

By Senator Aronberg

27-887C-06

1                                   A bill to be entitled  
2                   An act relating to the siting of electric  
3                   transmission lines; amending s. 403.52, F.S.;  
4                   changing the short title to the "Florida  
5                   Electric Transmission Line Siting Act";  
6                   amending s. 403.521, F.S.; revising legislative  
7                   intent; amending s. 403.522, F.S.; revising  
8                   definitions; defining the terms "licensee" and  
9                   "maintenance and access roads"; amending s.  
10                  403.523, F.S.; revising powers and duties of  
11                  the Department of Environmental Protection;  
12                  requiring the department to collect and process  
13                  fees, to prepare a project analysis, to act as  
14                  clerk for the siting board, and to administer  
15                  and manage the terms and conditions of the  
16                  certification order and supporting documents  
17                  and records; amending s. 403.524, F.S.;  
18                  revising provisions for applicability,  
19                  certification, and exemptions under the act;  
20                  revising provisions for notice by an electric  
21                  utility of its intent to construct an exempt  
22                  transmission line; amending s. 403.525, F.S.;  
23                  providing for powers and duties of the  
24                  administrative law judge designated by the  
25                  Division of Administrative Hearings to conduct  
26                  the required hearings; amending s. 403.5251,  
27                  F.S.; revising application procedures and  
28                  schedules; providing for the formal date of  
29                  filing an application for certification and  
30                  commencement of the certification review  
31                  process; requiring the department to prepare a

1 | proposed schedule of dates for determination of  
2 | completeness and other significant dates to be  
3 | followed during the certification process;  
4 | providing for the formal date of application  
5 | distribution; requiring the applicant to  
6 | provide notice of filing the application;  
7 | amending s. 403.5252, F.S.; revising timeframes  
8 | and procedures for determination of  
9 | completeness of the application; requiring the  
10 | department to consult with affected agencies;  
11 | revising requirements for the department to  
12 | file a statement of its determination of  
13 | completeness with the Division of  
14 | Administrative Hearings, the applicant, and all  
15 | parties within a certain time after  
16 | distribution of the application; revising  
17 | requirements for the applicant to file a  
18 | statement with the department, the division,  
19 | and all parties, if the department determines  
20 | the application is not complete; providing for  
21 | that statement to notify the department whether  
22 | the information will be provided; revising  
23 | timeframes and procedures for contests of the  
24 | determination by the department; providing for  
25 | parties to a hearing on the issue of  
26 | completeness; amending s. 403.526, F.S.;  
27 | revising criteria and procedures for  
28 | preliminary statements of issues, reports, and  
29 | studies; revising timeframes; requiring that  
30 | the preliminary statement of issues from each  
31 | affected agency be submitted to the department

1 and the applicant; revising criteria for the  
2 Department of Community Affairs' report;  
3 requiring the Department of Transportation, the  
4 Public Service Commission, and any other  
5 affected agency to prepare a project report;  
6 revising required content of the report;  
7 providing for notice of any nonprocedural  
8 requirements not listed in the application;  
9 providing for failure to provide such  
10 notification; providing for a recommendation  
11 for approval or denial of the application;  
12 providing that receipt of an affirmative  
13 determination of need is a condition precedent  
14 to further processing of the application;  
15 requiring that the department prepare a project  
16 analysis to be filed with the administrative  
17 law judge and served on all parties within a  
18 certain time; amending s. 403.527, F.S.;  
19 revising procedures and timeframes for the  
20 certification hearing conducted by the  
21 administrative law judge; revising provisions  
22 for notices and publication of notices, public  
23 hearings held by local governments, testimony  
24 at the public-hearing portion of the  
25 certification hearing, the order of  
26 presentations at the hearing, and consideration  
27 of certain communications by the administrative  
28 law judge; requiring the applicant to pay  
29 certain expenses and costs; requiring the  
30 administrative law judge to issue a recommended  
31 order disposing of the application; requiring

1           that certain notices be made in accordance with  
2           specified requirements and within a certain  
3           time; requiring the Department of  
4           Transportation to be a party to the  
5           proceedings; providing for the administrative  
6           law judge to cancel the certification hearing  
7           and relinquish jurisdiction to the Department  
8           of Environmental Protection upon request by the  
9           applicant or the department; requiring the  
10          department and the applicant to publish notice  
11          of such cancellation; providing for parties to  
12          submit proposed recommended orders to the  
13          department when the certification hearing has  
14          been canceled; providing that the department  
15          prepare a recommended order for final action by  
16          the siting board when the hearing has been  
17          canceled; amending s. 403.5271, F.S.; revising  
18          procedures and timeframes for consideration of  
19          proposed alternate corridors; revising notice  
20          requirements; providing for notice of the  
21          filing of the alternate corridor and revised  
22          time schedules; providing for notice to  
23          agencies newly affected by the proposed  
24          alternate corridor; requiring the person  
25          proposing the alternate corridor to provide all  
26          data to the agencies within a certain time;  
27          providing for a determination by the department  
28          that the data is not complete; providing for  
29          withdrawal of the proposed alternate corridor  
30          upon such determination; requiring that  
31          agencies file reports with the applicant and

1 the department which address the proposed  
2 alternate corridor; requiring that the  
3 department file with the administrative law  
4 judge, the applicant, and all parties a project  
5 analysis of the proposed alternate corridor;  
6 providing that the party proposing an alternate  
7 corridor has the burden of proof concerning the  
8 certifiability of the alternate corridor;  
9 amending s. 403.5272, F.S.; revising procedures  
10 for informational public meetings; providing  
11 for informational public meetings held by  
12 regional planning councils; revising  
13 timeframes; amending s. 403.5275, F.S.;  
14 revising provisions for amendment to the  
15 application prior to certification; amending s.  
16 403.528, F.S.; providing that a comprehensive  
17 application encompassing more than one proposed  
18 transmission line may be good cause for  
19 altering established time limits; amending s.  
20 403.529, F.S.; revising provisions for final  
21 disposition of the application by the siting  
22 board; providing for the administrative law  
23 judge's or department's recommended order;  
24 amending s. 403.531, F.S.; revising provisions  
25 for conditions of certification; amending s.  
26 403.5312, F.S.; requiring the applicant to file  
27 notice of a certified corridor route with the  
28 department; amending s. 403.5315, F.S.;  
29 revising the circumstances under which a  
30 certification may be modified after the  
31 certification has been issued; providing for

1 | procedures if objections are raised to the  
2 | proposed modification; creating s. 403.5317,  
3 | F.S.; providing procedures for changes proposed  
4 | by the licensee after certification; requiring  
5 | the department to determine within a certain  
6 | time if the proposed change requires  
7 | modification of the conditions of  
8 | certification; requiring notice to the  
9 | licensee, all agencies, and all parties of  
10 | changes that are approved as not requiring  
11 | modification of the conditions of  
12 | certification; creating s. 403.5363, F.S.;  
13 | requiring publication of certain notices by the  
14 | applicant, the proponent of an alternate  
15 | corridor, and the department; requiring the  
16 | department to adopt rules specifying the  
17 | content of such notices; amending s. 403.5365,  
18 | F.S.; revising application fees and the  
19 | distribution of fees collected; revising  
20 | procedures for reimbursement of local  
21 | governments and regional planning  
22 | organizations; amending s. 403.537, F.S.;  
23 | revising the schedule for notice of a public  
24 | hearing by the Public Service Commission in  
25 | order to determine the need for a transmission  
26 | line; providing that the commission is the sole  
27 | forum in which to determine the need for a  
28 | transmission line; amending s. 403.061, F.S.;  
29 | conforming provisions to changes made in the  
30 | act; amending ss. 373.441, 403.0876, and  
31 | 403.809, F.S.; conforming terminology to

1 changes made by the act; repealing ss. 403.5253  
2 and 403.5369, F.S., relating to determination  
3 of sufficiency of application or amendment to  
4 the application and the application of the act  
5 to applications filed before a certain date;  
6 providing an effective date.  
7

8 Be It Enacted by the Legislature of the State of Florida:  
9

10 Section 1. Section 403.52, Florida Statutes, is  
11 amended to read:

12 403.52 Short title.--Sections 403.52-403.5365 may be  
13 cited as the "Florida Electric Transmission Line Siting Act."

