, if any, to be realized as a
2582 result of the proposed changes or alterations if certification
2583 is approved and such other information as is necessary for the
2584 reviewing agencies to evaluate the proposed changes and the
2585 expected impacts;

2586 (d) The justification for the proposed changes or
2587 alterations;

2588 (e) Copies of all existing permits, licenses, and
2589 compliance plans authorizing utilization of the site and
2590 directly associated facilities or operation of the electrical
2591 power plant that is the subject of the application.

2592 (3) The land use and zoning determination ~~hearing~~
2593 requirements of s. 403.50665 ~~s. 403.508(1) and (2)~~ do not apply
2594 to an application under this section if the applicant does not
2595 propose to expand the boundaries of the existing site. If the
2596 applicant proposes to expand the boundaries of the existing site
2597 to accommodate portions of the plant or associated facilities, a
2598 land use and zoning determination shall be made ~~hearing must be~~
2599 ~~held~~ as specified in s. 403.50665 ~~s. 403.508(1) and (2)~~;
2600 provided, however, that the sole issue for determination ~~through~~
2601 ~~the land use hearing~~ is whether the proposed site expansion is
2602 consistent and in compliance with the existing land use plans
2603 and zoning ordinances.

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2604 (4) In considering whether an application submitted under
 2605 this section should be approved in whole, approved with
 2606 appropriate conditions, or denied, the board shall consider
 2607 whether, and to the extent to which the proposed changes to the
 2608 electrical power plant and its continued operation under
 2609 certification will:

2610 (a) Comply with the provisions of s. 403.509(3).
 2611 ~~applicable nonprocedural requirements of agencies;~~

2612 (b) Result in environmental or other benefits compared to
 2613 current utilization of the site and operations of the electrical
 2614 power plant if the proposed changes or alterations are
 2615 undertaken. ~~;~~

2616 ~~(c) Minimize, through the use of reasonable and available~~
 2617 ~~methods, the adverse effects on human health, the environment,~~
 2618 ~~and the ecology of the land and its wildlife and the ecology of~~
 2619 ~~state waters and their aquatic life; and~~

2620 ~~(d) Serve and protect the broad interests of the public.~~

2621 (5) An applicant's failure to receive approval for
 2622 certification of an existing site or an electrical power plant
 2623 under this section is without prejudice to continued operation
 2624 of the electrical power plant or site under existing agency
 2625 licenses.

2626 Section 41. Section 403.518, Florida Statutes, is amended
 2627 to read:

2628 403.518 Fees; disposition.--

2629 ~~(1)~~ The department shall charge the applicant the
 2630 following fees, as appropriate, which, unless otherwise
 2631 specified, shall be paid into the Florida Permit Fee Trust Fund:

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2632 (1)(a) A fee for a notice of intent pursuant to s.
2633 403.5063, in the amount of \$2,500, to be submitted to the
2634 department at the time of filing of a notice of intent. The
2635 notice-of-intent fee shall be used and disbursed in the same
2636 manner as the application fee.

2637 (2)(b) An application fee, which shall not exceed
2638 \$200,000. The fee shall be fixed by rule on a sliding scale
2639 related to the size, type, ultimate site capacity, or increase
2640 in electrical generating capacity proposed by the application,
2641 ~~or the number and size of local governments in whose~~
2642 ~~jurisdiction the electrical power plant is located.~~

2643 (a)1. Sixty percent of the fee shall go to the department
2644 to cover any costs associated with coordinating the review
2645 ~~reviewing~~ and acting upon the application, to cover any field
2646 services associated with monitoring construction and operation
2647 of the facility, and to cover the costs of the public notices
2648 published by the department.

2649 (b)2. The following percentages ~~Twenty percent of the fee~~
2650 ~~or \$25,000, whichever is greater,~~ shall be transferred to the
2651 Administrative Trust Fund of the Division of Administrative
2652 Hearings of the Department of Management Services:—

2653 1. Five percent to compensate expenses from the initial
2654 exercise of duties associated with the filing of an application.

2655 2. An additional 5 percent if a land use hearing is held
2656 pursuant to s. 403.508.

2657 3. An additional 10 percent if a certification hearing is
2658 held pursuant to s. 403.508.

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2659 (c)1.3- Upon written request with proper itemized
 2660 accounting within 90 days after final agency action by the board
 2661 or withdrawal of the application, the agencies that prepared
 2662 reports pursuant to s. 403.507 or participated in a hearing
 2663 pursuant to s. 403.508 may submit a written request to the
 2664 department for reimbursement of expenses incurred during the
 2665 certification proceedings. The request shall contain an
 2666 accounting of expenses incurred which may include time spent
 2667 reviewing the application, the department shall reimburse the
 2668 ~~Department of Community Affairs, the Fish and Wildlife~~
 2669 ~~Conservation Commission, and any water management district~~
 2670 ~~created pursuant to chapter 373, regional planning council, and~~
 2671 ~~local government in the jurisdiction of which the proposed~~
 2672 ~~electrical power plant is to be located, and any other agency~~
 2673 ~~from which the department requests special studies pursuant to~~
 2674 ~~s. 403.507(2)(a)7. Such reimbursement shall be authorized for~~
 2675 ~~the preparation of any studies required of the agencies by this~~
 2676 ~~act, and for agency travel and per diem to attend any hearing~~
 2677 ~~held pursuant to this act, and for any agency or local~~
 2678 government's provision of notice of public meetings or hearings
 2679 required as a result of the application for certification
 2680 governments to participate in the proceedings. The department
 2681 shall review the request and verify that the expenses are valid.
 2682 Valid expenses shall be reimbursed; however, in the event the
 2683 amount of funds available for reimbursement allocation is
 2684 insufficient to provide for full compensation complete
 2685 ~~reimbursement~~ to the agencies requesting reimbursement,
 2686 reimbursement shall be on a prorated basis.

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2687 2. If the application review is held in abeyance for more
2688 than 1 year, the agencies may submit a request for
2689 reimbursement.

2690 (d)4. If any sums are remaining, the department shall
2691 retain them for its use in the same manner as is otherwise
2692 authorized by this act; provided, however, that if the
2693 certification application is withdrawn, the remaining sums shall
2694 be refunded to the applicant within 90 days after withdrawal.

2695 (3) (a) (e) A certification modification fee, which shall
2696 not exceed \$30,000. The department shall establish rules for
2697 determining such a fee based on the equipment redesign, change
2698 in site size, type, increase in generating capacity proposed, or
2699 change in an associated linear facility location.

2700 (b) The fee shall be submitted to the department with a
2701 ~~formal~~ petition for modification ~~to the department~~ pursuant to
2702 s. 403.516. This fee shall be established, disbursed, and
2703 processed in the same manner as the application fee in
2704 subsection (2) paragraph (b), except that the Division of
2705 Administrative Hearings shall not receive a portion of the fee
2706 unless the petition for certification modification is referred
2707 to the Division of Administrative Hearings for hearing. If the
2708 petition is so referred, only \$10,000 of the fee shall be
2709 transferred to the Administrative Trust Fund of the Division of
2710 Administrative Hearings of the Department of Management
2711 Services. ~~The fee for a modification by agreement filed pursuant~~
2712 ~~to s. 403.516(1)(b) shall be \$10,000 to be paid upon the filing~~
2713 ~~of the request for modification. Any sums remaining after~~
2714 ~~payment of authorized costs shall be refunded to the applicant~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2715 ~~within 90 days of issuance or denial of the modification or~~
 2716 ~~withdrawal of the request for modification.~~

2717 (4)~~(d)~~ A supplemental application fee, not to exceed
 2718 \$75,000, to cover all reasonable expenses and costs of the
 2719 review, processing, and proceedings of a supplemental
 2720 application. This fee shall be established, disbursed, and
 2721 processed in the same manner as the certification application
 2722 fee in subsection (2) paragraph (b), ~~except that only \$20,000 of~~
 2723 ~~the fee shall be transferred to the Administrative Trust Fund of~~
 2724 ~~the Division of Administrative Hearings of the Department of~~
 2725 ~~Management Services.~~

2726 (5)~~(e)~~ An existing site certification application fee, not
 2727 to exceed \$200,000, to cover all reasonable costs and expenses
 2728 of the review processing and proceedings for certification of an
 2729 existing power plant site under s. 403.5175. This fee must be
 2730 established, disbursed, and processed in the same manner as the
 2731 certification application fee in subsection (2) paragraph (b).

2732 ~~(2) Effective upon the date commercial operation begins,~~
 2733 ~~the operator of an electrical power plant certified under this~~
 2734 ~~part is required to pay to the department an annual operation~~
 2735 ~~license fee as specified in s. 403.0872(11) to be deposited in~~
 2736 ~~the Air Pollution Control Trust Fund.~~

2737 Section 42. Any application for electrical power plant
 2738 certification filed pursuant to ss. 403.501-403.518, Florida
 2739 Statutes, shall be processed under the provisions of the law
 2740 applicable at the time the application was filed, except that
 2741 the provisions relating to cancellation of the certification
 2742 hearing under s. 403.508(6), Florida Statutes, the provisions

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2743 relating to the final disposition of the application and
 2744 issuance of the written order by the secretary under s.
 2745 403.509(1)(a), Florida Statutes, and notice of the cancellation
 2746 of the certification hearing under s. 403.5115, Florida
 2747 Statutes, may apply to any application for electrical power
 2748 plant certification.

2749 Section 43. Section 403.519, Florida Statutes, is amended
 2750 to read:

2751 403.519 Exclusive forum for determination of need.--

2752 (1) On request by an applicant or on its own motion, the
 2753 commission shall begin a proceeding to determine the need for an
 2754 electrical power plant subject to the Florida Electrical Power
 2755 Plant Siting Act.

2756 (2) The applicant ~~commission~~ shall publish a notice of the
 2757 proceeding in a newspaper of general circulation in each county
 2758 in which the proposed electrical power plant will be located.
 2759 The notice shall be at least one-quarter of a page and published
 2760 at least 21 ~~45~~ days prior to the scheduled date for the
 2761 proceeding. The commission shall publish notice of the
 2762 proceeding in the manner specified by chapter 120 at least 21
 2763 days prior to the scheduled date for the proceeding.

2764 (3) The commission shall be the sole forum for the
 2765 determination of this matter, which accordingly shall not be
 2766 raised in any other forum or in the review of proceedings in
 2767 such other forum. In making its determination, the commission
 2768 shall take into account the need for electric system reliability
 2769 and integrity, the need for adequate electricity at a reasonable
 2770 cost, the need for fuel diversity and supply reliability, and

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2771 whether the proposed plant is the most cost-effective
 2772 alternative available. The commission shall also expressly
 2773 consider the conservation measures taken by or reasonably
 2774 available to the applicant or its members which might mitigate
 2775 the need for the proposed plant and other matters within its
 2776 jurisdiction which it deems relevant. The commission's
 2777 determination of need for an electrical power plant shall create
 2778 a presumption of public need and necessity and shall serve as
 2779 the commission's report required by s. 403.507(4)
 2780 ~~403.507(2)(a)2~~. An order entered pursuant to this section
 2781 constitutes final agency action.

2782 (4) In making its determination on a proposed electrical
 2783 power plant using nuclear materials as fuel, the commission
 2784 shall hold a hearing within 90 days after the filing of the
 2785 petition to determine need and shall issue an order granting or
 2786 denying the petition within 135 days after the date of the
 2787 filing of the petition. The commission shall be the sole forum
 2788 for the determination of this matter and the issues addressed in
 2789 the petition, which accordingly shall not be reviewed in any
 2790 other forum, or in the review of proceedings in such other
 2791 forum. In making its determination to either grant or deny the
 2792 petition, the commission shall consider the need for electric
 2793 system reliability and integrity, including fuel diversity, the
 2794 need for base-load generating capacity, and the need for
 2795 adequate electricity at a reasonable cost.

2796 (a) The applicant's petition shall include:

2797 1. A description of the need for the generation capacity.

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2798 | 2. A description of how the proposed nuclear power plant
 2799 | will enhance the reliability of electric power production within
 2800 | the state by improving the balance of power plant fuel diversity
 2801 | and reducing Florida's dependence on fuel oil and natural gas.

2802 | 3. A description of and a nonbinding estimate of the cost
 2803 | of the nuclear power plant.

2804 | 4. The annualized base revenue requirement for the first
 2805 | 12 months of operation of the nuclear power plant.

2806 | (b) In making its determination, the commission shall take
 2807 | into account matters within its jurisdiction, which it deems
 2808 | relevant, including whether the nuclear power plant will:

2809 | 1. Provide needed base-load capacity.

2810 | 2. Enhance the reliability of electric power production
 2811 | within the state by improving the balance of power plant fuel
 2812 | diversity and reducing Florida's dependence on fuel oil and
 2813 | natural gas.

2814 | 3. Provide the most cost-effective source of power, taking
 2815 | into account the need to improve the balance of fuel diversity,
 2816 | reduce Florida's dependence on fuel oil and natural gas, reduce
 2817 | air emission compliance costs, and contribute to the long-term
 2818 | stability and reliability of the electric grid.

2819 | (c) No provision of rule 25-22.082, Florida Administrative
 2820 | Code, shall be applicable to a nuclear power plant sited under
 2821 | this act, including provisions for cost recovery, and an
 2822 | applicant shall not otherwise be required to secure competitive
 2823 | proposals for power supply prior to making application under
 2824 | this act or receiving a determination of need from the
 2825 | commission.

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2826 (d) The commission's determination of need for a nuclear
2827 power plant shall create a presumption of public need and
2828 necessity and shall serve as the commission's report required by
2829 s. 403.507(4) (a). An order entered pursuant to this section
2830 constitutes final agency action. Any petition for
2831 reconsideration of a final order on a petition for need
2832 determination shall be filed within 5 days after the date of
2833 such order. The commission's final order, including any order on
2834 reconsideration, shall be reviewable on appeal in the Florida
2835 Supreme Court. Inasmuch as delay in the determination of need
2836 will delay siting of a nuclear power plant or diminish the
2837 opportunity for savings to customers under the federal Energy
2838 Policy Act of 2005, the Supreme Court shall proceed to hear and
2839 determine the action as expeditiously as practicable and give
2840 the action precedence over matters not accorded similar
2841 precedence by law.

2842 (e) After a petition for determination of need for a
2843 nuclear power plant has been granted, the right of a utility to
2844 recover any costs incurred prior to commercial operation,
2845 including, but not limited to, costs associated with the siting,
2846 design, licensing, or construction of the plant, shall not be
2847 subject to challenge unless and only to the extent the
2848 commission finds, based on a preponderance of the evidence
2849 adduced at a hearing before the commission under s. 120.57, that
2850 certain costs were imprudently incurred. Proceeding with the
2851 construction of the nuclear power plant following an order by
2852 the commission approving the need for the nuclear power plant
2853 under this act shall not constitute or be evidence of

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2854 imprudence. Imprudence shall not include any cost increases due
2855 to events beyond the utility's control. Further, a utility's
2856 right to recover costs associated with a nuclear power plant may
2857 not be raised in any other forum or in the review of proceedings
2858 in such other forum. Costs incurred prior to commercial
2859 operation shall be recovered pursuant to chapter 366.

2860 Section 44. Section 366.93, Florida Statutes, is created
2861 to read:

2862 366.93 Cost recovery for the siting, design, licensing,
2863 and construction of nuclear power plants.--

2864 (1) As used in this section, the term:

2865 (a) "Cost" includes, but is not limited to, all capital
2866 investments, including rate of return, any applicable taxes, and
2867 all expenses, including operation and maintenance expenses,
2868 related to or resulting from the siting, licensing, design,
2869 construction, or operation of the nuclear power plant.

2870 (b) "Electric utility" or "utility" has the same meaning
2871 as that provided in s. 366.8255(1)(a).

2872 (c) "Nuclear power plant" or "plant" is an electrical
2873 power plant as defined in s. 403.503(12) that uses nuclear
2874 materials for fuel.

2875 (d) "Preconstruction" is that period of time after a site
2876 has been selected through and including the date the utility
2877 completes site clearing work. Preconstruction costs shall be
2878 afforded deferred accounting treatment and shall accrue a
2879 carrying charge equal to the utility's allowance for funds
2880 during construction (AFUDC) rate until recovered in rates.

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2881 (2) Within 6 months after the enactment of this act, the
2882 commission shall establish, by rule, alternative cost recovery
2883 mechanisms for the recovery of costs incurred in the siting,
2884 design, licensing, and construction of a nuclear power plant.
2885 Such mechanisms shall be designed to promote utility investment
2886 in nuclear power plants and allow for the recovery in rates all
2887 prudently incurred costs, and shall include, but are not limited
2888 to:

2889 (a) Recovery through the capacity cost recovery clause of
2890 any preconstruction costs.

2891 (b) Recovery through an incremental increase in the
2892 utility's capacity cost recovery clause rates of the carrying
2893 costs on the utility's projected construction cost balance
2894 associated with the nuclear power plant. To encourage investment
2895 and provide certainty, for nuclear power plant need petitions
2896 submitted on or before December 31, 2010, associated carrying
2897 costs shall be equal to the pretax AFUDC in effect upon this act
2898 becoming law. For nuclear power plants for which need petitions
2899 are submitted after December 31, 2010, the utility's existing
2900 pretax AFUDC rate is presumed to be appropriate unless
2901 determined otherwise by the commission in the determination of
2902 need for the nuclear power plant.

2903 (3) After a petition for determination of need is granted,
2904 a utility may petition the commission for cost recovery as
2905 permitted by this section and commission rules.

2906 (4) When the nuclear power plant is placed in commercial
2907 service, the utility shall be allowed to increase its base rate
2908 charges by the projected annual revenue requirements of the

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2909 nuclear power plant based on the jurisdictional annual revenue
2910 requirements of the plant for the first 12 months of operation.
2911 The rate of return on capital investments shall be calculated
2912 using the utility's rate of return last approved by the
2913 commission prior to the commercial inservice date of the nuclear
2914 power plant. If any existing generating plant is retired as a
2915 result of operation of the nuclear power plant, the commission
2916 shall allow for the recovery, through an increase in base rate
2917 charges, of the net book value of the retired plant over a
2918 period not to exceed 5 years.

2919 (5) The utility shall report to the commission annually
2920 the budgeted and actual costs as compared to the estimated
2921 inservice cost of the nuclear power plant provided by the
2922 utility pursuant to s. 403.519(4), until the commercial
2923 operation of the nuclear power plant. The utility shall provide
2924 such information on an annual basis following the final order by
2925 the commission approving the determination of need for the
2926 nuclear power plant, with the understanding that some costs may
2927 be higher than estimated and other costs may be lower.

2928 (6) In the event the utility elects not to complete or is
2929 precluded from completing construction of the nuclear power
2930 plant, the utility shall be allowed to recover all prudent
2931 preconstruction and construction costs incurred following the
2932 commission's issuance of a final order granting a determination
2933 of need for the nuclear power plant. The utility shall recover
2934 such costs through the capacity cost recovery clause over a
2935 period equal to the period during which the costs were incurred
2936 or 5 years, whichever is greater. The unrecovered balance during

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2937 | the recovery period will accrue interest at the utility's
 2938 | weighted average cost of capital as reported in the commission's
 2939 | earnings surveillance reporting requirement for the prior year.

2940 | Section 45. Section 403.52, Florida Statutes, is amended
 2941 | to read:

2942 | 403.52 Short title.--Sections 403.52-403.5365 may be cited
 2943 | as the "Florida Electric Transmission Line Siting Act."

2944 | Section 46. Section 403.521, Florida Statutes, is amended
 2945 | to read:

2946 | 403.521 Legislative intent.--The legislative intent of
 2947 | this act is to establish a centralized and coordinated licensing
 2948 | ~~permitting~~ process for the location of electric transmission
 2949 | line corridors and the construction, operation, and maintenance
 2950 | of electric transmission lines, which are critical
 2951 | infrastructure facilities. This necessarily involves several
 2952 | broad interests of the public addressed through the subject
 2953 | matter jurisdiction of several agencies. The Legislature
 2954 | recognizes that electric transmission lines will have an effect
 2955 | upon the reliability of the electric power system, the
 2956 | environment, land use, and the welfare of the population.

2957 | Recognizing the need to ensure electric power system reliability
 2958 | and integrity, and in order to meet electric ~~electrical~~ energy
 2959 | needs in an orderly and timely fashion, the centralized and
 2960 | coordinated licensing ~~permitting~~ process established by this act
 2961 | is intended to further the legislative goal of ensuring through
 2962 | available and reasonable methods that the location of
 2963 | transmission line corridors and the construction, operation, and
 2964 | maintenance of electric transmission lines produce minimal

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2965 | adverse effects on the environment and public health, safety,
 2966 | and welfare ~~while not unduly conflicting with the goals~~
 2967 | ~~established by the applicable local comprehensive plan.~~ It is
 2968 | the intent of this act to fully balance the need for
 2969 | transmission lines with the broad interests of the public in
 2970 | order to effect a reasonable balance between the need for the
 2971 | facility as a means of providing reliable, economical, and
 2972 | efficient electric ~~abundant low cost electrical~~ energy and the
 2973 | impact on the public and the environment resulting from the
 2974 | location of the transmission line corridor and the construction,
 2975 | operation, and maintenance of the transmission lines. The
 2976 | Legislature intends that the provisions of chapter 120 apply to
 2977 | this act and to proceedings under ~~pursuant to~~ it except as
 2978 | otherwise expressly exempted by other provisions of this act.

2979 | Section 47. Section 403.522, Florida Statutes, is amended
 2980 | to read:

2981 | 403.522 Definitions relating to the Florida Electric
 2982 | Transmission Line Siting Act.--As used in this act:

2983 | (1) "Act" means the Florida Electric Transmission Line
 2984 | Siting Act.

2985 | (2) "Agency," as the context requires, means an official,
 2986 | officer, commission, authority, council, committee, department,
 2987 | division, bureau, board, section, or other unit or entity of
 2988 | government, including a county, municipality, or other regional
 2989 | or local governmental entity.

2990 | (3) "Amendment" means a material change in information
 2991 | provided by the applicant to the application for certification
 2992 | made after the initial application filing.

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2993 (4) "Applicant" means any electric utility that ~~which~~
 2994 applies for certification under ~~pursuant to the provisions of~~
 2995 this act.

2996 (5) "Application" means the documents required by the
 2997 department to be filed to initiate and support a certification
 2998 review and evaluation, including the initial document filing,
 2999 amendments, and responses to requests from the department for
 3000 additional data and information ~~proceeding~~. An electric utility
 3001 may file a comprehensive application encompassing all or a part
 3002 of one or more proposed transmission lines.

3003 (6) "Board" means the Governor and Cabinet sitting as the
 3004 siting board.

3005 (7) "Certification" means the approval by the board of the
 3006 license for a corridor proper for certification pursuant to
 3007 subsection (10) and the construction, operation, and maintenance
 3008 of transmission lines within the ~~such~~ corridor with the ~~such~~
 3009 changes or conditions as the siting board deems appropriate.
 3010 Certification shall be evidenced by a written order of the
 3011 board.

3012 (8) "Commission" means the Florida Public Service
 3013 Commission.

3014 (9) "Completeness" means that the application has
 3015 addressed all applicable sections of the prescribed application
 3016 format and, ~~but does not mean~~ that those sections are sufficient
 3017 in comprehensiveness of data or in quality of information
 3018 provided to allow the department to determine whether the
 3019 application provides the reviewing agencies adequate information
 3020 to prepare the reports required by s. 403.526.

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3021 (10) "Corridor" means the proposed area within which a
 3022 transmission line right-of-way, including maintenance and access
 3023 roads, is to be located. The width of the corridor proposed for
 3024 certification by an applicant or other party, at the option of
 3025 the applicant, may be the width of the transmission line right-
 3026 of-way, or a wider boundary, not to exceed a width of 1 mile.
 3027 The area within the corridor in which a right-of-way may be
 3028 located may be further restricted by a condition of
 3029 certification. After all property interests required for the
 3030 transmission line right-of-way and maintenance and access roads
 3031 have been acquired by the applicant, the boundaries of the area
 3032 certified shall narrow to only that land within the boundaries
 3033 of the transmission line right-of-way. The corridors proper for
 3034 certification shall be those addressed in the application, in
 3035 amendments to the application filed under ~~pursuant to~~ s.
 3036 403.5275, and in notices of acceptance of proposed alternate
 3037 corridors filed by an applicant and the department pursuant to
 3038 s. 403.5271 for which the required ~~sufficient~~ information for
 3039 the preparation of agency supplemental reports was filed.

3040 (11) "Department" means the Department of Environmental
 3041 Protection.

3042 (12) "Electric utility" means cities and towns, counties,
 3043 public utility districts, regulated electric companies, electric
 3044 cooperatives, regional transmission organizations, operators of
 3045 independent transmission systems, or other transmission
 3046 organizations approved by the Federal Energy Regulatory
 3047 Commission or the commission for the operation of transmission
 3048 facilities, and joint operating agencies, or combinations

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3049 | thereof, engaged in, or authorized to engage in, the business of
3050 | generating, transmitting, or distributing electric energy.