14 Section 2. Section 403.521, Florida Statutes, is  
15 amended to read:

16 403.521 Legislative intent.--The legislative intent of  
17 this act is to establish a centralized and coordinated  
18 licensing ~~permitting~~ process for the location of electric  
19 transmission line corridors and the construction, operation,  
20 and maintenance of electric transmission lines, which are  
21 critical infrastructure facilities. This necessarily involves  
22 several broad interests of the public addressed through the  
23 subject matter jurisdiction of several agencies. The  
24 Legislature recognizes that electric transmission lines will  
25 have an effect upon the reliability of the electric power  
26 system, the environment, land use, and the welfare of the  
27 population. Recognizing the need to ensure electric power  
28 system reliability and integrity, and in order to meet  
29 electric ~~electrical~~ energy needs in an orderly and timely  
30 fashion, the centralized and coordinated licensing ~~permitting~~  
31 process established by this act is intended to further the

1 legislative goal of ensuring through available and reasonable  
2 methods that the location of transmission line corridors and  
3 the construction, operation, and maintenance of electric  
4 transmission lines produce minimal adverse effects on the  
5 environment and public health, safety, and welfare ~~while not~~  
6 ~~unduly conflicting with the goals established by the~~  
7 ~~applicable local comprehensive plan.~~ It is the intent of this  
8 act to fully balance the need for transmission lines with the  
9 broad interests of the public in order to effect a reasonable  
10 balance between the need for the facility as a means of  
11 providing reliable, economical, and efficient electric  
12 ~~abundant low cost electrical~~ energy and the impact on the  
13 public and the environment resulting from the location of the  
14 transmission line corridor and the construction, operation,  
15 and maintenance of the transmission lines. The Legislature  
16 intends that the provisions of chapter 120 apply to this act  
17 and to proceedings under ~~pursuant to~~ it except as otherwise  
18 expressly exempted by other provisions of this act.

19 Section 3. Section 403.522, Florida Statutes, is  
20 amended to read:

21 403.522 Definitions relating to the Florida Electric  
22 Transmission Line Siting Act.--As used in this act:

23 (1) "Act" means the Florida Electric Transmission Line  
24 Siting Act.

25 (2) "Agency," as the context requires, means an  
26 official, officer, commission, authority, council, committee,  
27 department, division, bureau, board, section, or other unit or  
28 entity of government, including a county, municipality, or  
29 other regional or local governmental entity.

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

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

7           (5) "Application" means the documents required by the  
8 department to be filed to initiate and support a certification  
9 review and evaluation, including the initial document filing,  
10 amendments, and responses to requests from the department for  
11 additional data and information ~~proceeding~~. An electric  
12 utility may file a comprehensive application encompassing all  
13 or a part of one or more proposed transmission lines.

14           (6) "Board" means the Governor and Cabinet sitting as  
15 the siting board.

16           (7) "Certification" means the approval by the board of  
17 the license for a corridor proper for certification pursuant  
18 to subsection (10) and the construction, operation, and  
19 maintenance of transmission lines within the ~~such~~ corridor  
20 with the ~~such~~ changes or conditions as the siting board deems  
21 appropriate. Certification shall be evidenced by a written  
22 order of the board.

23           (8) "Commission" means the Florida Public Service  
24 Commission.

25           (9) "Completeness" means that the application has  
26 addressed all applicable sections of the prescribed  
27 application format and, ~~but does not mean~~ that those sections  
28 are sufficient in comprehensiveness of data or in quality of  
29 information provided to allow the department to determine  
30 whether the application provides the reviewing agencies  
31

1 adequate information to prepare the reports required by s.  
2 403.526.

3 (10) "Corridor" means the proposed area within which a  
4 transmission line right-of-way, including maintenance and  
5 access roads, is to be located. The width of the corridor  
6 proposed for certification by an applicant or other party, at  
7 the option of the applicant, may be the width of the  
8 transmission line right-of-way, or a wider boundary, not to  
9 exceed a width of 1 mile. The area within the corridor in  
10 which a right-of-way may be located may be further restricted  
11 by a condition of certification. After all property interests  
12 required for the transmission line right-of-way and  
13 maintenance and access roads have been acquired by the  
14 applicant, the boundaries of the area certified shall narrow  
15 to only that land within the boundaries of the transmission  
16 line right-of-way. The corridors proper for certification  
17 shall be those addressed in the application, in amendments to  
18 the application filed under ~~pursuant to~~ s. 403.5275, and in  
19 notices of acceptance of proposed alternate corridors filed by  
20 an applicant and the department pursuant to s. 403.5271 for  
21 which the required ~~sufficient~~ information for the preparation  
22 of agency supplemental reports was filed.

23 (11) "Department" means the Department of  
24 Environmental Protection.

25 (12) "Electric utility" means cities and towns,  
26 counties, public utility districts, regulated electric  
27 companies, electric cooperatives, regional transmission  
28 organizations, operators of independent transmission systems,  
29 or other transmission organizations approved by the Federal  
30 Energy Regulatory Commission or the commission for the  
31 operation of transmission facilities, and joint operating

1 agencies, or combinations thereof, engaged in, or authorized  
2 to engage in, the business of generating, transmitting, or  
3 distributing electric energy.

4 (13) "License" means a franchise, permit,  
5 certification, registration, charter, comprehensive plan  
6 amendment, development order or permit as defined in chapters  
7 163 and 380, or similar form of authorization required by law,  
8 but it does not include a license required primarily for  
9 revenue purposes when issuance of the license is merely a  
10 ministerial act.

11 (14) "Licensee" means an applicant that has obtained a  
12 certification order for the subject project.

13 ~~(15)(14)~~ "Local government" means a municipality or  
14 county in the jurisdiction of which the project is proposed to  
15 be located.

16 (16) "Maintenance and access roads" mean roads  
17 constructed within the transmission line right-of-way. Nothing  
18 in this act prohibits an applicant from constructing a road to  
19 support construction, operation, or maintenance of the  
20 transmission line that lies outside the transmission line  
21 right-of-way.

22 ~~(17)(15)~~ "Modification" means any change in the  
23 certification order after issuance, including a change in the  
24 conditions of certification.

25 ~~(18)(16)~~ "Nonprocedural requirements of agencies"  
26 means any agency's regulatory requirements established by  
27 statute, rule, ordinance, or comprehensive plan, excluding any  
28 provisions prescribing forms, fees, procedures, or time limits  
29 for the review or processing of information submitted to  
30 demonstrate compliance with such regulatory requirements.

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1           ~~(19)~~~~(17)~~ "Person" means an individual, partnership,  
2 joint venture, private or public corporation, association,  
3 firm, public service company, political subdivision, municipal  
4 corporation, government agency, public utility district, or  
5 any other entity, public or private, however organized.

6           ~~(20)~~~~(18)~~ "Preliminary statement of issues" means a  
7 listing and explanation of those issues within the agency's  
8 jurisdiction which are of major concern to the agency in  
9 relation to the proposed electric ~~electrical~~ transmission line  
10 corridor.

11           ~~(21)~~~~(19)~~ "Regional planning council" means a regional  
12 planning council as defined in s. 186.503(4) in the  
13 jurisdiction of which the project is proposed to be located.

14           ~~(20)~~ ~~"Sufficiency" means that the application is not~~  
15 ~~only complete but that all sections are adequate in the~~  
16 ~~comprehensiveness of data and in the quality of information~~  
17 ~~provided to allow the department to determine whether the~~  
18 ~~application provides the reviewing agencies adequate~~  
19 ~~information to prepare the reports authorized by s. 403.526.~~

20           ~~(22)~~~~(21)~~ "Transmission line" or "electric transmission  
21 line" means structures, maintenance and access roads, and all  
22 other facilities that need to be constructed, operated, or  
23 maintained for the purpose of conveying electric power ~~any~~  
24 ~~electrical transmission line~~ extending from, but not  
25 including, an existing or proposed substation or power plant  
26 to, but not including, an existing or proposed transmission  
27 network or rights-of-way or substation to which the applicant  
28 intends to connect which defines the end of the proposed  
29 project and which is designed to operate at 230 kilovolts or  
30 more. ~~The starting point and ending point of a transmission~~  
31 ~~line must be specifically defined by the applicant and must be~~

1 ~~verified by the commission in its determination of need. A~~  
2 ~~transmission line includes structures and maintenance and~~  
3 ~~access roads that need to be constructed for the project to~~  
4 ~~become operational.~~ The transmission line may include, at the  
5 applicant's option, any proposed terminal or intermediate  
6 substations or substation expansions necessary to serve the  
7 transmission line.

8       ~~(23)(22)~~ "Transmission line right-of-way" means land  
9 necessary for the construction and maintenance of a  
10 transmission line. The typical width of the right-of-way  
11 shall be identified in the application. The right-of-way  
12 shall be located within the certified corridor and shall be  
13 identified by the applicant ~~subsequent to certification~~ in  
14 documents filed with the department before ~~prior to~~  
15 construction.

16       ~~(24)(23)~~ "Water management district" means a water  
17 management district created pursuant to chapter 373 in the  
18 jurisdiction of which the project is proposed to be located.

19       Section 4. Section 403.523, Florida Statutes, is  
20 amended to read:

21       403.523 Department of Environmental Protection; powers  
22 and duties.--The department has ~~shall have~~ the following  
23 powers and duties:

24       (1) To adopt procedural rules pursuant to ss.  
25 120.536(1) and 120.54 to administer ~~implement the provisions~~  
26 ~~of~~ this act and to adopt or amend rules to implement the  
27 provisions of subsection (10).