3051 | (13) "License" means a franchise, permit, certification,
3052 | registration, charter, comprehensive plan amendment, development
3053 | order, or permit as defined in chapters 163 and 380, or similar
3054 | form of authorization required by law, but it does not include a
3055 | license required primarily for revenue purposes when issuance of
3056 | the license is merely a ministerial act.

3057 | (14) "Licensee" means an applicant that has obtained a
3058 | certification order for the subject project.

3059 | (15)~~(14)~~ "Local government" means a municipality or county
3060 | in the jurisdiction of which the project is proposed to be
3061 | located.

3062 | (16) "Maintenance and access roads" mean roads constructed
3063 | within the transmission line right-of-way. Nothing in this act
3064 | prohibits an applicant from constructing a road to support
3065 | construction, operation, or maintenance of the transmission line
3066 | that lies outside the transmission line right-of-way.

3067 | (17)~~(15)~~ "Modification" means any change in the
3068 | certification order after issuance, including a change in the
3069 | conditions of certification.

3070 | (18)~~(16)~~ "Nonprocedural requirements of agencies" means
3071 | any agency's regulatory requirements established by statute,
3072 | rule, ordinance, or comprehensive plan, excluding any provisions
3073 | prescribing forms, fees, procedures, or time limits for the
3074 | review or processing of information submitted to demonstrate
3075 | compliance with such regulatory requirements.

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3076 (19)~~(17)~~ "Person" means an individual, partnership, joint
3077 venture, private or public corporation, association, firm,
3078 public service company, political subdivision, municipal
3079 corporation, government agency, public utility district, or any
3080 other entity, public or private, however organized.

3081 (20)~~(18)~~ "Preliminary statement of issues" means a listing
3082 and explanation of those issues within the agency's jurisdiction
3083 which are of major concern to the agency in relation to the
3084 proposed electric ~~electrical~~ transmission line corridor.

3085 (21)~~(19)~~ "Regional planning council" means a regional
3086 planning council as defined in s. 186.503(4) in the jurisdiction
3087 of which the project is proposed to be located.

3088 ~~(20) "Sufficiency" means that the application is not only
3089 complete but that all sections are adequate in the
3090 comprehensiveness of data and in the quality of information
3091 provided to allow the department to determine whether the
3092 application provides the reviewing agencies adequate information
3093 to prepare the reports authorized by s. 403.526.~~

3094 (22)~~(21)~~ "Transmission line" or "electric transmission
3095 line" means structures, maintenance and access roads, and all
3096 other facilities that need to be constructed, operated, or
3097 maintained for the purpose of conveying electric power ~~any~~
3098 ~~electrical transmission line~~ extending from, but not including,
3099 an existing or proposed substation or power plant to, but not
3100 including, an existing or proposed transmission network or
3101 rights-of-way or substation to which the applicant intends to
3102 connect which defines the end of the proposed project and which
3103 is designed to operate at 230 kilovolts or more. ~~The starting~~

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3104 ~~point and ending point of a transmission line must be~~
 3105 ~~specifically defined by the applicant and must be verified by~~
 3106 ~~the commission in its determination of need. A transmission line~~
 3107 ~~includes structures and maintenance and access roads that need~~
 3108 ~~to be constructed for the project to become operational. The~~
 3109 transmission line may include, at the applicant's option, any
 3110 proposed terminal or intermediate substations or substation
 3111 expansions necessary to serve the transmission line.

3112 (23)~~(22)~~ "Transmission line right-of-way" means land
 3113 necessary for the construction, operation, and maintenance of a
 3114 transmission line. The typical width of the right-of-way shall
 3115 be identified in the application. The right-of-way shall be
 3116 located within the certified corridor and shall be identified by
 3117 the applicant ~~subsequent to certification~~ in documents filed
 3118 with the department before ~~prior to~~ construction.

3119 (24)~~(23)~~ "Water management district" means a water
 3120 management district created pursuant to chapter 373 in the
 3121 jurisdiction of which the project is proposed to be located.

3122 Section 48. Section 403.523, Florida Statutes, is amended
 3123 to read:

3124 403.523 Department of Environmental Protection; powers and
 3125 duties.--The department has ~~shall have~~ the following powers and
 3126 duties:

3127 (1) To adopt procedural rules pursuant to ss. 120.536(1)
 3128 and 120.54 to administer ~~implement the provisions of~~ this act
 3129 and to adopt or amend rules to implement the provisions of
 3130 subsection (10).

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3131 (2) To prescribe the form and content of the public
3132 notices and the form, content, and necessary supporting
3133 documentation, and any required studies, for certification
3134 applications. All ~~such~~ data and studies shall be related to the
3135 jurisdiction of the agencies relevant to the application.

3136 (3) To receive applications for transmission line and
3137 corridor certifications and initially determine the completeness
3138 ~~and sufficiency~~ thereof.

3139 (4) To make or contract for studies of certification
3140 applications. All ~~such~~ studies shall be related to the
3141 jurisdiction of the agencies relevant to the application. For
3142 studies in areas outside the jurisdiction of the department and
3143 in the jurisdiction of another agency, the department may
3144 initiate such studies, but only with the consent of the ~~such~~
3145 agency.

3146 (5) To administer the processing of applications for
3147 certification and ensure that the applications, including
3148 postcertification reviews, are processed on an expeditious and
3149 priority basis ~~as expeditiously as possible~~.

3150 (6) To collect and process ~~require~~ such fees as allowed by
3151 this act.

3152 (7) To prepare a report and project ~~written~~ analysis as
3153 required by s. 403.526.

3154 (8) To prescribe the means for monitoring the effects
3155 arising from the location of the transmission line corridor and
3156 the construction, operation, and maintenance of the transmission
3157 lines to assure continued compliance with the terms of the
3158 certification.

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3159 (9) To make a determination of acceptability of any
3160 alternate corridor proposed for consideration under ~~pursuant to~~
3161 s. 403.5271.

3162 (10) To set requirements that reasonably protect the
3163 public health and welfare from the electric and magnetic fields
3164 of transmission lines for which an application is filed under
3165 ~~after the effective date of this act.~~

3166 (11) To present rebuttal evidence on any issue properly
3167 raised at the certification hearing.

3168 (12) To issue final orders after receipt of the
3169 administrative law judge's order relinquishing jurisdiction
3170 pursuant to s. 403.527(6).

3171 (13) To act as clerk for the siting board.

3172 (14) To administer and manage the terms and conditions of
3173 the certification order and supporting documents and records for
3174 the life of the facility.

3175 (15) To issue emergency orders on behalf of the board for
3176 facilities licensed under this act.

3177 Section 49. Section 403.524, Florida Statutes, is amended
3178 to read:

3179 403.524 Applicability; ~~and~~ certification; exemptions.--

3180 (1) ~~The provisions of This act~~ applies ~~apply~~ to each
3181 transmission line, except a transmission line certified under
3182 ~~pursuant to~~ the Florida Electrical Power Plant Siting Act.

3183 (2) Except as provided in subsection (1), ~~no~~ construction
3184 of a any transmission line may not be undertaken without first
3185 obtaining certification under this act, but ~~the provisions of~~
3186 this act does ~~de~~ not apply to:

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3187 (a) Transmission lines for which development approval has
3188 been obtained under ~~pursuant to~~ chapter 380.

3189 (b) Transmission lines that ~~which~~ have been exempted by a
3190 binding letter of interpretation issued under s. 380.06(4), or
3191 in which the Department of Community Affairs or its predecessor
3192 agency has determined the utility to have vested development
3193 rights within the meaning of s. 380.05(18) or s. 380.06(20).

3194 (c) Transmission line development in which all
3195 construction is limited to established rights-of-way.
3196 Established rights-of-way include ~~such~~ rights-of-way established
3197 at any time for roads, highways, railroads, gas, water, oil,
3198 electricity, or sewage and any other public purpose rights-of-
3199 way. If an established transmission line right-of-way is used to
3200 qualify for this exemption, the transmission line right-of-way
3201 must have been established at least 5 years before notice of the
3202 start of construction under subsection (4) of the proposed
3203 transmission line. If an established transmission line right-of-
3204 way is relocated to accommodate a public project, the date the
3205 original transmission line right-of-way was established applies
3206 to the relocated transmission line right-of-way for purposes of
3207 this exemption. ~~Except for transmission line rights of way,~~
3208 ~~established rights of way include rights of way created before~~
3209 ~~or after October 1, 1983. For transmission line rights of way,~~
3210 ~~established rights of way include rights of way created before~~
3211 ~~October 1, 1983.~~

3212 (d) Unless the applicant has applied for certification
3213 under this act, transmission lines that ~~which~~ are less than 15
3214 miles in length or are located in a single ~~which do not cross a~~

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3215 | county within the state line, ~~unless the applicant has elected~~
 3216 | ~~to apply for certification under the act.~~

3217 | (3) The exemption of a transmission line under this act
 3218 | does not constitute an exemption for the transmission line from
 3219 | other applicable permitting processes under other provisions of
 3220 | law or local government ordinances.

3221 | (4) An electric ~~A~~ utility shall notify the department in
 3222 | writing, before ~~prior to~~ the start of construction, of its
 3223 | intent to construct a transmission line exempted under ~~pursuant~~
 3224 | ~~to~~ this section. The ~~Such~~ notice is ~~shall be~~ only for
 3225 | information purposes, and ~~no~~ action by the department is not
 3226 | ~~shall be~~ required pursuant to the ~~such~~ notice. This notice may
 3227 | be included in any submittal filed with the department before
 3228 | the start of construction demonstrating that a new transmission
 3229 | line complies with the applicable electric and magnetic field
 3230 | standards.

3231 | Section 50. Section 403.525, Florida Statutes, is amended
 3232 | to read:

3233 | 403.525 ~~Appointment of~~ Administrative law judge;
 3234 | appointment; powers and duties.--

3235 | (1) (a) Within 7 days after receipt of an application,
 3236 | whether complete or not, the department shall request the
 3237 | Division of Administrative Hearings to designate an
 3238 | administrative law judge to conduct the hearings required by
 3239 | this act.

3240 | (b) The division director shall designate an
 3241 | administrative law judge to conduct the hearings required by
 3242 | this act within 7 days after receipt of the request from the

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3243 department. Whenever practicable, the division director shall
3244 assign an administrative law judge who has had prior experience
3245 or training in this type of certification proceeding.

3246 (c) Upon being advised that an administrative law judge
3247 has been designated, the department shall immediately file a
3248 copy of the application and all supporting documents with the
3249 administrative law judge, who shall docket the application.

3250 (2) The administrative law judge has all powers and duties
3251 granted to administrative law judges under chapter 120 and by
3252 the laws and rules of the department.

3253 Section 51. Section 403.5251, Florida Statutes, is amended
3254 to read:

3255 403.5251 ~~Distribution of Application; schedules.--~~

3256 (1)(a) The formal date of the filing of the application
3257 for certification and commencement of the review process for
3258 certification is the date on which the applicant submits:

3259 1. Copies of the application for certification in a
3260 quantity and format, electronic or otherwise as prescribed by
3261 rule, to the department and other agencies identified in s.
3262 403.526(2).

3263 2. The application fee as specified under s. 403.5365 to
3264 the department.

3265
3266 The department shall provide to the applicant and the Division
3267 of Administrative Hearings the names and addresses of any
3268 additional agencies or persons entitled to notice and copies of
3269 the application and amendments, if any, within 7 days after

3270 receiving the application for certification and the application
 3271 fees.

3272 (b) In the application, the starting point and ending
 3273 point of a transmission line must be specifically defined by the
 3274 applicant. Within 7 days after the filing of an application, the
 3275 department shall provide the applicant and the Division of
 3276 Administrative Hearings the names and addresses of those
 3277 affected or other agencies entitled to notice and copies of the
 3278 application and any amendments.

3279 (2) Within 15 7 days after the formal date of the
 3280 application filing ~~completeness has been determined~~, the
 3281 department shall prepare a proposed schedule of dates for
 3282 determination of completeness, submission of statements of
 3283 issues, ~~determination of sufficiency~~, and submittal of final
 3284 reports, ~~from affected and other agencies~~ and other significant
 3285 dates to be followed during the certification process, including
 3286 dates for filing notices of appearances to be a party under s.
 3287 403.527(2) pursuant to s. 403.527(4). This schedule shall be
 3288 provided by the department to the applicant, the administrative
 3289 law judge, and the agencies identified under ~~pursuant to~~
 3290 subsection (1). Within 7 days after the filing of this proposed
 3291 schedule, the administrative law judge shall issue an order
 3292 establishing a schedule for the matters addressed in the
 3293 department's proposed schedule and other appropriate matters, if
 3294 any.

3295 (3) ~~Within 7 days after completeness has been determined,~~
 3296 ~~the applicant shall distribute copies of the application to all~~
 3297 ~~agencies identified by the department pursuant to subsection~~

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3298 ~~(1)~~ Copies of changes and amendments to the application shall
 3299 be timely distributed by the applicant to all agencies and
 3300 parties who have received a copy of the application.

3301 (4) Notice of the filing of the application shall be made
 3302 in accordance with the requirements of s. 403.5363.

3303 Section 52. Section 403.5252, Florida Statutes, is amended
 3304 to read:

3305 403.5252 Determination of completeness.--

3306 (1) (a) Within 30 days after distribution of an
 3307 application, the affected agencies shall file a statement with
 3308 the department containing the recommendations of each agency
 3309 concerning the completeness of the application for
 3310 certification.

3311 (b) Within 7 ~~15~~ days after receipt of the completeness
 3312 statements of each agency ~~an application~~, the department shall
 3313 file a statement with the Division of Administrative Hearings,
 3314 and with the applicant, and with all parties declaring its
 3315 position with regard to the completeness, ~~not the sufficiency,~~
 3316 of the application. The statement of the department shall be
 3317 based upon its consultation with the affected agencies.

3318 (2) ~~(1)~~ If the department declares the application to be
 3319 incomplete, the applicant, within 14 ~~15~~ days after the filing of
 3320 the statement by the department, shall file with the Division of
 3321 Administrative Hearings, with all parties, and with the
 3322 department a statement:

3323 (a) A withdrawal of ~~Agreeing with the statement of the~~
 3324 department and withdrawing the application;

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3325 (b) Additional information necessary to make the
3326 application complete. After the department first determines the
3327 application to be incomplete, the time schedules under this act
3328 are not tolled if the applicant makes the application complete
3329 within the 14-day period. A subsequent finding by the department
3330 that the application remains incomplete tolls the time schedules
3331 under this act until the application is determined complete;
3332 ~~Agreeing with the statement of the department and agreeing to~~
3333 ~~amend the application without withdrawing it. The time schedules~~
3334 ~~referencing a complete application under this act shall not~~
3335 ~~commence until the application is determined complete; or~~

3336 (c) A statement contesting the department's determination
3337 of incompleteness; or ~~statement of the department.~~

3338 (d) A statement agreeing with the department and
3339 requesting additional time to provide the information necessary
3340 to make the application complete. If the applicant exercises
3341 this option, the time schedules under this act are tolled until
3342 the application is determined complete.

3343 (3) ~~(a)-(2)~~ If the applicant contests the determination by
3344 the department that an application is incomplete, the
3345 administrative law judge shall schedule a hearing on the
3346 statement of completeness. The hearing shall be held as
3347 expeditiously as possible, but not later than 21 ~~30~~ days after
3348 the filing of the statement by the department. The
3349 administrative law judge shall render a decision within 7 ~~10~~
3350 days after the hearing.

3351 (b) Parties to a hearing on the issue of completeness
3352 shall include the applicant, the department, and any agency that

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3353 has jurisdiction over the matter in dispute. Any substantially
3354 affected person who wishes to become a party to the hearing on
3355 the issue of completeness must file a motion no later than 10
3356 days before the date of the hearing.

3357 (c)~~(a)~~ If the administrative law judge determines that the
3358 application was not complete ~~as filed~~, the applicant shall
3359 withdraw the application or make such additional submittals as
3360 necessary to complete it. The time schedules referencing a
3361 complete application under this act do ~~shall~~ not commence until
3362 the application is determined complete.

3363 (d)~~(b)~~ If the administrative law judge determines that the
3364 application was complete at the time it was declared incomplete
3365 ~~filed~~, the time schedules referencing a complete application
3366 under this act shall commence upon such determination.

3367 (4) If the applicant provides additional information to
3368 address the issues identified in the determination of
3369 incompleteness, each affected agency may submit to the
3370 department, no later than 14 days after the applicant files the
3371 additional information, a recommendation on whether the agency
3372 believes the application is complete. Within 21 days after
3373 receipt of the additional information from the applicant
3374 submitted under paragraphs (2) (b), (2) (d), or (3) (c) and
3375 considering the recommendations of the affected agencies, the
3376 department shall determine whether the additional information
3377 supplied by an applicant makes the application complete. If the
3378 department finds that the application is still incomplete, the
3379 applicant may exercise any of the options specified in
3380 subsection (2) as often as is necessary to resolve the dispute.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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3381 Section 53. Section 403.526, Florida Statutes, is amended
3382 to read:

3383 403.526 Preliminary statements of issues, reports, and
3384 project analyses; and studies.--

3385 (1) Each affected agency that is required to file a report
3386 ~~which received an application~~ in accordance with this section ~~s.~~
3387 ~~403.5251(3)~~ shall submit a preliminary statement of issues to
3388 the department and all parties the applicant no later than 50 ~~60~~
3389 days after the filing distribution of the complete application.
3390 Such statements of issues shall be made available to each local
3391 government for use as information for public meetings held under
3392 ~~pursuant to~~ s. 403.5272. The failure to raise an issue in this
3393 preliminary statement of issues does ~~shall~~ not preclude the
3394 issue from being raised in the agency's report.

3395 (2)(a) The following ~~affected~~ agencies shall prepare
3396 reports as provided below and shall submit them to the
3397 department and the applicant no later than ~~within~~ 90 days after
3398 the filing distribution of the complete application:

3399 1. The department shall prepare a report as to the impact
3400 of each proposed transmission line or corridor as it relates to
3401 matters within its jurisdiction.

3402 2. Each water management district in the jurisdiction of
3403 which a proposed transmission line or corridor is to be located
3404 shall prepare a report as to the impact on water resources and
3405 other matters within its jurisdiction.

3406 3. The Department of Community Affairs shall prepare a
3407 report containing recommendations which address the impact upon
3408 the public of the proposed transmission line or corridor, based

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3409 | on the degree to which the proposed transmission line or
 3410 | corridor is consistent with the applicable portions of the state
 3411 | comprehensive plan, emergency management, and other matters
 3412 | within its jurisdiction. The Department of Community Affairs may
 3413 | also comment on the consistency of the proposed transmission
 3414 | line or corridor with applicable strategic regional policy plans
 3415 | or local comprehensive plans and land development regulations.

3416 | 4. The Fish and Wildlife Conservation Commission shall
 3417 | prepare a report as to the impact of each proposed transmission
 3418 | line or corridor on fish and wildlife resources and other
 3419 | matters within its jurisdiction.

3420 | 5. Each local government shall prepare a report as to the
 3421 | impact of each proposed transmission line or corridor on matters
 3422 | within its jurisdiction, including the consistency of the
 3423 | proposed transmission line or corridor with all applicable local
 3424 | ordinances, regulations, standards, or criteria that apply to
 3425 | the proposed transmission line or corridor, including local
 3426 | comprehensive plans, zoning regulations, land development
 3427 | regulations, and any applicable local environmental regulations
 3428 | adopted pursuant to s. 403.182 or by other means. A ~~No~~ change by
 3429 | the responsible local government or local agency in local
 3430 | comprehensive plans, zoning ordinances, or other regulations
 3431 | made after the date required for the filing of the local
 3432 | government's report required by this section is not ~~shall be~~
 3433 | applicable to the certification of the proposed transmission
 3434 | line or corridor unless the certification is denied or the
 3435 | application is withdrawn.

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3436 6. Each regional planning council shall present a report
3437 containing recommendations that address the impact upon the
3438 public of the proposed transmission line or corridor based on
3439 the degree to which the transmission line or corridor is
3440 consistent with the applicable provisions of the strategic
3441 regional policy plan adopted under ~~pursuant to~~ chapter 186 and
3442 other impacts of each proposed transmission line or corridor on
3443 matters within its jurisdiction.

3444 7. The Department of Transportation shall prepare a report
3445 as to the impact of the proposed transmission line or corridor
3446 on state roads, railroads, airports, aeronautics, seaports, and
3447 other matters within its jurisdiction.

3448 8. The commission shall prepare a report containing its
3449 determination under s. 403.537 and the report may include the
3450 comments from the commission with respect to any other subject
3451 within its jurisdiction.

3452 9. Any other agency, if requested by the department, shall
3453 also perform studies or prepare reports as to subjects within
3454 the jurisdiction of the agency which may potentially be affected
3455 by the proposed transmission line.

3456 (b) Each report must ~~shall~~ contain:

3457 1. A notice of any nonprocedural requirements not
3458 specifically listed in the application from which a variance,
3459 exemption, exception, or other relief is necessary in order for
3460 the proposed corridor to be certified. Failure to include the
3461 notice shall be treated as a waiver from the nonprocedural
3462 requirements of that agency.

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3463 2. A recommendation for approval or denial of the
3464 application.

3465 3. The information on variances required by s. 403.531(2)
3466 and proposed conditions of certification on matters within the
3467 jurisdiction of each agency. For each condition proposed by an
3468 agency, the agency shall list the specific statute, rule, or
3469 ordinance, as applicable, which authorizes the proposed
3470 condition.

3471 (c) Each reviewing agency shall initiate the activities
3472 required by this section no later than 15 days after the
3473 ~~complete~~ application is filed ~~distributed~~. Each agency shall
3474 keep the applicant and the department informed as to the
3475 progress of its studies and any issues raised thereby.

3476 (d) When an agency whose agency head is a collegial body,
3477 such as a commission, board, or council, is required to submit a
3478 report pursuant to this section and is required by its own
3479 internal procedures to have the report reviewed by its agency
3480 head prior to finalization, the agency may submit to the
3481 Department a draft version of the report by the deadline
3482 indicated in subsection (a), and shall submit a final version of
3483 the report after review by the agency head, and no later than 15
3484 days after the deadline indicated in subsection (a).

3485 (e) Receipt of an affirmative determination of need from
3486 the commission by the submittal deadline for agency reports
3487 under paragraph (a) is a condition precedent to further
3488 processing of the application.

3489 (3) The department shall prepare a project ~~written~~
3490 analysis containing ~~which contains~~ a compilation of agency

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3491 reports and summaries of the material contained therein which
 3492 shall be filed with the administrative law judge and served on
 3493 all parties no later than 115 ~~135~~ days after the application is
 3494 filed ~~complete application has been distributed to the affected~~
 3495 ~~agencies~~, and which shall include:

3496 (a) A statement indicating whether the proposed electric
 3497 transmission line will be in compliance with the rules of the
 3498 department and affected agencies.

3499 (b) ~~(a)~~ The studies and reports required by this section
 3500 and s. 403.537.

3501 (c) ~~(b)~~ Comments received from any other agency or person.

3502 (d) ~~(e)~~ The recommendation of the department as to the
 3503 disposition of the application, of variances, exemptions,
 3504 exceptions, or other relief identified by any party, and of any
 3505 proposed conditions of certification which the department
 3506 believes should be imposed.

3507 (4) The failure of any agency to submit a preliminary
 3508 statement of issues or a report, or to submit its preliminary
 3509 statement of issues or report within the allowed time, is shall
 3510 ~~not be~~ grounds for the alteration of any time limitation in this
 3511 act under ~~pursuant to~~ s. 403.528. ~~Neither~~ The failure to submit
 3512 a preliminary statement of issues or a report, or ~~nor~~ the
 3513 inadequacy of the preliminary statement of issues or report, are
 3514 not shall be grounds to deny or condition certification.

3515 Section 54. Section 403.527, Florida Statutes, is amended
 3516 to read:

3517 (Substantial rewording of section. See
 3518 s. 403.527, F.S., for present text.)

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3519 403.527 Certification hearing, parties, participants.--
 3520 (1) (a) No later than 145 days after the application is
 3521 filed, the administrative law judge shall conduct a
 3522 certification hearing pursuant to ss. 120.569 and 120.57 at a
 3523 central location in proximity to the proposed transmission line
 3524 or corridor.

3525 (b) Notice of the certification hearing and other public
 3526 hearings provided for in this section and notice of the deadline
 3527 for filing of notice of intent to be a party shall be made in
 3528 accordance with the requirements of s. 403.5363.

3529 (2) (a) Parties to the proceeding shall be:

3530 1. The applicant.

3531 2. The department.

3532 3. The commission.

3533 4. The Department of Community Affairs.