28       (2) To prescribe the form and content of the public  
29 notices and the form, content, and necessary supporting  
30 documentation, and any required studies, for certification  
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- 1 applications. All ~~such~~ data and studies shall be related to  
2 the jurisdiction of the agencies relevant to the application.
- 3 (3) To receive applications for transmission line and  
4 corridor certifications and initially determine the  
5 completeness ~~and sufficiency~~ thereof.
- 6 (4) To make or contract for studies of certification  
7 applications. All ~~such~~ studies shall be related to the  
8 jurisdiction of the agencies relevant to the application. For  
9 studies in areas outside the jurisdiction of the department  
10 and in the jurisdiction of another agency, the department may  
11 initiate such studies, but only with the consent of the ~~such~~  
12 agency.
- 13 (5) To administer the processing of applications for  
14 certification and ensure that the applications, including  
15 postcertification reviews, are processed on an expeditious and  
16 priority basis ~~as expeditiously as possible~~.
- 17 (6) To collect and process ~~require~~ such fees as  
18 allowed by this act.
- 19 (7) To prepare a report and project ~~written~~ analysis  
20 as required by s. 403.526.
- 21 (8) To prescribe the means for monitoring the effects  
22 arising from the location of the transmission line corridor  
23 and the construction and maintenance of the transmission lines  
24 to assure continued compliance with the terms of the  
25 certification.
- 26 (9) To make a determination of acceptability of any  
27 alternate corridor proposed for consideration under ~~pursuant~~  
28 ~~to~~ s. 403.5271.
- 29 (10) To set requirements that reasonably protect the  
30 public health and welfare from the electric and magnetic  
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1 fields of transmission lines for which an application is filed  
2 under ~~after the effective date of~~ this act.

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

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

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

9 (14) To administer and manage the terms and conditions  
10 of the certification order and supporting documents and  
11 records for the life of the facility.

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

14 Section 5. Section 403.524, Florida Statutes, is  
15 amended to read:

16 403.524 Applicability; ~~and~~ certification;  
17 exemptions.--

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

21 (2) Except as provided in subsection (1), ~~no~~  
22 construction of a any transmission line may not be undertaken  
23 without first obtaining certification under this act, but ~~the~~  
24 ~~provisions of~~ this act does do not apply to:

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

27 (b) Transmission lines that which have been exempted  
28 by a binding letter of interpretation issued under s.  
29 380.06(4), or in which the Department of Community Affairs or  
30 its predecessor agency has determined the utility to have  
31

1 vested development rights within the meaning of s. 380.05(18)  
2 or s. 380.06(20).

3 (c) Transmission line development in which all  
4 construction is limited to established rights-of-way.  
5 Established rights-of-way include ~~such~~ rights-of-way  
6 established at any time for roads, highways, railroads, gas,  
7 water, oil, electricity, or sewage and any other public  
8 purpose rights-of-way. If an established transmission line  
9 right-of-way is used to qualify for this exemption, the  
10 transmission line right-of-way must have been established at  
11 least 5 years before notice of the start of construction under  
12 subsection (4) of the proposed transmission line. If an  
13 established transmission line right-of-way is relocated to  
14 accommodate a public project, the date the original  
15 transmission line right-of-way was established applies to the  
16 relocated transmission line right-of-way for purposes of this  
17 exemption. ~~Except for transmission line rights of way,~~  
18 ~~established rights of way include rights of way created before~~  
19 ~~or after October 1, 1983. For transmission line~~  
20 ~~rights of way, established rights of way include rights of way~~  
21 ~~created before October 1, 1983.~~

22 (d) Unless the applicant has applied for certification  
23 under this act, transmission lines ~~that~~ ~~which~~ are less than 15  
24 miles in length or are located in a single ~~which do not cross~~  
25 a county within the state line, ~~unless the applicant has~~  
26 elected to apply for certification under the act.

27 (3) The exemption of a transmission line under this  
28 act does not constitute an exemption for the transmission line  
29 from other applicable permitting processes under other  
30 provisions of law or local government ordinances.  
31



1           (4) An electric ~~A~~ utility shall notify the department  
2 in writing, before ~~prior to~~ the start of construction, of its  
3 intent to construct a transmission line exempted under  
4 ~~pursuant to~~ this section. The ~~Such~~ notice is ~~shall be~~ only for  
5 information purposes, and ~~no~~ action by the department is not  
6 ~~shall be~~ required pursuant to the ~~such~~ notice. This notice may  
7 be included in any submittal filed with the department before  
8 the start of construction demonstrating that a new  
9 transmission line complies with the applicable electric and  
10 magnetic field standards.

11           Section 6. Section 403.525, Florida Statutes, is  
12 amended to read:

13           403.525 ~~Appointment of~~ Administrative law judge;  
14 appointment; powers and duties.--

15           (1)(a) Within 7 days after receipt of an application,  
16 whether complete or not, the department shall request the  
17 Division of Administrative Hearings to designate an  
18 administrative law judge to conduct the hearings required by  
19 this act.

20           (b) The division director shall designate an  
21 administrative law judge to conduct the hearings required by  
22 this act within 7 days after receipt of the request from the  
23 department. Whenever practicable, the division director shall  
24 assign an administrative law judge who has had prior  
25 experience or training in this type of certification  
26 proceeding.

27           (c) Upon being advised that an administrative law  
28 judge has been designated, the department shall immediately  
29 file a copy of the application and all supporting documents  
30 with the administrative law judge, who shall docket the  
31 application.

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

4           Section 7. Section 403.5251, Florida Statutes, is  
5 amended to read:

6           403.5251 ~~Distribution of Application; schedules.--~~

7           (1)(a) The formal date of the filing of the  
8 application for certification and commencement of the review  
9 process for certification is the date on which the applicant  
10 submits:

11           1. Copies of the application for certification in a  
12 quantity and format, electronic or otherwise as prescribed by  
13 rule, to the department and other agencies identified in s.  
14 403.526(2); and

15           2. The application fee as specified under s. 403.5365  
16 to the department.

17  
18 The department shall provide to the applicant and the Division  
19 of Administrative Hearings the names and addresses of any  
20 additional agencies or persons entitled to notice and copies  
21 of the application and amendments, if any, within 7 days after  
22 receiving the application for certification and the  
23 application fees.

24           (b) In the application, the starting point and ending  
25 point of a transmission line must be specifically defined by  
26 the applicant. ~~Within 7 days after the filing of an~~  
27 application, the department shall provide the applicant and  
28 the Division of Administrative Hearings the names and  
29 addresses of those affected or other agencies entitled to  
30 notice and copies of the application and any amendments.

31

1           (2) Within ~~15~~ 7 days after the formal date of the  
2 application filing ~~completeness has been determined~~, the  
3 department shall prepare a proposed schedule of dates for  
4 determination of completeness, submission of statements of  
5 issues, ~~determination of sufficiency, and~~ submittal of final  
6 reports, ~~from affected and other agencies~~ and other  
7 significant dates to be followed during the certification  
8 process, including dates for filing notices of appearances to  
9 be a party under s. 403.527(2) ~~pursuant to s. 403.527(4)~~.  
10 This schedule shall be provided by the department to the  
11 applicant, the administrative law judge, and the agencies  
12 identified under ~~pursuant to~~ subsection(2)(1). Within 7 days  
13 after the filing of this proposed schedule, the administrative  
14 law judge shall issue an order establishing a schedule for the  
15 matters addressed in the department's proposed schedule and  
16 other appropriate matters, if any.

17           (3) ~~Within 7 days after completeness has been~~  
18 ~~determined, the applicant shall distribute copies of the~~  
19 ~~application to all agencies identified by the department~~  
20 ~~pursuant to subsection (1)~~. Copies of changes and amendments  
21 to the application shall be timely distributed by the  
22 applicant to all agencies and parties who have received a copy  
23 of the application.

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

26           Section 8. Section 403.5252, Florida Statutes, is  
27 amended to read:

28           403.5252 Determination of completeness.--

29           (1)(a) Within 30 days after distribution of an  
30 application, the affected agencies shall file a statement with  
31 the department containing the recommendations of each agency

1 concerning the completeness of the application for  
2 certification.

3       (b) Within(7) 15 days after receipt of the  
4 completeness statements of each agency an application, the  
5 department shall file a statement with the Division of  
6 Administrative Hearings, ~~and~~ with the applicant, and with all  
7 parties declaring its position with regard to the  
8 completeness, not the sufficiency, of the application. The  
9 statement of the department shall be based upon its  
10 consultation with the affected agencies.

11       ~~(2)(1)~~ If the department declares the application to  
12 be incomplete, the applicant, within 14 15 days after the  
13 filing of the statement by the department, shall file with the  
14 Division of Administrative Hearings, with all parties, and  
15 with the department ~~a statement:~~

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

18       (b) Additional information necessary to make the  
19 application complete. After the department first determines  
20 the application to be incomplete, the time schedules under  
21 this act are not tolled if the applicant makes the application  
22 complete within the 14-day period. A subsequent finding by the  
23 department that the application remains incomplete tolls the  
24 time schedules under this act until the application is  
25 determined complete; Agreeing with the statement of the  
26 ~~department and agreeing to amend the application without~~  
27 ~~withdrawing it. The time schedules referencing a complete~~  
28 ~~application under this act shall not commence until the~~  
29 ~~application is determined complete; or~~

1           (c) A statement contesting the department's  
2 determination of incompleteness; or ~~statement of the~~  
3 department.