3534 5. The Fish and Wildlife Conservation Commission.

3535 6. The Department of Transportation.

3536 7. Each water management district in the jurisdiction of
 3537 which the proposed transmission line or corridor is to be
 3538 located.

3539 8. The local government.

3540 9. The regional planning council.

3541 (b) Any party listed in paragraph (a), other than the
 3542 department or the applicant, may waive its right to participate
 3543 in these proceedings. If any listed party fails to file a notice
 3544 of its intent to be a party on or before the 30th day before the
 3545 certification hearing, the party is deemed to have waived its

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3546 right to be a party unless its participation would not prejudice
3547 the rights of any party to the proceeding.

3548 (c) Notwithstanding the provisions of chapter 120 to the
3549 contrary, upon the filing with the administrative law judge of a
3550 notice of intent to be a party by an agency, corporation, or
3551 association described in subparagraphs 1. and 2. or a petition
3552 for intervention by a person described in subparagraph 3. no
3553 later than 30 days before the date set for the certification
3554 hearing, the following shall also be parties to the proceeding:

3555 1. Any agency not listed in paragraph (a) as to matters
3556 within its jurisdiction.

3557 2. Any domestic nonprofit corporation or association
3558 formed, in whole or in part, to promote conservation of natural
3559 beauty; to protect the environment, personal health, or other
3560 biological values; to preserve historical sites; to promote
3561 consumer interests; to represent labor, commercial, or
3562 industrial groups; or to promote comprehensive planning or
3563 orderly development of the area in which the proposed
3564 transmission line or corridor is to be located.

3565 3. Any person whose substantial interests are affected and
3566 being determined by the proceeding.

3567 (d) Any agency whose properties or works may be affected
3568 shall be made a party upon the request of the agency or any
3569 party to this proceeding.

3570 (3) (a) The order of presentation at the certification
3571 hearing, unless otherwise changed by the administrative law
3572 judge to ensure the orderly presentation of witnesses and
3573 evidence, shall be:

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- 3574 | 1. The applicant.
- 3575 | 2. The department.
- 3576 | 3. State agencies.
- 3577 | 4. Regional agencies, including regional planning councils
- 3578 | and water management districts.
- 3579 | 5. Local governments.
- 3580 | 6. Other parties.

3581 | (b) When appropriate, any person may be given an
 3582 | opportunity to present oral or written communications to the
 3583 | administrative law judge. If the administrative law judge
 3584 | proposes to consider such communications, all parties shall be
 3585 | given an opportunity to cross-examine, challenge, or rebut the
 3586 | communications.

3587 | (4) One public hearing where members of the public who are
 3588 | not parties to the certification hearing may testify shall be
 3589 | held within the boundaries of each county, at the option of any
 3590 | local government.

3591 | (a) A local government shall notify the administrative law
 3592 | judge and all parties not later than 21 days after the
 3593 | application has been determined complete as to whether the local
 3594 | government wishes to have a public hearing. If a filing for an
 3595 | alternate corridor is accepted for consideration under s.
 3596 | 403.5271(1) by the department and the applicant, any newly
 3597 | affected local government must notify the administrative law
 3598 | judge and all parties not later than 10 days after the data
 3599 | concerning the alternate corridor has been determined complete
 3600 | as to whether the local government wishes to have such a public
 3601 | hearing. The local government is responsible for providing the

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3602 location of the public hearing if held separately from the
3603 certification hearing.

3604 (b) Within 5 days after notification, the administrative
3605 law judge shall determine the date of the public hearing, which
3606 shall be held before or during the certification hearing. If two
3607 or more local governments within one county request a public
3608 hearing, the hearing shall be consolidated so that only one
3609 public hearing is held in any county. The location of a
3610 consolidated hearing shall be determined by the administrative
3611 law judge.

3612 (c) If a local government does not request a public
3613 hearing within 21 days after the application has been determined
3614 complete, persons residing within the jurisdiction of the local
3615 government may testify during that portion of the certification
3616 hearing at which public testimony is heard.

3617 (5) At the conclusion of the certification hearing, the
3618 administrative law judge shall, after consideration of all
3619 evidence of record, issue a recommended order disposing of the
3620 application no later than 45 days after the transcript of the
3621 certification hearing and the public hearings is filed with the
3622 Division of Administrative Hearings.

3623 (6) (a) No later than 25 days before the certification
3624 hearing, the department or the applicant may request that the
3625 administrative law judge cancel the certification hearing and
3626 relinquish jurisdiction to the department if all parties to the
3627 proceeding stipulate that there are no disputed issues of
3628 material fact to be raised at the certification hearing.

3629 (b) The administrative law judge shall issue an order
 3630 granting or denying the request within 5 days.

3631 (c) If the administrative law judge grants the request,
 3632 the department and the applicant shall publish notices of the
 3633 cancellation of the certification hearing in accordance with s.
 3634 403.5363.

3635 (d)1. If the administrative law judge grants the request,
 3636 the department shall prepare and issue a final order in
 3637 accordance with s. 403.529(1) (a).

3638 2. Parties may submit proposed final orders to the
 3639 department no later than 10 days after the administrative law
 3640 judge issues an order relinquishing jurisdiction.

3641 (7) The applicant shall pay those expenses and costs
 3642 associated with the conduct of the hearing and the recording and
 3643 transcription of the proceedings.

3644 Section 55. Section 403.5271, Florida Statutes, is amended
 3645 to read:

3646 403.5271 Alternate corridors.--

3647 (1) No later than 45 ~~50~~ days before ~~prior to~~ the
 3648 originally scheduled certification hearing, any party may
 3649 propose alternate transmission line corridor routes for
 3650 consideration under ~~pursuant to~~ the provisions of this act.

3651 (a) A notice of a ~~any such~~ proposed alternate corridor
 3652 must ~~shall~~ be filed with the administrative law judge, all
 3653 parties, and any local governments in whose jurisdiction the
 3654 alternate corridor is proposed. The ~~Such~~ filing must ~~shall~~
 3655 include the most recent United States Geological Survey 1:24,000
 3656 quadrangle maps specifically delineating the corridor

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3657 boundaries, a description of the proposed corridor, and a
3658 statement of the reasons the proposed alternate corridor should
3659 be certified.

3660 (b)1. Within 7 days after receipt of the ~~such~~ notice, the
3661 applicant and the department shall file with the administrative
3662 law judge and all parties a notice of acceptance or rejection of
3663 a proposed alternate corridor for consideration. If the
3664 alternate corridor is rejected ~~either~~ by the applicant or the
3665 department, the certification hearing and the public hearings
3666 shall be held as scheduled. If both the applicant and the
3667 department accept a proposed alternate corridor for
3668 consideration, the certification hearing and the public hearings
3669 shall be rescheduled, if necessary.

3670 2. If rescheduled, the certification hearing shall be held
3671 no more than 90 days after the previously scheduled
3672 certification hearing, unless the data submitted under paragraph
3673 (d) is determined to be incomplete, in which case the
3674 rescheduled certification hearing shall be held no more than 105
3675 days after the previously scheduled certification hearing. If
3676 additional time is needed due to the alternate corridor crossing
3677 a local government jurisdiction that was not previously
3678 affected, in which case the remainder of the schedule listed
3679 below shall be appropriately adjusted by the administrative law
3680 judge to allow that local government to prepare a report
3681 pursuant to s. 403.526(2)(a)5.

3682 (c) Notice of the filing of the alternate corridor, of the
3683 revised time schedules, of the deadline for newly affected
3684 persons and agencies to file notice of intent to become a party,

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3685 of the rescheduled hearing date, and of the proceedings pursuant
3686 ~~to s. 403.527(1)(b) and (c)~~ shall be published in accordance
3687 with s. 403.5363.

3688 (d) Within 21 ~~25~~ days after acceptance of an alternate
3689 corridor by the department and the applicant, the party
3690 proposing an alternate corridor shall have the burden of
3691 providing all additional data to the agencies listed in s.
3692 403.526(2) and newly affected agencies ~~s. 403.526~~ necessary for
3693 the preparation of a supplementary report on the proposed
3694 alternate corridor.

3695 (e) 1. Reviewing agencies shall advise the department of
3696 any issues concerning completeness no later than 15 days after
3697 the submittal of the data required by paragraph (d). Within 22
3698 days after receipt of the data, the department shall issue a
3699 determination of completeness.

3700 2. If the department determines that the data required by
3701 paragraph (d) is not complete, the party proposing the alternate
3702 corridor must file such additional data to correct the
3703 incompleteness. This additional data must be submitted within 14
3704 days after the determination by the department.

3705 3. If the department, within 14 days after receiving the
3706 additional data, determines that the data remains incomplete,
3707 the incompleteness of the data is deemed a withdrawal of the
3708 proposed alternate corridor. The department may make its
3709 determination based on recommendations made by other affected
3710 agencies. If the department determines within 15 days that this
3711 additional data is insufficient, the party proposing the
3712 alternate corridor shall file such additional data that corrects

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3713 ~~the insufficiency within 15 days after the filing of the~~
3714 ~~department's determination. If such additional data is~~
3715 ~~determined insufficient, such insufficiency of data shall be~~
3716 ~~deemed a withdrawal of the proposed alternate corridor. The~~
3717 ~~party proposing an alternate corridor shall have the burden of~~
3718 ~~proof on the certifiability of the alternate corridor at the~~
3719 ~~certification hearing pursuant to s. 403.529(4). Nothing in this~~
3720 ~~act shall be construed as requiring the applicant or agencies~~
3721 ~~not proposing the alternate corridor to submit data in support~~
3722 ~~of such alternate corridor.~~

3723 (f) The agencies listed in s. 403.526(2) and any newly
3724 affected agencies s. 403.526 shall file supplementary reports
3725 with the applicant and the department which address addressing
3726 the proposed alternate corridors no later than 24 ~~60~~ days after
3727 the ~~additional data is~~ submitted pursuant to paragraph (d) or
3728 paragraph (e) is determined to be complete.

3729 (g) The agency reports on alternate corridors must include
3730 all information required by s. 403.526(2) ~~agencies shall submit~~
3731 ~~supplementary notice pursuant to s. 403.531(2) at the time of~~
3732 ~~filing of their supplemental report.~~

3733 (h) When an agency whose agency head is a collegial body,
3734 such as a commission, board, or council, is required to submit a
3735 report pursuant to this section and is required by its own
3736 internal procedures to have the report reviewed by its agency
3737 head prior to finalization, the agency may submit to the
3738 Department a draft version of the report by the deadline
3739 indicated in subsection (f), and shall submit a final version of

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3740 the report after review by the agency head, and no later than 7
3741 days after the deadline indicated in subsection (f).

3742 (i)(h) The department shall file with the administrative
3743 law judge, the applicant, and all parties a project ~~prepare a~~
3744 written analysis consistent with s. 403.526(3) no more than 16
3745 at ~~least 29~~ days after submittal of agency reports on prior to
3746 the rescheduled certification hearing addressing the proposed
3747 alternate corridor.

3748 (2) If the original certification hearing date is
3749 rescheduled, the rescheduling shall not provide the opportunity
3750 for parties to file additional alternate corridors to the
3751 applicant's proposed corridor or any accepted alternate
3752 corridor. However, an amendment to the application which changes
3753 the alignment of the applicant's proposed corridor shall require
3754 rescheduling of the certification hearing, if necessary, so as
3755 to allow time for a party to file alternate corridors to the
3756 realigned proposed corridor for which the application has been
3757 amended. Any ~~such~~ alternate corridor proposal shall have the
3758 same starting and ending points as the realigned portion of the
3759 corridor proposed by the applicant's amendment, provided that
3760 the administrative law judge for good cause shown may authorize
3761 another starting or ending point in the area of the applicant's
3762 amended corridor.

3763 (3) (a) Notwithstanding the rejection of a proposed
3764 alternate corridor by the applicant or the department, any party
3765 may present evidence at the certification hearing to show that a
3766 corridor proper for certification does not satisfy the criteria
3767 listed in s. 403.529 or that a rejected alternate corridor would

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3768 meet the criteria set forth in s. 403.529. ~~No~~ Evidence may not
 3769 ~~shall~~ be admitted at the certification hearing on any alternate
 3770 corridor, unless the alternate corridor was proposed by the
 3771 filing of a notice at least 45 ~~50~~ days before ~~prior to~~ the
 3772 originally scheduled certification hearing pursuant to this
 3773 section. Rejected alternate corridors shall be considered by the
 3774 board as provided in s. 403.529(4) and (5).