4           (d) A statement agreeing with the department and  
5 requesting additional time to provide the information  
6 necessary to make the application complete. If the applicant  
7 exercises this option, the time schedules under this act are  
8 tolled until the application is determined complete.

9           ~~(3)(a)(2)~~ If the applicant contests the determination  
10 by the department that an application is incomplete, the  
11 administrative law judge shall schedule a hearing on the  
12 statement of completeness. The hearing shall be held as  
13 expeditiously as possible, but not later than 21 ~~30~~ days after  
14 the filing of the statement by the department. The  
15 administrative law judge shall render a decision within 7 ~~10~~  
16 days after the hearing.

17           (b) Parties to a hearing on the issue of completeness  
18 shall include the applicant, the department, and any agency  
19 that has jurisdiction over the matter in dispute. Any  
20 substantially affected person who wishes to become a party to  
21 the hearing on the issue of completeness must file a motion no  
22 later than 10 days before the date of the hearing.

23           ~~(c)(a)~~ If the administrative law judge determines that  
24 the application was not complete ~~as filed~~, the applicant shall  
25 withdraw the application or make such additional submittals as  
26 necessary to complete it. The time schedules referencing a  
27 complete application under this act do ~~shall~~ not commence  
28 until the application is determined complete.

29           ~~(d)(b)~~ If the administrative law judge determines that  
30 the application was complete at the time it was declared  
31 incomplete filed, the time schedules referencing a complete

1 application under this act shall commence upon such  
2 determination.

3 (4) If the applicant provides additional information  
4 to address the issues identified in the determination of  
5 incompleteness, each affected agency may submit to the  
6 department, no later than 14 days after the applicant files  
7 the additional information, a recommendation on whether the  
8 agency believes the application is complete. Within 21 days  
9 after receipt of the additional information from the applicant  
10 submitted under paragraphs (2)(b), (2)(d), or (3)(c) and  
11 considering the recommendations of the affected agencies, the  
12 department shall determine whether the additional information  
13 supplied by an applicant makes the application complete. If  
14 the department finds that the application is still incomplete,  
15 the applicant may exercise any of the options specified in  
16 subsection (2) as often as is necessary to resolve the  
17 dispute.

18 Section 9. Section 403.526, Florida Statutes, is  
19 amended to read:

20 403.526 Preliminary statements of issues, reports, and  
21 project analyses; and studies.--

22 (1) Each affected agency that is required to file a  
23 report which received an application in accordance with this  
24 section s. 403.5251(3) shall submit a preliminary statement of  
25 issues to the department and all parties the applicant no  
26 later than 50 60 days after filing distribution of the  
27 complete application. Such statements of issues shall be made  
28 available to each local government for use as information for  
29 public meetings held under pursuant to s. 403.5272. The  
30 failure to raise an issue in this preliminary statement of  
31

1 issues ~~does shall~~ not preclude the issue from being raised in  
2 the agency's report.

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

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

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

14 3. The Department of Community Affairs shall prepare a  
15 report containing recommendations which address the impact  
16 upon the public of the proposed transmission line or corridor,  
17 based on the degree to which the proposed transmission line or  
18 corridor is consistent with the applicable portions of the  
19 state comprehensive plan, emergency management, and other  
20 matters within its jurisdiction. The Department of Community  
21 Affairs may also comment on the consistency of the proposed  
22 transmission line or corridor with applicable strategic  
23 regional policy plans or local comprehensive plans and land  
24 development regulations.

25 4. The Fish and Wildlife Conservation Commission shall  
26 prepare a report as to the impact of each proposed  
27 transmission line or corridor on fish and wildlife resources  
28 and other matters within its jurisdiction.

29 5. Each local government shall prepare a report as to  
30 the impact of each proposed transmission line or corridor on  
31 matters within its jurisdiction, including the consistency of

1 | the proposed transmission line or corridor with all applicable  
2 | local ordinances, regulations, standards, or criteria that  
3 | apply to the proposed transmission line or corridor, including  
4 | local comprehensive plans, zoning regulations, land  
5 | development regulations, and any applicable local  
6 | environmental regulations adopted pursuant to s. 403.182 or by  
7 | other means. ~~A No~~ change by the responsible local government  
8 | or local agency in local comprehensive plans, zoning  
9 | ordinances, or other regulations made after the date required  
10 | for the filing of the local government's report required by  
11 | this section is not ~~shall be~~ applicable to the certification  
12 | of the proposed transmission line or corridor unless the  
13 | certification is denied or the application is withdrawn.

14 |         6. Each regional planning council shall present a  
15 | report containing recommendations that address the impact upon  
16 | the public of the proposed transmission line or corridor based  
17 | on the degree to which the transmission line or corridor is  
18 | consistent with the applicable provisions of the strategic  
19 | regional policy plan adopted under ~~pursuant to~~ chapter 186 and  
20 | other impacts of each proposed transmission line or corridor  
21 | on matters within its jurisdiction.

22 |         7. The Department of Transportation shall prepare a  
23 | report as to the impact of the proposed transmission line or  
24 | corridor on state roads, railroads, airports, aeronautics,  
25 | seaports, and other matters within its jurisdiction.

26 |         8. The commission shall prepare a report containing  
27 | its determination under s. 403.537 and the report may include  
28 | the comments from the commission with respect to any other  
29 | subject within its jurisdiction.

30 |         9. Any other agency, if requested by the department,  
31 | shall also perform studies or prepare reports as to subjects



1 within the jurisdiction of the agency which may potentially be  
2 affected by the proposed transmission line.

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

4 1. A notice of any nonprocedural requirements not  
5 specifically listed in the application from which a variance,  
6 exemption, exception, or other relief is necessary in order  
7 for the proposed corridor to be certified. Failure to include  
8 the notice shall be treated as a waiver from the nonprocedural  
9 requirements of that agency.

10 2. A recommendation for approval or denial of the  
11 application.

12 3. The proposed ~~the information on variances required~~  
13 ~~by s. 403.531(2) and proposed~~ conditions of certification on  
14 matters within the jurisdiction of each agency. For each  
15 condition proposed by an agency, the agency shall list the  
16 specific statute, rule, or ordinance, as applicable, which  
17 authorizes the proposed condition.

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

23 (d) Receipt of an affirmative determination of need by  
24 the submittal deadline for agency reports under paragraph (a)  
25 is a condition precedent to further processing of the  
26 application.

27 (3) The department shall prepare a project written  
28 analysis containing ~~which contains~~ a compilation of agency  
29 reports and summaries of the material contained therein which  
30 shall be filed with the administrative law judge and served on  
31 all parties no later than 115 ~~135~~ days after the application

1 ~~is filed complete application has been distributed to the~~  
2 ~~affected agencies~~, and which shall include:

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

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

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

10       ~~(d)(c)~~ The recommendation of the department as to the  
11 disposition of the application, of variances, exemptions,  
12 exceptions, or other relief identified by any party, and of  
13 any proposed conditions of certification which the department  
14 believes should be imposed.

15       (4) The failure of any agency to submit a preliminary  
16 statement of issues or a report, or to submit its preliminary  
17 statement of issues or report within the allowed time, is  
18 ~~shall not be~~ grounds for the alteration of any time limitation  
19 in this act under pursuant to s. 403.528. ~~Neither~~ The failure  
20 to submit a preliminary statement of issues or a report, or  
21 ~~nor~~ the inadequacy of the preliminary statement of issues or  
22 report, are not shall be grounds to deny or condition  
23 certification.

24       Section 10. Section 403.527, Florida Statutes, is  
25 amended to read:

26       (Substantial rewording of section. See s. 403.527,  
27 F.S., for present text.)  
28       403.527 Certification hearing, parties,  
29 participants.--

30       (1)(a) No later than 145 days after the application is  
31 filed, the administrative law judge shall conduct a

1 certification hearing pursuant to ss. 120.569 and 120.57 at a  
2 central location in proximity to the proposed transmission  
3 line or corridor.

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

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

9 1. The applicant.

10 2. The department.

11 3. The commission.

12 4. The Department of Community Affairs.

13 5. The Fish and Wildlife Conservation Commission.

14 6. The Department of Transportation.

15 7. Each water management district in the jurisdiction  
16 of which the proposed transmission line or corridor is to be  
17 located.

18 8. The local government.

19 9. The regional planning council.

20 (b) Any party listed in paragraph (a), other than the  
21 department or the applicant, may waive its right to  
22 participate in these proceedings. If any listed party fails to  
23 file a notice of its intent to be a party on or before the  
24 30th day before the certification hearing, the party is deemed  
25 to have waived its right to be a party unless its  
26 participation would not prejudice the rights of any party to  
27 the proceeding.

28 (c) Notwithstanding the provisions of chapter 120 to  
29 the contrary, upon the filing with the administrative law  
30 judge of a notice of intent to be a party by an agency,  
31 corporation, or association described in subparagraphs 1. and

1 2. or a petition for intervention by a person described in  
2 subparagraph 3. no later than 30 days before the date set for  
3 the certification hearing, the following shall also be parties  
4 to the proceeding:

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

7 2. Any domestic nonprofit corporation or association  
8 formed, in whole or in part, to promote conservation of  
9 natural beauty; to protect the environment, personal health,  
10 or other biological values; to preserve historical sites; to  
11 promote consumer interests; to represent labor, commercial, or  
12 industrial groups; or to promote comprehensive planning or  
13 orderly development of the area in which the proposed  
14 transmission line or corridor is to be located.

15 3. Any person whose substantial interests are affected  
16 and being determined by the proceeding.

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

20 (3)(a) The order of presentation at the certification  
21 hearing, unless otherwise changed by the administrative law  
22 judge to ensure the orderly presentation of witnesses and  
23 evidence, shall be:

24 1. The applicant.

25 2. The department.

26 3. State agencies.

27 4. Regional agencies, including regional planning  
28 councils and water management districts.

29 5. Local governments.

30 6. Other parties.

31

1           **(b) When appropriate, any person may be given an**  
2 **opportunity to present oral or written communications to the**  
3 **administrative law judge. If the administrative law judge**  
4 **proposes to consider such communications, all parties shall be**  
5 **given an opportunity to cross-examine, challenge, or rebut the**  
6 **communications.**

7           **(4) One public hearing where members of the public who**  
8 **are not parties to the certification hearing may testify shall**  
9 **be held within the boundaries of each county, at the option of**  
10 **any local government.**

11           **(a) A local government shall notify the administrative**  
12 **law judge and all parties not later than 21 days after the**  
13 **application has been determined complete as to whether the**  
14 **local government wishes to have a public hearing. If a filing**  
15 **for an alternate corridor is accepted for consideration under**  
16 **s. 403.5271(1) by the department and the applicant, any newly**  
17 **affected local government must notify the administrative law**  
18 **judge and all parties not later than 10 days after the data**  
19 **concerning the alternate corridor has been determined complete**  
20 **as to whether the local government wishes to have such a**  
21 **public hearing. The local government is responsible for**  
22 **providing the location of the public hearing if held**  
23 **separately from the certification hearing.**

24           **(b) Within 5 days after notification, the**  
25 **administrative law judge shall determine the date of the**  
26 **public hearing, which shall be held before or during the**  
27 **certification hearing. If two or more local governments within**  
28 **one county request a public hearing, the hearing shall be**  
29 **consolidated so that only one public hearing is held in any**  
30 **county. The location of a consolidated hearing shall be**  
31 **determined by the administrative law judge.**

1           (c) If a local government does not request a public  
2 hearing within 21 days after the application has been  
3 determined complete, persons residing within the jurisdiction  
4 of the local government may testify during that portion of the  
5 certification hearing at which public testimony is heard.

6           (5) At the conclusion of the certification hearing,  
7 the administrative law judge shall, after consideration of all  
8 evidence of record, issue a recommended order disposing of the  
9 application no later than 45 days after the transcript of the  
10 certification hearing and the public hearings is filed with  
11 the Division of Administrative Hearings.

12           (6)(a) No later than 25 days before the certification  
13 hearing, the department or the applicant may request that the  
14 administrative law judge cancel the certification hearing and  
15 relinquish jurisdiction to the department if all parties to  
16 the proceeding stipulate that there are no disputed issues of  
17 material fact to be raised at the certification hearing.

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

20           (c) If the administrative law judge grants the  
21 request, the department and the applicant shall publish  
22 notices of the cancellation of the certification hearing in  
23 accordance with s. 403.5363.

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

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

30  
31

1           (7) The applicant shall pay those expenses and costs  
2 associated with the conduct of the hearing and the recording  
3 and transcription of the proceedings.

4           Section 11. Section 403.5271, Florida Statutes, is  
5 amended to read:

6           403.5271 Alternate corridors.--

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

11           (a) A notice of a ~~any such~~ proposed alternate corridor  
12 must ~~shall~~ be filed with the administrative law judge, all  
13 parties, and any local governments in whose jurisdiction the  
14 alternate corridor is proposed. The ~~Such~~ filing must ~~shall~~  
15 include the most recent United States Geological Survey  
16 1:24,000 quadrangle maps specifically delineating the corridor  
17 boundaries, a description of the proposed corridor, and a  
18 statement of the reasons the proposed alternate corridor  
19 should be certified.

20           (b)1. Within 7 days after receipt of the ~~such~~ notice,  
21 the applicant and the department shall file with the  
22 administrative law judge and all parties a notice of  
23 acceptance or rejection of a proposed alternate corridor for  
24 consideration. If the alternate corridor is rejected ~~either~~ by  
25 the applicant or the department, the certification hearing and  
26 the public hearings shall be held as scheduled. If both the  
27 applicant and the department accept a proposed alternate  
28 corridor for consideration, the certification hearing and the  
29 public hearings shall be rescheduled, if necessary.

30           2. If rescheduled, the certification hearing shall be  
31 held no more than 90 days after the previously scheduled

1 certification hearing, unless the data submitted under  
2 paragraph (d) is determined to be incomplete, in which case  
3 the rescheduled certification hearing shall be held no more  
4 than 105 days after the previously scheduled certification  
5 hearing. If additional time is needed due to the alternate  
6 corridor crossing a local government jurisdiction that was not  
7 previously affected, in which case the remainder of the  
8 schedule listed below shall be appropriately adjusted by the  
9 administrative law judge to allow that local government to  
10 prepare a report pursuant to s. 403.526(2)(a)5.

11 (c) Notice of the filing of the alternate corridor, of  
12 the revised time schedules, of the deadline for newly affected  
13 persons and agencies to file notice of intent to become a  
14 party, of the rescheduled hearing date, and of the proceedings  
15 ~~pursuant to s. 403.527(1)(b) and (c)~~ shall be published in  
16 accordance with s. 403.5363.

17 (d) Within 21 ~~25~~ days after acceptance of an alternate  
18 corridor by the department and the applicant, the party  
19 proposing an alternate corridor shall have the burden of  
20 providing all ~~additional~~ data to the agencies listed in s.  
21 403.526(2) and newly affected agencies ~~s. 403.526~~ necessary  
22 for the preparation of a supplementary report on the proposed  
23 alternate corridor.

24 (e)1. Reviewing agencies shall advise the department  
25 of any issues concerning completeness no later than 15 days  
26 after the submittal of the data required by paragraph (d).  
27 Within 22 days after receipt of the data, the department shall  
28 issue a determination of completeness.

29 2. If the department determines that the data required  
30 by paragraph (d) is not complete, the party proposing the  
31 alternate corridor must file such additional data to correct



1 the incompleteness. This additional data must be submitted  
2 within 15 days after the filing of the determination by the  
3 department.

4 3. If the department, within 15 days after receiving  
5 the additional data, determines that the data remains  
6 incomplete, the incompleteness of the data is deemed a  
7 withdrawal of the proposed alternate corridor. The department  
8 may make its determination based on recommendations made by  
9 other affected agencies. If the department determines within  
10 15 days that this additional data is insufficient, the party  
11 proposing the alternate corridor shall file such additional  
12 data that corrects the insufficiency within 15 days after the  
13 filing of the department's determination. If such additional  
14 data is determined insufficient, such insufficiency of data  
15 shall be deemed a withdrawal of the proposed alternate  
16 corridor. The party proposing an alternate corridor shall  
17 have the burden of proof on the certifiability of the  
18 alternate corridor at the certification hearing pursuant to s.  
19 403.529(4). Nothing in this act shall be construed as  
20 requiring the applicant or agencies not proposing the  
21 alternate corridor to submit data in support of such alternate  
22 corridor.

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

29 (g) The agency reports on alternate corridors must  
30 include all information required by s. 403.526(2) agencies  
31

1 ~~shall submit supplementary notice pursuant to s. 403.531(2) at~~  
2 ~~the time of filing of their supplemental report.~~

3           (h) The department shall file with the administrative  
4 law judge, the applicant, and all parties a project prepare a  
5 written analysis consistent with s. 403.526(3) no more than 14  
6 at least 29 days after submittal of agency reports on prior to  
7 the rescheduled certification hearing addressing the proposed  
8 alternate corridor.

9           (2) If the original certification hearing date is  
10 rescheduled, the rescheduling shall not provide the  
11 opportunity for parties to file additional alternate corridors  
12 to the applicant's proposed corridor or any accepted alternate  
13 corridor. However, an amendment to the application which  
14 changes the alignment of the applicant's proposed corridor  
15 shall require rescheduling of the certification hearing, if  
16 necessary, so as to allow time for a party to file alternate  
17 corridors to the realigned proposed corridor for which the  
18 application has been amended. Any ~~such~~ alternate corridor  
19 proposal shall have the same starting and ending points as the  
20 realigned portion of the corridor proposed by the applicant's  
21 amendment, provided that the administrative law judge for good  
22 cause shown may authorize another starting or ending point in  
23 the area of the applicant's amended corridor.