3775 (b) The party proposing an alternate corridor has the
 3776 burden to prove that the alternate corridor can be certified at
 3777 the certification hearing. This act does not require an
 3778 applicant or agency that is not proposing the alternate corridor
 3779 to submit data in support of the alternate corridor.

3780 (4) If an alternate corridor is accepted by the applicant
 3781 and the department pursuant to a notice of acceptance as
 3782 provided in this subsection and the ~~such~~ corridor is ultimately
 3783 determined to be the corridor that would meet the criteria set
 3784 forth in s. 403.529(4) and (5), the board shall certify that
 3785 corridor.

3786 Section 56. Section 403.5272, Florida Statutes, is amended
 3787 to read:

3788 403.5272 ~~Local governments~~, Informational public
 3789 meetings.--

3790 (1) A local government whose jurisdiction is to be crossed
 3791 by a proposed corridor ~~governments~~ may hold one informational
 3792 public meeting ~~meetings~~ in addition to the hearings specifically
 3793 authorized by this act on any matter associated with the
 3794 transmission line proceeding. The ~~Such~~ informational public
 3795 meeting may be conducted by the local government or the regional

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3796 | planning council and shall ~~meetings should~~ be held no later than
 3797 | 55 ~~80~~ days after the application is filed. The purpose of an
 3798 | informational public meeting is for the local government or
 3799 | regional planning council to further inform the ~~general~~ public
 3800 | about the transmission line proposed, obtain comments from the
 3801 | public, and formulate its recommendation with respect to the
 3802 | proposed transmission line.

3803 | (2) Informational public meetings shall be held solely at
 3804 | the option of each local government or regional planning
 3805 | council. It is the legislative intent that local governments or
 3806 | regional planning councils attempt to hold such public meetings.
 3807 | Parties to the proceedings under this act shall be encouraged to
 3808 | attend; however, a ~~no~~ party other than the applicant and the
 3809 | department is not shall be required to attend the such
 3810 | informational public meetings ~~hearings~~.

3811 | (3) A local government or regional planning council that
 3812 | intends to conduct an informational public meeting must provide
 3813 | notice of the meeting, with notice sent to all parties listed in
 3814 | s. 403.527(2) (a), not less than 5 days before the meeting.

3815 | (4) ~~(3)~~ The failure to hold an informational public meeting
 3816 | or the procedure used for the informational public meeting are
 3817 | ~~shall not be~~ grounds for the alteration of any time limitation
 3818 | in this act under ~~pursuant to~~ s. 403.528 or grounds to deny or
 3819 | condition certification.

3820 | Section 57. Section 403.5275, Florida Statutes, is amended
 3821 | to read:

3822 | 403.5275 Amendment to the application.--

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3823 (1) Any amendment made to the application before
3824 certification shall be sent by the applicant to the
3825 administrative law judge and to all parties to the proceeding.

3826 (2) Any amendment to the application made before ~~prior to~~
3827 certification shall be disposed of as part of the original
3828 certification proceeding. Amendment of the application may be
3829 considered "good cause" for alteration of time limits pursuant
3830 to s. 403.528.

3831 Section 58. Section 403.528, Florida Statutes, is amended
3832 to read:

3833 403.528 Alteration of time limits.--

3834 (1) Any time limitation in this act may be altered by the
3835 administrative law judge upon stipulation between the department
3836 and the applicant unless objected to by any party within 5 days
3837 after notice or for good cause shown by any party.

3838 (2) A comprehensive application encompassing more than one
3839 proposed transmission line may be good cause for alternation of
3840 time limits.

3841 Section 59. Section 403.529, Florida Statutes, is amended
3842 to read:

3843 403.529 Final disposition of application.--

3844 (1)(a) If the administrative law judge has granted a
3845 request to cancel the certification hearing and has relinquished
3846 jurisdiction to the department under s. 403.527(6), within 40
3847 days thereafter, the secretary of the department shall act upon
3848 the application by written order in accordance with the terms of
3849 this act and state the reasons for issuance or denial.

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3850 (b) If the administrative law judge does not grant a
3851 request to cancel the certification hearing under the provisions
3852 of s. 403.527(6) within 60 30 days after receipt of the
3853 administrative law judge's recommended order, the board shall
3854 act upon the application by written order, approving in whole,
3855 approving with such conditions as the board deems appropriate,
3856 or denying the certification and stating the reasons for
3857 issuance or denial.

3858 (2) The issues that may be raised in any hearing before
3859 the board shall be limited to matters raised in the
3860 certification proceeding before the administrative law judge or
3861 raised in the recommended order of the administrative law judge.
3862 All parties, or their representatives, or persons who appear
3863 before the board shall be subject to ~~the provisions of~~ s.
3864 120.66.

3865 (3) If certification is denied, the board, or secretary if
3866 applicable, shall set forth in writing the action the applicant
3867 would have to take to secure the approval of the application ~~by~~
3868 ~~the board~~.

3869 (4) In determining whether an application should be
3870 approved in whole, approved with modifications or conditions, or
3871 denied, the board, or secretary when applicable, shall consider
3872 whether, and the extent to which, the location of the
3873 transmission line corridor and the construction, operation, and
3874 maintenance of the transmission line will:

3875 (a) Ensure electric power system reliability and
3876 integrity;

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3877 (b) Meet the electrical energy needs of the state in an
 3878 orderly, economical, and timely fashion;
 3879 (c) Comply with applicable nonprocedural requirements of
 3880 agencies;
 3881 (d) Be consistent with applicable provisions of local
 3882 government comprehensive plans, if any; and
 3883 (e) Effect a reasonable balance between the need for the
 3884 transmission line as a means of providing reliable, economically
 3885 efficient electric energy, as determined by the commission,
 3886 under s. 403.537, abundant low cost electrical energy and the
 3887 impact upon the public and the environment resulting from the
 3888 location of the transmission line corridor and the construction,
 3889 operation, and maintenance of the transmission lines.
 3890 (5) (a) Any transmission line corridor certified by the
 3891 board, or secretary if applicable, shall meet the criteria of
 3892 this section. When more than one transmission line corridor is
 3893 proper for certification under ~~pursuant to~~ s. 403.522(10) and
 3894 meets the criteria of this section, the board, or secretary if
 3895 applicable, shall certify the transmission line corridor that
 3896 has the least adverse impact regarding the criteria in
 3897 subsection (4), including costs.
 3898 (b) If the board, or secretary if applicable, finds that
 3899 an alternate corridor rejected pursuant to s. 403.5271 meets the
 3900 criteria of subsection (4) and has the least adverse impact
 3901 regarding the criteria in subsection (4), including cost, of all
 3902 corridors that meet the criteria of subsection (4), ~~then~~ the
 3903 board, or secretary if applicable, shall deny certification or

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3904 shall allow the applicant to submit an amended application to
3905 include the ~~such~~ corridor.

3906 (c) If the board, or secretary if applicable, finds that
3907 two or more of the corridors that comply with ~~the provisions of~~
3908 subsection (4) have the least adverse impacts regarding the
3909 criteria in subsection (4), including costs, and that the ~~such~~
3910 corridors are substantially equal in adverse impacts regarding
3911 the criteria in subsection (4), including costs, ~~then~~ the board,
3912 or secretary if applicable, shall certify the corridor preferred
3913 by the applicant if the corridor is one proper for certification
3914 under ~~pursuant to~~ s. 403.522(10).

3915 (6) The issuance or denial of the certification is ~~by the~~
3916 ~~board shall be~~ the final administrative action required as to
3917 that application.

3918 Section 60. Section 403.531, Florida Statutes, is amended
3919 to read:

3920 403.531 Effect of certification.--

3921 (1) Subject to the conditions set forth therein,
3922 certification shall constitute the sole license of the state and
3923 any agency as to the approval of the location of transmission
3924 line corridors and the construction, operation, and maintenance
3925 of transmission lines. The certification is ~~shall be~~ valid for
3926 the life of the transmission line, if ~~provided that~~ construction
3927 on, or condemnation or acquisition of, the right-of-way is
3928 commenced within 5 years after ~~of~~ the date of certification or
3929 such later date as may be authorized by the board.

3930 (2) (a) The certification authorizes ~~shall authorize~~ the
3931 licensee ~~applicant~~ to locate the transmission line corridor and

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3932 to construct and maintain the transmission lines subject only to
3933 the conditions of certification set forth in the ~~such~~
3934 certification.

3935 (b) The certification may include conditions that ~~which~~
3936 constitute variances and exemptions from nonprocedural standards
3937 or rules ~~regulations~~ of the department or any other agency,
3938 which were expressly considered during the certification review
3939 ~~proceeding~~ unless waived by the agency as provided in s. 403.526
3940 ~~below~~ and which otherwise would be applicable to the location of
3941 the proposed transmission line corridor or the construction,
3942 operation, and maintenance of the transmission lines. ~~Each party~~
3943 ~~shall notify the applicant and other parties at the time~~
3944 ~~scheduled for the filing of the agency reports of any~~
3945 ~~nonprocedural requirements not specifically listed in the~~
3946 ~~application from which a variance, exemption, exception, or~~
3947 ~~other relief is necessary in order for the board to certify any~~
3948 ~~corridor proposed for certification. Failure of such~~
3949 ~~notification shall be treated as a waiver from the nonprocedural~~
3950 ~~requirements of that agency.~~

3951 (3) (a) The certification shall be in lieu of any license,
3952 permit, certificate, or similar document required by any state,
3953 regional, or local agency under ~~pursuant to,~~ but not limited to,
3954 chapter 125, chapter 161, chapter 163, chapter 166, chapter 186,
3955 chapter 253, chapter 258, chapter 298, chapter 370, chapter 372,
3956 chapter 373, chapter 376, chapter 380, chapter 381, ~~chapter 387,~~
3957 chapter 403, chapter 404, the Florida Transportation Code, or 33
3958 U.S.C. s. 1341.

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3959 **(b)** On certification, any license, easement, or other
 3960 interest in state lands, except those the title of which is
 3961 vested in the Board of Trustees of the Internal Improvement
 3962 Trust Fund, shall be issued by the appropriate agency as a
 3963 ministerial act. The applicant shall ~~be required to~~ seek any
 3964 necessary interest in state lands the title to which is vested
 3965 in the Board of Trustees of the Internal Improvement Trust Fund
 3966 from the board of trustees before, during, or after the
 3967 certification proceeding, and certification may be made
 3968 contingent upon issuance of the appropriate interest in realty.
 3969 However, ~~neither~~ the applicant and ~~nor~~ any party to the
 3970 certification proceeding may not directly or indirectly raise or
 3971 relitigate any matter that ~~which~~ was or could have been an issue
 3972 in the certification proceeding in any proceeding before the
 3973 Board of Trustees of the Internal Improvement Trust Fund wherein
 3974 the applicant is seeking a necessary interest in state lands,
 3975 but the information presented in the certification proceeding
 3976 shall be available for review by the board of trustees and its
 3977 staff.

3978 (4) This act does ~~shall~~ not in any way affect the
 3979 ratemaking powers of the commission under chapter 366. This act
 3980 does ~~shall~~ ~~also~~ not in any way affect the right of any local
 3981 government to charge appropriate fees or require that
 3982 construction be in compliance with the National Electrical
 3983 Safety Code, as prescribed by the commission.

3984 (5) A ~~No~~ term or condition of certification may not ~~shall~~
 3985 be interpreted to preclude the postcertification exercise by any

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3986 party of whatever procedural rights it may have under chapter
3987 120, including those related to rulemaking proceedings.

3988 Section 61. Section 403.5312, Florida Statutes, is amended
3989 to read:

3990 403.5312 Filing ~~Recording~~ of notice of certified corridor
3991 route.--

3992 (1) Within 60 days after certification of a directly
3993 associated transmission line under ~~pursuant to~~ ss. 403.501-
3994 403.518 or a transmission line corridor under ~~pursuant to~~ ss.
3995 403.52-403.5365, the applicant shall file with the department
3996 and, in accordance with s. 28.222, with the clerk of the circuit
3997 court for each county through which the corridor will pass, a
3998 notice of the certified route.

3999 (2) The notice must ~~shall~~ consist of maps or aerial
4000 photographs in the scale of 1:24,000 which clearly show the
4001 location of the certified route and must ~~shall~~ state that the
4002 certification of the corridor will result in the acquisition of
4003 rights-of-way within the corridor. Each clerk shall record the
4004 filing in the official record of the county for the duration of
4005 the certification or until such time as the applicant certifies
4006 to the department and the clerk that all lands required for the
4007 transmission line rights-of-way within the corridor have been
4008 acquired within the ~~such~~ county, whichever is sooner.

4009 (3) The recording of this notice does ~~shall~~ not constitute
4010 a lien, cloud, or encumbrance on real property.

4011 Section 62. Section 403.5315, Florida Statutes, is amended
4012 to read:

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4013 403.5315 Modification of certification.--A certification
4014 may be modified after issuance in any one of the following ways:

4015 (1) The board may delegate to the department the authority
4016 to modify specific conditions in the certification.

4017 (2) The licensee may file a petition for modification with
4018 the department or the department may initiate the modification
4019 upon its own initiative.

4020 (a) A petition for modification must set forth:

4021 1. The proposed modification;

4022 2. The factual reasons asserted for the modification; and

4023 3. The anticipated additional environmental effects of the
4024 proposed modification.

4025 (b)(2) The department may modify the terms and conditions
4026 of the certification if no party objects in writing to the ~~such~~
4027 modification within 45 days after notice by mail to the last
4028 address of record in the certification proceeding, and if no
4029 other person whose substantial interests will be affected by the
4030 modification objects in writing within 30 days after issuance of
4031 public notice.

4032 (c) If objections are raised or the department denies the
4033 proposed modification, the licensee may file a request for
4034 hearing on the modification with the department. Such a request
4035 shall be handled pursuant to chapter 120.

4036 (d) A request for hearing referred to the Division of
4037 Administrative Hearings shall be disposed of in the same manner
4038 as an application but with time periods established by the
4039 administrative law judge commensurate with the significance of
4040 the modification requested. ~~If objections are raised, the~~

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4041 ~~applicant may file a petition for modification pursuant to~~
4042 ~~subsection (3).~~

4043 ~~(3) The applicant or the department may file a petition~~
4044 ~~for modification with the department and the Division of~~
4045 ~~Administrative Hearings setting forth:~~

4046 ~~(a) The proposed modification;~~

4047 ~~(b) The factual reasons asserted for the modification; and~~

4048 ~~(c) The anticipated additional environmental effects of~~
4049 ~~the proposed modification.~~

4050 ~~(4) Petitions filed pursuant to subsection (3) shall be~~
4051 ~~disposed of in the same manner as an application but with time~~
4052 ~~periods established by the administrative law judge commensurate~~
4053 ~~with the significance of the modification requested.~~

4054 Section 63. Section 403.5317, Florida Statutes, is created
4055 to read:

4056 403.5317 Postcertification activities.--

4057 (1) (a) If, subsequent to certification, a licensee
4058 proposes any material change to the application or prior
4059 amendments, the licensee shall submit to the department a
4060 written request for amendment and description of the proposed
4061 change to the application. The department shall, within 30 days
4062 after the receipt of the request for the amendment, determine
4063 whether the proposed change to the application requires a
4064 modification of the conditions of certification.

4065 (b) If the department concludes that the change would not
4066 require a modification of the conditions of certification, the
4067 department shall notify, in writing, the licensee, all agencies,
4068 and all parties of the approval of the amendment.

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4069 (c) If the department concludes that the change would
4070 require a modification of the conditions of certification, the
4071 department shall notify the licensee that the proposed change to
4072 the application requires a request for modification under s.
4073 403.5315.

4074 (2) Postcertification submittals filed by a licensee with
4075 one or more agencies are for the purpose of monitoring for
4076 compliance with the issued certification. Each submittal must be
4077 reviewed by each agency on an expedited and priority basis
4078 because each facility certified under this act is a critical
4079 infrastructure facility. Postcertification review may not be
4080 completed more than 90 days after complete information for a
4081 segment of the certified transmission line is submitted to the
4082 reviewing agencies.

4083 Section 64. Section 403.5363, Florida Statutes, is created
4084 to read:

4085 403.5363 Public notices; requirements.--

4086 (1)(a) The applicant shall arrange for the publication of
4087 the notices specified in paragraph (b).

4088 1. The notices shall be published in newspapers of general
4089 circulation within counties crossed by the transmission line
4090 corridors proper for certification. The required newspaper
4091 notices for filing of an application and for the certification
4092 hearing shall be one-half page in size in a standard-size
4093 newspaper or a full page in a tabloid-size newspaper and
4094 published in a section of the newspaper other than the section
4095 for legal notices. These two notices must include a map
4096 generally depicting all transmission corridors proper for

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4097 certification. A newspaper of general circulation shall be the
4098 newspaper within a county crossed by a transmission line
4099 corridor proper for certification which newspaper has the
4100 largest daily circulation in that county and has its principal
4101 office in that county. If the newspaper having the largest daily
4102 circulation has its principal office outside the county, the
4103 notices must appear in both the newspaper having the largest
4104 circulation in that county and in a newspaper authorized to
4105 publish legal notices in that county.

4106 2. The department shall adopt rules specifying the content
4107 of the newspaper notices.

4108 3. All notices published by the applicant shall be paid
4109 for by the applicant and shall be in addition to the application
4110 fee.

4111 (b) Public notices that must be published under this
4112 section include:

4113 1. The notice of the filing of an application, which must
4114 include a description of the proceedings required by this act.
4115 The notice must describe the provisions of s. 403.531(1) and (2)
4116 and give the date by which notice of intent to be a party or a
4117 petition to intervene in accordance with s. 403.527(2) must be
4118 filed. This notice must be published no more than 21 days after
4119 the application is filed.

4120 2. The notice of the certification hearing and any other
4121 public hearing permitted under s. 403.527. The notice must
4122 include the date by which a person wishing to appear as a party
4123 must file the notice to do so. The notice of the certification

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4124 hearing must be published at least 65 days before the date set
4125 for the certification hearing.

4126 3. The notice of the cancellation of the certification
4127 hearing, if applicable. The notice must be published at least 3
4128 days before the date of the originally scheduled certification
4129 hearing.

4130 4. The notice of the filing of a proposal to modify the
4131 certification submitted under s. 403.5315, if the department
4132 determines that the modification would require relocation or
4133 expansion of the transmission line right-of-way or a certified
4134 substation.

4135 (2) The proponent of an alternate corridor shall arrange
4136 for the publication of the filing of the proposal for an
4137 alternate corridor, the revised time schedules, the date by
4138 which newly affected persons or agencies may file the notice of
4139 intent to become a party, and the date of the rescheduled
4140 hearing. A notice listed in this subsection must be published in
4141 a newspaper of general circulation within the county or counties
4142 crossed by the proposed alternate corridor and comply with the
4143 content requirements set forth in paragraph (1)(a). The notice
4144 must be published not less than 50 days before the rescheduled
4145 certification hearing.

4146 (3) The department shall arrange for the publication of
4147 the following notices in the manner specified by chapter 120:

4148 (a) The notice of the filing of an application and the
4149 date by which a person intending to become a party must file a
4150 petition to intervene or a notice of intent to be a party. The

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4151 notice must be published no later than 21 days after the
4152 application has been filed.

4153 (b) The notice of any administrative hearing for
4154 certification, if applicable. The notice must be published not
4155 less than 65 days before the date set for a hearing, except that
4156 notice for a rescheduled certification hearing after acceptance
4157 of an alternative corridor must be published not less than 50
4158 days before the date set for the hearing.

4159 (c) The notice of the cancellation of a certification
4160 hearing, if applicable. The notice must be published not later
4161 than 7 days before the date of the originally scheduled
4162 certification hearing.

4163 (d) The notice of the hearing before the siting board, if
4164 applicable.

4165 (e) The notice of stipulations, proposed agency action, or
4166 a petition for modification.

4167 Section 65. Section 403.5365, Florida Statutes, is amended
4168 to read:

4169 403.5365 Fees; disposition.--The department shall charge
4170 the applicant the following fees, as appropriate, which, unless
4171 otherwise specified, shall be paid into the Florida Permit Fee
4172 Trust Fund:

4173 (1) An application fee.

4174 (a) The application fee shall be of \$100,000, plus \$750
4175 per mile for each mile of corridor in which the transmission
4176 line right-of-way is proposed to be located within an existing
4177 electric ~~electrical~~ transmission line right-of-way or within any
4178 existing right-of-way for any road, highway, railroad, or other

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4179 aboveground linear facility, or \$1,000 per mile for each mile of
4180 electric transmission line corridor proposed to be located
4181 outside the ~~such~~ existing right-of-way.

4182 (b)-(a) Sixty percent of the fee shall go to the department
4183 to cover any costs associated with coordinating the review of
4184 ~~reviewing~~ and acting upon the application and any costs for
4185 field services associated with monitoring construction and
4186 operation of the electric transmission line facility.

4187 (c)-(b) The following percentage ~~Twenty percent of the fees~~
4188 ~~specified under this section, except postcertification fees,~~
4189 shall be transferred to the Administrative Trust Fund of the
4190 Division of Administrative Hearings of the Department of
4191 Management Services:-

4192 1. Five percent to compensate for expenses from the
4193 initial exercise of duties associated with the filing of an
4194 application.

4195 2. An additional 10 percent if an administrative hearing
4196 under s. 403.527 is held.

4197 (d)1.(e) Upon written request with proper itemized
4198 accounting within 90 days after final agency action by the
4199 siting board or the department or the withdrawal of the
4200 application, the agencies that prepared reports under s. 403.526
4201 or s. 403.5271 or participated in a hearing under s. 403.527 or
4202 s. 403.5271 may submit a written request to the department for
4203 reimbursement of expenses incurred during the certification
4204 proceedings. The request must contain an accounting of expenses
4205 incurred, which may include time spent reviewing the
4206 application, ~~department shall reimburse the expenses and costs~~

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4207 ~~of the Department of Community Affairs, the Fish and Wildlife~~
 4208 ~~Conservation Commission, the water management district, regional~~
 4209 ~~planning council, and local government in the jurisdiction of~~
 4210 ~~which the transmission line is to be located. Such reimbursement~~
 4211 ~~shall be authorized for the preparation of any studies required~~
 4212 ~~of the agencies by this act, and for agency travel and per diem~~
 4213 ~~to attend any hearing held under pursuant to this act, and for~~
 4214 ~~the local government or regional planning council providing~~
 4215 ~~additional notice of the informational public meeting. The~~
 4216 ~~department shall review the request and verify whether a claimed~~
 4217 ~~expense is valid. Valid expenses shall be reimbursed; however,~~
 4218 ~~if to participate in the proceedings. In the event the amount of~~
 4219 ~~funds available for reimbursement allocation is insufficient to~~
 4220 ~~provide for full compensation ~~complete reimbursement~~ to the~~
 4221 agencies, reimbursement shall be on a prorated basis.

4222 2. If the application review is held in abeyance for more
 4223 than 1 year, the agencies may submit a request for reimbursement
 4224 under subparagraph 1.

4225 (e) ~~(d)~~ If any sums are remaining, the department shall
 4226 retain them for its use in the same manner as is otherwise
 4227 authorized by this section; ~~provided,~~ however, ~~that~~ if the
 4228 certification application is withdrawn, the remaining sums shall
 4229 be refunded to the applicant within 90 days after withdrawal.

4230 (2) An amendment fee.

4231 (a) If no corridor alignment change is proposed by the
 4232 amendment, no amendment fee shall be charged.

4233 (b) If a corridor alignment change under s. 403.5275 is
 4234 proposed by the applicant, an additional fee of a minimum of

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4235 \$2,000 and \$750 per mile shall be submitted to the department
4236 for use in accordance with this act.

4237 (c) If an amendment is required to address issues,
4238 including alternate corridors under ~~pursuant to~~ s. 403.5271,
4239 raised by the department or other parties, no fee for the ~~such~~
4240 amendment shall be charged.

4241 (3) A certification modification fee.

4242 (a) If no corridor alignment change is proposed by the
4243 licensee applicant, the modification fee shall be \$4,000.

4244 (b) If a corridor alignment change is proposed by the
4245 licensee applicant, the fee shall be \$1,000 for each mile of
4246 realignment plus an amount not to exceed \$10,000 to be fixed by
4247 rule on a sliding scale based on the load-carrying capability
4248 and configuration of the transmission line for use in accordance
4249 with subsection (1) ~~(2)~~.