24           (3)(a) Notwithstanding the rejection of a proposed  
25 alternate corridor by the applicant or the department, any  
26 party may present evidence at the certification hearing to  
27 show that a corridor proper for certification does not satisfy  
28 the criteria listed in s. 403.529 or that a rejected alternate  
29 corridor would meet the criteria set forth in s. 403.529. ~~No~~  
30 Evidence may not shall be admitted at the certification  
31 hearing on any alternate corridor, unless the alternate

1 | corridor was proposed by the filing of a notice at least ~~45~~ 50  
2 | days before ~~prior to~~ the originally scheduled certification  
3 | hearing pursuant to this section. Rejected alternate corridors  
4 | shall be considered by the board as provided in s. 403.529(4)  
5 | and (5).

6 |       **(b)** The party proposing an alternate corridor has the  
7 | burden to prove that the alternate corridor can be certified  
8 | at the certification hearing. This act does not require an  
9 | applicant or agency that is not proposing the alternate  
10 | corridor to submit data in support of the alternate corridor.

11 |       (4) If an alternate corridor is accepted by the  
12 | applicant and the department pursuant to a notice of  
13 | acceptance as provided in this subsection and ~~the such~~  
14 | corridor is ultimately determined to be the corridor that  
15 | would meet the criteria set forth in s. 403.529(4) and (5),  
16 | the board shall certify that corridor.

17 |       Section 12. Section 403.5272, Florida Statutes, is  
18 | amended to read:

19 |       403.5272 ~~Local governments;~~ Informational public  
20 | meetings.--

21 |       (1) A local government whose jurisdiction is to be  
22 | crossed by a proposed corridor ~~governments~~ may hold one  
23 | informational public ~~meeting~~ ~~meetings~~ in addition to the  
24 | hearings specifically authorized by this act on any matter  
25 | associated with the transmission line proceeding. ~~The Such~~  
26 | informational public ~~meeting~~ may be conducted by the local  
27 | government or the regional planning council and shall ~~meetings~~  
28 | ~~should~~ be held no later than ~~50~~ 80 days after the application  
29 | is filed. The purpose of an informational public meeting is  
30 | for the local government or regional planning council to  
31 | further inform the ~~general~~ public about the transmission line

1 | proposed, obtain comments from the public, and formulate its  
2 | recommendation with respect to the proposed transmission line.

3 |         (2) Informational public meetings shall be held solely  
4 | at the option of each local government or regional planning  
5 | council. It is the legislative intent that local governments  
6 | or regional planning councils attempt to hold such public  
7 | meetings. Parties to the proceedings under this act shall be  
8 | encouraged to attend; however, ~~a no~~ party other than the  
9 | applicant and the department is not ~~shall be~~ required to  
10 | attend ~~the such~~ informational public ~~meetings~~ hearings.

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

16 |         ~~(4)(3)~~ The failure to hold an informational public  
17 | meeting or the procedure used for the informational public  
18 | meeting ~~are shall~~ not ~~be~~ grounds for the alteration of any  
19 | time limitation in this act under ~~pursuant to~~ s. 403.528 or  
20 | grounds to deny or condition certification.

21 |         Section 13. Section 403.5275, Florida Statutes, is  
22 | amended to read:

23 |         403.5275 Amendment to the application.--

24 |         (1) Any amendment made to the application before  
25 | certification shall be sent by the applicant to the  
26 | administrative law judge and to all parties to the proceeding.

27 |         (2) Any amendment to the application made before ~~prior~~  
28 | ~~to~~ certification shall be disposed of as part of the original  
29 | certification proceeding. Amendment of the application may be  
30 | considered "good cause" for alteration of time limits pursuant  
31 | to s. 403.528.

1           Section 14. Section 403.528, Florida Statutes, is  
2 amended to read:

3           403.528 Alteration of time limits.--

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

9           (2) A comprehensive application encompassing more than  
10 one proposed transmission line may be good cause for  
11 alternation of time limits.

12           Section 15. Section 403.529, Florida Statutes, is  
13 amended to read:

14           403.529 Final disposition of application.--

15           (1)(a) If the administrative law judge has granted a  
16 request to cancel the certification hearing and has  
17 relinquished jurisdiction to the department under s.  
18 403.527(6), within 40 days thereafter, the secretary of the  
19 department shall act upon the application by written order in  
20 accordance with the terms of this act and state the reasons  
21 for issuance or denial.

22           (b) If the administrative law judge does not grant a  
23 request to cancel the certification hearing under the  
24 provisions of s. 403.527(6) within 60 ~~30~~ days after receipt of  
25 the administrative law judge's recommended order, the board  
26 shall act upon the application by written order, approving in  
27 whole, approving with such conditions as the board deems  
28 appropriate, or denying the certification and stating the  
29 reasons for issuance or denial.

30           (2) The issues that may be raised in any hearing  
31 before the board shall be limited to matters raised in the

1 certification proceeding before the administrative law judge  
2 or raised in the recommended order of the administrative law  
3 judge. All parties, or their representatives, or persons who  
4 appear before the board shall be subject to ~~the provisions of~~  
5 s. 120.66.

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

10 (4) In determining whether an application should be  
11 approved in whole, approved with modifications or conditions,  
12 or denied, the board, or secretary when applicable, shall  
13 consider whether, and the extent to which, the location of the  
14 transmission line corridor and the construction, operation,  
15 and maintenance of the transmission line will:

16 (a) Ensure electric power system reliability and  
17 integrity;

18 (b) Meet the electrical energy needs of the state in  
19 an orderly, economical, and timely fashion;

20 (c) Comply with applicable nonprocedural requirements  
21 of agencies;

22 (d) Be consistent with applicable provisions of local  
23 government comprehensive plans, if any; and

24 (e) Effect a reasonable balance between the need for  
25 the transmission line as a means of providing reliable,  
26 economically efficient electric energy, as determined by the  
27 commission, under s. 403.537, ~~abundant low cost electrical~~  
28 ~~energy~~ and the impact upon the public and the environment  
29 resulting from the location of the transmission line corridor  
30 and the construction, operation, and maintenance of the  
31 transmission lines.

1           (5)(a) Any transmission line corridor certified by the  
2 board, or secretary if applicable, shall meet the criteria of  
3 this section. When more than one transmission line corridor  
4 is proper for certification under ~~pursuant to~~ s. 403.522(10)  
5 and meets the criteria of this section, the board, or  
6 secretary if applicable, shall certify the transmission line  
7 corridor that has the least adverse impact regarding the  
8 criteria in subsection (4), including costs.

9           (b) If the board, or secretary if applicable, finds  
10 that an alternate corridor rejected pursuant to s. 403.5271  
11 meets the criteria of subsection (4) and has the least adverse  
12 impact regarding the criteria in subsection (4), including  
13 cost, of all corridors that meet the criteria of subsection  
14 (4), ~~then~~ the board, or secretary if applicable, shall deny  
15 certification or shall allow the applicant to submit an  
16 amended application to include the ~~such~~ corridor.

17           (c) If the board, or secretary if applicable, finds  
18 that two or more of the corridors that comply with ~~the~~  
19 ~~provisions of~~ subsection (4) have the least adverse impacts  
20 regarding the criteria in subsection (4), including costs, and  
21 that the ~~such~~ corridors are substantially equal in adverse  
22 impacts regarding the criteria in subsection (4), including  
23 costs, ~~then~~ the board, or secretary if applicable, shall  
24 certify the corridor preferred by the applicant if the  
25 corridor is one proper for certification under ~~pursuant to~~ s.  
26 403.522(10).

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

30           Section 16. Section 403.531, Florida Statutes, is  
31 amended to read:

1           403.531 Effect of certification.--

2           (1) Subject to the conditions set forth therein,  
3 certification shall constitute the sole license of the state  
4 and any agency as to the approval of the location of  
5 transmission line corridors and the construction, operation,  
6 and maintenance of transmission lines. The certification is  
7 ~~shall be~~ valid for the life of the transmission line, if  
8 ~~provided that~~ construction on, or condemnation or acquisition  
9 of, the right-of-way is commenced within 5 years after ~~of~~ the  
10 date of certification or such later date as may be authorized  
11 by the board.

12           (2)(a) The certification authorizes ~~shall authorize~~  
13 the licensee applicant to locate the transmission line  
14 corridor and to construct and maintain the transmission lines  
15 subject only to the conditions of certification set forth in  
16 the such certification.