4250 Section 66. Subsection (1) of section 403.537, Florida
4251 Statutes, is amended to read:

4252 403.537 Determination of need for transmission line;
4253 powers and duties.--

4254 (1)(a) Upon request by an applicant or upon its own
4255 motion, the Florida Public Service Commission shall schedule a
4256 public hearing, after notice, to determine the need for a
4257 transmission line regulated by the Florida Electric Transmission
4258 Line Siting Act, ss. 403.52-403.5365. The ~~Such~~ notice shall be
4259 published at least 21 ~~45~~ days before the date set for the
4260 hearing and shall be published by the applicant in at least one-
4261 quarter page size notice in newspapers of general circulation,
4262 and by the commission in the manner specified in chapter 120 in

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4263 ~~the Florida Administrative Weekly~~, by giving notice to counties
 4264 and regional planning councils in whose jurisdiction the
 4265 transmission line could be placed, and by giving notice to any
 4266 persons who have requested to be placed on the mailing list of
 4267 the commission for this purpose. Within 21 days after receipt of
 4268 a request for determination by an applicant, the commission
 4269 shall set a date for the hearing. The hearing shall be held
 4270 pursuant to s. 350.01 within 45 days after the filing of the
 4271 request, and a decision shall be rendered within 60 days after
 4272 such filing.

4273 (b) The commission shall be the sole forum in which to
 4274 determine the need for a transmission line. The need for a
 4275 transmission line may not be raised or be the subject of review
 4276 in another proceeding.

4277 (c) ~~(b)~~ In the determination of need, the commission shall
 4278 take into account the need for electric system reliability and
 4279 integrity, the need for abundant, low-cost electrical energy to
 4280 assure the economic well-being of the residents ~~citizens~~ of this
 4281 state, the appropriate starting and ending point of the line,
 4282 and other matters within its jurisdiction deemed relevant to the
 4283 determination of need. The appropriate starting and ending
 4284 points of the electric transmission line must be verified by the
 4285 commission in its determination of need.

4286 (d) ~~(e)~~ The determination by the commission of the need for
 4287 the transmission line, as defined in s. 403.522(22) ~~s.~~
 4288 ~~403.522(21)~~, is binding on all parties to any certification
 4289 proceeding under ~~pursuant to~~ the Florida Electric Transmission
 4290 Line Siting Act and is a condition precedent to the conduct of

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4291 | the certification hearing prescribed therein. An order entered
4292 | pursuant to this section constitutes final agency action.

4293 | Section 67. Subsection (3) of section 373.441, Florida
4294 | Statutes, is amended to read:

4295 | 373.441 Role of counties, municipalities, and local
4296 | pollution control programs in permit processing.--

4297 | (3) The department shall review environmental resource
4298 | permit applications for electrical distribution and transmission
4299 | lines and other facilities related to the production,
4300 | transmission, and distribution of electricity which are not
4301 | certified under ss. 403.52-403.5365, the Florida Electric
4302 | Transmission Line Siting Act, regulated under this part.

4303 | Section 68. Subsection (30) of section 403.061, Florida
4304 | Statutes, is amended to read:

4305 | 403.061 Department; powers and duties.--The department
4306 | shall have the power and the duty to control and prohibit
4307 | pollution of air and water in accordance with the law and rules
4308 | adopted and promulgated by it and, for this purpose, to:

4309 | (30) Establish requirements by rule that reasonably
4310 | protect the public health and welfare from electric and magnetic
4311 | fields associated with existing 230 kV or greater electrical
4312 | transmission lines, new 230 kV and greater electrical
4313 | transmission lines for which an application for certification
4314 | under the Florida Electric Transmission Line Siting Act, ss.
4315 | 403.52-403.5365, is not filed, new or existing electrical
4316 | transmission or distribution lines with voltage less than 230
4317 | kV, and substation facilities. Notwithstanding any other
4318 | provision in this chapter or any other law of this state or

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4319 | political subdivision thereof, the department shall have
 4320 | exclusive jurisdiction in the regulation of electric and
 4321 | magnetic fields associated with all electrical transmission and
 4322 | distribution lines and substation facilities. However, nothing
 4323 | herein shall be construed as superseding or repealing the
 4324 | provisions of s. 403.523(1) and (10).

4325 |
 4326 | The department shall implement such programs in conjunction with
 4327 | its other powers and duties and shall place special emphasis on
 4328 | reducing and eliminating contamination that presents a threat to
 4329 | humans, animals or plants, or to the environment.

4330 | Section 69. Paragraph (a) of subsection (3) of section
 4331 | 403.0876, Florida Statutes, is amended to read:

4332 | 403.0876 Permits; processing.--

4333 | (3)(a) The department shall establish a special unit for
 4334 | permit coordination and processing to provide expeditious
 4335 | processing of department permits which the district offices are
 4336 | unable to process expeditiously and to provide accelerated
 4337 | processing of certain permits or renewals for economic and
 4338 | operating stability. The ability of the department to process
 4339 | applications under ~~pursuant to~~ this subsection in a more timely
 4340 | manner than allowed by subsections (1) and (2) is dependent upon
 4341 | the timely exchange of information between the applicant and the
 4342 | department and the intervention of outside parties as allowed by
 4343 | law. An applicant may request the processing of its permit
 4344 | application by the special unit if the application is from an
 4345 | area of high unemployment or low per capita income, is from a
 4346 | business or industry that is the primary employer within an

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4347 area's labor market, or is in an industry with respect to which
 4348 the complexities involved in the review of the application
 4349 require special skills uniquely available in the headquarters
 4350 office. The department may require the applicant to waive the
 4351 90-day time limitation for department issuance or denial of the
 4352 permit once for a period not to exceed 90 days. The department
 4353 may require a special fee to cover the direct cost of processing
 4354 special applications in addition to normal permit fees and
 4355 costs. The special fee may not exceed \$10,000 per permit
 4356 required. Applications for renewal permits, but not applications
 4357 for initial permits, required for facilities pursuant to the
 4358 Electrical Power Plant Siting Act or the Florida Electric
 4359 Transmission Line Siting Act may be processed under this
 4360 subsection. Personnel staffing the special unit shall have
 4361 lengthy experience in permit processing.

4362 Section 70. Paragraph (b) of subsection (3) of section
 4363 403.809, Florida Statutes, is amended to read:

4364 403.809 Environmental districts; establishment; managers;
 4365 functions.--

4366 (3)

4367 (b) The processing of all applications for permits,
 4368 licenses, certificates, and exemptions shall be accomplished at
 4369 the district center or the branch office, except for those
 4370 applications specifically assigned elsewhere in the department
 4371 under s. 403.805 or to the water management districts under s.
 4372 403.812 and those applications assigned by interagency agreement
 4373 as provided in this act. However, the secretary, as head of the
 4374 department, may not delegate to district or subdistrict

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4375 managers, water management districts, or any unit of local
4376 government the authority to act on the following types of permit
4377 applications:

4378 1. Permits issued under s. 403.0885, except such permit
4379 issuance may be delegated to district managers.

4380 2. Construction of major air pollution sources.

4381 3. Certifications under the Florida Electrical Power Plant
4382 Siting Act or the Florida Electric Transmission Line Siting Act
4383 and the associated permit issued under s. 403.0885, if
4384 applicable.

4385 4. Permits issued under s. 403.0885 to steam electric
4386 generating facilities regulated pursuant to 40 C.F.R. part 423.

4387 5. Permits issued under s. 378.901.

4388 Section 71. Sections 403.5253 and 403.5369, Florida
4389 Statutes, are repealed.

4390 Section 72. Section 403.885, Florida Statutes, is amended
4391 to read:

4392 403.885 Water Projects ~~Stormwater management; wastewater~~
4393 ~~management; and Water Restoration~~ Grant Program.--

4394 (1) The Department of Environmental Protection shall
4395 administer a grant program to use funds transferred pursuant to
4396 s. 212.20 to the Ecosystem Management and Restoration Trust Fund
4397 or other moneys as appropriated by the Legislature for water
4398 quality improvement, stormwater management, wastewater
4399 management, and water restoration and other water projects as
4400 specifically appropriated by the Legislature ~~project grants~~.

4401 Eligible recipients of such grants include counties,
4402 municipalities, water management districts, and special

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4403 | districts that have legal responsibilities for water quality
 4404 | improvement, water management, stormwater management, wastewater
 4405 | management, lake and river water restoration projects, and-
 4406 | drinking water projects ~~are not eligible for funding~~ pursuant to
 4407 | this section.

4408 | (2) The grant program shall provide for the evaluation of
 4409 | annual grant proposals. The department shall evaluate such
 4410 | proposals to determine if they:

4411 | (a) Protect public health or ~~and~~ the environment.

4412 | (b) Implement plans developed pursuant to the Surface
 4413 | Water Improvement and Management Act created in part IV of
 4414 | chapter 373, other water restoration plans required by law,
 4415 | management plans prepared pursuant to s. 403.067, or other plans
 4416 | adopted by local government for water quality improvement and
 4417 | water restoration.

4418 | ~~(3) In addition to meeting the criteria in subsection (2),~~
 4419 | ~~annual grant proposals must also meet the following~~
 4420 | ~~requirements:~~

4421 | ~~(a) An application for a stormwater management project may~~
 4422 | ~~be funded only if the application is approved by the water~~
 4423 | ~~management district with jurisdiction in the project area.~~
 4424 | ~~District approval must be based on a determination that the~~
 4425 | ~~project provides a benefit to a priority water body.~~

4426 | ~~(b) Except as provided in paragraph (c), an application~~
 4427 | ~~for a wastewater management project may be funded only if:~~

4428 | ~~1. The project has been funded previously through a line~~
 4429 | ~~item in the General Appropriations Act; and~~

4430 | ~~2. The project is under construction.~~

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4431 ~~(c) An application for a wastewater management project~~
4432 ~~that would qualify as a water pollution control project and~~
4433 ~~activity in s. 403.1838 may be funded only if the project~~
4434 ~~sponsor has submitted an application to the department for~~
4435 ~~funding pursuant to that section.~~

4436 ~~(4) All project applicants must provide local matching~~
4437 ~~funds as follows:~~

4438 ~~(a) An applicant for state funding of a stormwater~~
4439 ~~management project shall provide local matching funds equal to~~
4440 ~~at least 50 percent of the total cost of the project; and~~

4441 ~~(b) An applicant for state funding of a wastewater~~
4442 ~~management project shall provide matching funds equal to at~~
4443 ~~least 25 percent of the total cost of the project.~~

4444
4445 ~~The requirement for matching funds may be waived if the~~
4446 ~~applicant is a financially disadvantaged small local government~~
4447 ~~as defined in subsection (5).~~

4448 ~~(5) Each fiscal year, at least 20 percent of the funds~~
4449 ~~available pursuant to this section shall be used for projects to~~
4450 ~~assist financially disadvantaged small local governments. For~~
4451 ~~purposes of this section, the term "financially disadvantaged~~
4452 ~~small local government" means a municipality having a population~~
4453 ~~of 7,500 or less, a county having a population of 35,000 or~~
4454 ~~less, according to the latest decennial census and a per capita~~
4455 ~~annual income less than the state per capita annual income as~~
4456 ~~determined by the United States Department of Commerce, or a~~
4457 ~~county in an area designated by the Governor as a rural area of~~
4458 ~~critical economic concern pursuant to s. 288.0656. Grants made~~

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4459 ~~to these eligible local governments shall not require matching~~
4460 ~~local funds.~~

4461 ~~(6) Each year, stormwater management and wastewater~~
4462 ~~management projects submitted for funding through the~~
4463 ~~legislative process shall be submitted to the department by the~~
4464 ~~appropriate fiscal committees of the House of Representatives~~
4465 ~~and the Senate. The department shall review the projects and~~
4466 ~~must provide each fiscal committee with a list of projects that~~
4467 ~~appear to meet the eligibility requirements under this grant~~
4468 ~~program.~~

4469 Section 73. For the 2006-2007 fiscal year, the sum of
4470 \$61,379 is appropriated from the General Revenue Fund to the
4471 Department of Revenue for the purpose of administering the
4472 energy-efficient products sales tax holiday.

4473 Section 74. For the 2006-2007 fiscal year, the sum of
4474 \$8,587,000 in nonrecurring funds is appropriated from the
4475 General Revenue Fund and \$6,413,000 in nonrecurring funds is
4476 appropriated from the Grants and Donations Trust Fund in the
4477 Department of Environmental Protection for the purpose of
4478 funding the Renewable Energy Technologies Grants program
4479 authorized in s. 377.804, Florida Statutes. From the General
4480 Revenue Funds, \$5,000,000 are contingent upon the coordination
4481 between the Department of Environmental Protection and the
4482 Department of Agriculture and Consumer Services pursuant to s.
4483 377.804(6), Florida Statutes.

4484 Section 75. For the 2006-2007 fiscal year, the sum of \$2.5
4485 million in nonrecurring funds is appropriated from the General
4486 Revenue Fund to the Department of Environmental Protection for

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4487 | the purpose of funding commercial and consumer solar incentives
4488 | authorized in s. 377.806, Florida Statutes.

4489 | Section 76. This act shall take effect upon becoming a
4490 | law.