17           (b) The certification may include conditions that  
18 ~~which~~ constitute variances and exemptions from nonprocedural  
19 standards or rules regulations of the department or any other  
20 agency, which were expressly considered during the  
21 certification review proceeding unless waived by the agency as  
22 provided in s. 403.526 below and which otherwise would be  
23 applicable to the location of the proposed transmission line  
24 corridor or the construction, operation, and maintenance of  
25 the transmission lines. ~~Each party shall notify the applicant~~  
26 ~~and other parties at the time scheduled for the filing of the~~  
27 ~~agency reports of any nonprocedural requirements not~~  
28 ~~specifically listed in the application from which a variance,~~  
29 ~~exemption, exception, or other relief is necessary in order~~  
30 ~~for the board to certify any corridor proposed for~~  
31 ~~certification. Failure of such notification shall be treated~~



1 ~~as a waiver from the nonprocedural requirements of that~~  
2 ~~agency.~~

3       (3)(a) The certification shall be in lieu of any  
4 license, permit, certificate, or similar document required by  
5 any state, regional, or local agency ~~under pursuant to~~, but  
6 not limited to, chapter 125, chapter 161, chapter 163, chapter  
7 166, chapter 186, chapter 253, chapter 258, chapter 298,  
8 chapter 370, chapter 372, chapter 373, chapter 376, chapter  
9 380, chapter 381, ~~chapter 387~~, chapter 403, chapter 404, the  
10 Florida Transportation Code, or 33 U.S.C. s. 1341.

11       (b) On certification, any license, easement, or other  
12 interest in state lands, except those the title of which is  
13 vested in the Board of Trustees of the Internal Improvement  
14 Trust Fund, shall be issued by the appropriate agency as a  
15 ministerial act. The applicant shall ~~be required to~~ seek any  
16 necessary interest in state lands the title to which is vested  
17 in the Board of Trustees of the Internal Improvement Trust  
18 Fund from the board of trustees before, during, or after the  
19 certification proceeding, and certification may be made  
20 contingent upon issuance of the appropriate interest in  
21 realty. However, ~~neither~~ the applicant and nor any party to  
22 the certification proceeding may not directly or indirectly  
23 raise or relitigate any matter that which was or could have  
24 been an issue in the certification proceeding in any  
25 proceeding before the Board of Trustees of the Internal  
26 Improvement Trust Fund wherein the applicant is seeking a  
27 necessary interest in state lands, but the information  
28 presented in the certification proceeding shall be available  
29 for review by the board of trustees and its staff.

30       (4) This act does ~~shall~~ not in any way affect the  
31 ratemaking powers of the commission under chapter 366. This

1 act ~~does shall also~~ not in any way affect the right of any  
2 local government to charge appropriate fees or require that  
3 construction be in compliance with the National Electrical  
4 Safety Code, as prescribed by the commission.

5 (5) ~~A No~~ term or condition of certification may not  
6 ~~shall~~ be interpreted to preclude the postcertification  
7 exercise by any party of whatever procedural rights it may  
8 have under chapter 120, including those related to rulemaking  
9 proceedings.

10 Section 17. Section 403.5312, Florida Statutes, is  
11 amended to read:

12 403.5312 Filing ~~Recording~~ of notice of certified  
13 corridor route.--

14 (1) Within 60 days after certification of a directly  
15 associated transmission line under ~~pursuant to~~ ss.  
16 403.501-403.518 or a transmission line corridor under ~~pursuant~~  
17 ~~to~~ ss. 403.52-403.5365, the applicant shall file, in  
18 accordance with s. 28.222, with the department clerk and the  
19 clerk of the circuit court for each county through which the  
20 corridor will pass, a notice of the certified route.

21 (2) The notice must ~~shall~~ consist of maps or aerial  
22 photographs in the scale of 1:24,000 which clearly show the  
23 location of the certified route and must ~~shall~~ state that the  
24 certification of the corridor will result in the acquisition  
25 of rights-of-way within the corridor. Each clerk shall record  
26 the filing in the official record of the county for the  
27 duration of the certification or until such time as the  
28 applicant certifies to the department and the clerk that all  
29 lands required for the transmission line rights-of-way within  
30 the corridor have been acquired within the ~~such~~ county,  
31 whichever is sooner.

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

3           Section 18. Section 403.5315, Florida Statutes, is  
4 amended to read:

5           403.5315 Modification of certification.--A  
6 certification may be modified after issuance in any one of the  
7 following ways:

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

10           (2) The licensee may file a petition for modification  
11 with the department or the department may initiate the  
12 modification upon its own initiative.

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

14           1. The proposed modification;

15           2. The factual reasons asserted for the modification;

16 and

17           3. The anticipated additional environmental effects of  
18 the proposed modification.

19           (b)~~(2)~~ The department may modify the terms and  
20 conditions of the certification if no party objects in writing  
21 to the ~~such~~ modification within 45 days after notice by mail  
22 to the last address of record in the certification proceeding,  
23 and if no other person whose substantial interests will be  
24 affected by the modification objects in writing within 30 days  
25 after issuance of public notice.

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

30           (d) A request for hearing referred to the Division of  
31 Administrative Hearings shall be disposed of in the same

1 manner as an application but with time periods established by  
2 the administrative law judge commensurate with the  
3 significance of the modification requested. If objections are  
4 raised, the applicant may file a petition for modification  
5 pursuant to subsection (3).

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

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

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

11 ~~and~~

12 ~~(c) The anticipated additional environmental effects~~  
13 ~~of the proposed modification.~~

14 ~~(4) Petitions filed pursuant to subsection (3) shall~~  
15 ~~be disposed of in the same manner as an application but with~~  
16 ~~time periods established by the administrative law judge~~  
17 ~~commensurate with the significance of the modification~~  
18 ~~requested.~~

19 Section 19. Section 403.5317, Florida Statutes, is  
20 created to read:

21 403.5317 Postcertification activities.--

22 (1)(a) If, subsequent to certification, a licensee  
23 proposes any material change to the application or prior  
24 amendments, the licensee shall submit to the department a  
25 written request for amendment and description of the proposed  
26 change to the application. The department shall, within 30  
27 days after the receipt of the request for the amendment,  
28 determine whether the proposed change to the application  
29 requires a modification of the conditions of certification.

30 (b) If the department concludes that the change would  
31 not require a modification of the conditions of certification,

1 the department shall notify, in writing, the licensee, all  
2 agencies, and all parties of the approval of the amendment.

3 (c) If the department concludes that the change would  
4 require a modification of the conditions of certification, the  
5 department shall notify the licensee that the proposed change  
6 to the application requires a request for modification under  
7 s. 403.5315.

8 (2) Postcertification submittals filed by a licensee  
9 with one or more agencies are for the purpose of monitoring  
10 for compliance with the issued certification. Each submittal  
11 must be reviewed by each agency on an expedited and priority  
12 basis because each facility certified under this act is a  
13 critical infrastructure facility. Postcertification review  
14 shall be completed within 90 days after complete information  
15 for a segment of the certified transmission line is submitted  
16 to the reviewing agencies.

17 Section 20. Section 403.5363, Florida Statutes, is  
18 created to read:

19 403.5363 Public notices; requirements.--

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

22 1. The notices shall be published in newspapers of  
23 general circulation within counties crossed by the  
24 transmission line corridors proper for certification. The  
25 required newspaper notices for filing of an application and  
26 for the certification hearing shall be one-half page in size  
27 in a standard-size newspaper or a full page in a tabloid-size  
28 newspaper and published in a section of the newspaper other  
29 than the section for legal notices. These two notices must  
30 include a map generally depicting all transmission corridors  
31 proper for certification. A newspaper of general circulation

1 shall be the newspaper within a county crossed by a  
2 transmission line corridor proper for certification which  
3 newspaper has the largest daily circulation in that county and  
4 has its principal office in that county. If the newspaper  
5 having the largest daily circulation has its principal office  
6 outside the county, the notices must appear in both the  
7 newspaper having the largest circulation in that county and in  
8 a newspaper authorized to publish legal notices in that  
9 county.

10 2. The department shall adopt rules specifying the  
11 content of the newspaper notices.

12 3. All notices published by the applicant shall be  
13 paid for by the applicant and shall be in addition to the  
14 application fee.

15 (b) Public notices that must be published under this  
16 section include:

17 1. The notice of the filing of an application, which  
18 must include a description of the proceedings required by this  
19 act. The notice must describe the provisions of s. 403.531(1)  
20 and (2) and give the date by which notice of intent to be a  
21 party to or an intervenor in a petition to intervene in  
22 accordance with s. 403.527(2) must be filed. This notice must  
23 be published no more than 21 days after the application is  
24 filed.

25 2. The notice of the certification hearing and any  
26 other public hearing permitted under s. 403.527. The notice  
27 must include the date by which a person wishing to appear as a  
28 party must file the notice to do so. The notice of the  
29 certification hearing must be published at least 65 days  
30 before the date set for the certification hearing.

31

1           3. The notice of the cancellation of the certification  
2 hearing, if applicable. The notice must be published at least  
3 3 days before the date of the originally scheduled  
4 certification hearing.

5           4. The notice of the filing of a proposal to modify  
6 the certification submitted under s. 403.5315, if the  
7 department determines that the modification would require  
8 relocation or expansion of the transmission line rights-of-way  
9 or a certified substation.

10           (2) The proponent of an alternate corridor shall  
11 arrange for the publication of the filing of the proposal for  
12 an alternate corridor, the revised time schedules, the date by  
13 which newly affected persons or agencies may file a petition  
14 to intervene or notice of intent to become a party, as  
15 appropriate, and the date of the rescheduled hearing. A notice  
16 listed in this subsection must be published in a newspaper of  
17 general circulation within the county or counties crossed by  
18 the proposed alternate corridor and comply with the content  
19 requirements set forth in paragraph (1)(a). The notice must be  
20 published not less than 50 days before the rescheduled  
21 certification hearing.

22           (3) The department shall arrange for the publication  
23 of the following notices in the manner specified by chapter  
24 120:

25           (a) The notice of the filing of an application and the  
26 date by which a person intending to become a party must file a  
27 petition to intervene or a notice of intent to be a party, as  
28 appropriate. The notice must be published no later than 21  
29 days after the application has been filed.

30           (b) The notice of any administrative hearing for  
31 certification, if applicable. The notice must be published not

1 less than 65 days before the date set for a hearing, except  
2 that notice for a rescheduled certification hearing after  
3 acceptance of an alternative corridor must be published not  
4 less than 50 days before the date set for the hearing.

5 (c) The notice of the cancellation of a certification  
6 hearing, if applicable. The notice must be published not later  
7 than 7 days before the date of the originally scheduled  
8 certification hearing.

9 (d) The notice of the hearing before the siting board,  
10 if applicable.

11 (e) The notice of stipulations, proposed agency  
12 action, or a petition for modification.

13 Section 21. Section 403.5365, Florida Statutes, is  
14 amended to read:

15 403.5365 Fees; disposition.--The department shall  
16 charge the applicant the following fees, as appropriate,  
17 which, unless otherwise specified, shall be paid into the  
18 Florida Permit Fee Trust Fund:

19 (1) An application fee.

20 (a) The application fee shall be of \$100,000, plus  
21 \$750 per mile for each mile of corridor in which the  
22 transmission line right-of-way is proposed to be located  
23 within an existing ~~electrical~~ electric transmission line  
24 right-of-way or within any existing right-of-way for any road,  
25 highway, railroad, or other aboveground linear facility, or  
26 \$1,000 per mile for each mile of transmission line corridor  
27 proposed to be located outside ~~the~~ such existing right-of-way.

28 (b)(a) Sixty percent of the fee shall go to the  
29 department to cover any costs associated with coordinating the  
30 review of reviewing and acting upon the application and any  
31 costs for field services associated with monitoring



1 construction and operation of the electric transmission line  
2 facility.

3 ~~(c)(b)~~ The following percentage ~~Twenty percent~~ of the  
4 fees ~~specified under this section, except postcertification~~  
5 ~~fees,~~ shall be transferred to the Administrative Trust Fund of  
6 the Division of Administrative Hearings of the Department of  
7 Management Services:-

8 1. Five percent to compensate for expenses from the  
9 initial exercise of duties associated with the filing of an  
10 application.

11 2. An additional 10 percent if an administrative  
12 hearing under s. 403.527 is held.

13 ~~(d)1.(c)~~ Upon written request with proper itemized  
14 accounting within 90 days after final agency action by the  
15 siting board, the department, or the withdrawal of the  
16 application, the agencies that prepared reports under s.  
17 403.526 or s. 403.5271 or participated in a hearing under s.  
18 403.527 or s. 403.5271 may submit a written request to the  
19 department for reimbursement of expenses incurred during the  
20 certification proceedings. The request must contain an  
21 accounting of expenses incurred, which may include time spent  
22 reviewing the application, ~~department shall reimburse the~~  
23 ~~expenses and costs of the Department of Community Affairs, the~~  
24 ~~Fish and Wildlife Conservation Commission, the water~~  
25 ~~management district, regional planning council, and local~~  
26 ~~government in the jurisdiction of which the transmission line~~  
27 ~~is to be located. Such reimbursement shall be authorized for~~  
28 ~~the~~ preparation of any studies required of the agencies by  
29 this act, ~~and for~~ agency travel and per diem to attend any  
30 hearing held under ~~pursuant to~~ this act, and for the local  
31 government or regional planning council providing additional

1 notice of the informational public meeting. The department  
2 shall review the request and verify whether a claimed expense  
3 is valid. Valid expenses shall be reimbursed; however, if to  
4 participate in the proceedings. In the event the amount of  
5 funds available for reimbursement allocation is insufficient  
6 to provide for full compensation complete reimbursement to the  
7 agencies, reimbursement shall be on a prorated basis.

8 2. If the application review is held in abeyance for  
9 more than 1 year, the agencies may submit a request for  
10 reimbursement under subparagraph 1.

11 (e)(d) If any sums are remaining, the department shall  
12 retain them for its use in the same manner as is otherwise  
13 authorized by this section; ~~provided,~~ however, ~~that~~ if the  
14 certification application is withdrawn, the remaining sums  
15 shall be refunded to the applicant within 90 days after  
16 withdrawal.

17 (2) An amendment fee.

18 (a) If no corridor alignment change is proposed by the  
19 amendment, no amendment fee shall be charged.

20 (b) If a corridor alignment change under s. 403.5275,  
21 is proposed by the applicant, an additional fee of a minimum  
22 of \$2,000 and \$750 per mile shall be submitted to the  
23 department for use in accordance with this act.

24 (c) If an amendment is required to address issues,  
25 including alternate corridors under ~~pursuant to~~ s. 403.5271,  
26 raised by the department or other parties, no fee for the ~~such~~  
27 amendment shall be charged.

28 (3) A certification modification fee.

29 (a) If no corridor alignment change is proposed by the  
30 licensee applicant, the modification fee shall be \$4,000.

31

1 (b) If a corridor alignment change is proposed by the  
2 applicant, the fee shall be \$1,000 for each mile of  
3 realignment plus an amount not to exceed \$10,000 to be fixed  
4 by rule on a sliding scale based on the load-carrying  
5 capability and configuration of the transmission line for use  
6 in accordance with subsection ~~(1)(2)~~.

7 Section 22. Subsection (1) of section 403.537, Florida  
8 Statutes, is amended to read:

9 403.537 Determination of need for transmission line;  
10 powers and duties.--

11 (1)(a) Upon request by an applicant or upon its own  
12 motion, the Florida Public Service Commission shall schedule a  
13 public hearing, after notice, to determine the need for a  
14 transmission line regulated by the Florida Electric  
15 Transmission Line Siting Act, ss. 403.52-403.5365. ~~The Such~~  
16 notice shall be published at least 21 ~~45~~ days before the date  
17 set for the hearing and shall be published by the applicant in  
18 at least one-quarter page size notice in newspapers of general  
19 circulation, and the commission in the manner specified in  
20 chapter 120 in the Florida Administrative Weekly, by giving  
21 notice to counties and regional planning councils in whose  
22 jurisdiction the transmission line could be placed, and by  
23 giving notice to any persons who have requested to be placed  
24 on the mailing list of the commission for this purpose.  
25 Within 21 days after receipt of a request for determination by  
26 an applicant, the commission shall set a date for the hearing.  
27 The hearing shall be held pursuant to s. 350.01 within 45 days  
28 after the filing of the request, and a decision shall be  
29 rendered within 60 days after such filing.

30 (b) The commission shall be the sole forum in which to  
31 determine the need for a transmission line. The need for a

1 transmission line may not be raised or be the subject of  
2 review in another proceeding.

3       ~~(c)(b)~~ In the determination of need, the commission  
4 shall take into account the need for electric system  
5 reliability and integrity, the need for abundant, low-cost  
6 electrical energy to assure the economic well-being of the  
7 residents ~~citizens~~ of this state, the appropriate starting and  
8 ending point of the line, and other matters within its  
9 jurisdiction deemed relevant to the determination of need. The  
10 appropriate starting and ending points of the electric  
11 transmission line must be verified by the commission in its  
12 determination of need.

13       ~~(d)(c)~~ The determination by the commission of the need  
14 for the transmission line, as defined in s. 403.522(22) ~~s.~~  
15 ~~403.522(21)~~, is binding on all parties to any certification  
16 proceeding under ~~pursuant to~~ the Florida Electric Transmission  
17 Line Siting Act and is a condition precedent to the conduct of  
18 the certification hearing prescribed therein. An order  
19 entered pursuant to this section constitutes final agency  
20 action.

21       Section 23. Subsection (3) of section 373.441, Florida  
22 Statutes, is amended to read:

23       373.441 Role of counties, municipalities, and local  
24 pollution control programs in permit processing.--

25       (3) The department shall review environmental resource  
26 permit applications for electrical distribution and  
27 transmission lines and other facilities related to the  
28 production, transmission, and distribution of electricity  
29 which are not certified under ss. 403.52-403.5365, the Florida  
30 Electric Transmission Line Siting Act, regulated under this  
31 part.

1           Section 24. Subsection (30) of section 403.061,  
2 Florida Statutes, is amended to read:

3           403.061 Department; powers and duties.--The department  
4 shall have the power and the duty to control and prohibit  
5 pollution of air and water in accordance with the law and  
6 rules adopted and promulgated by it and, for this purpose, to:

7           (30) Establish requirements by rule that reasonably  
8 protect the public health and welfare from electric and  
9 magnetic fields associated with existing 230 kV or greater  
10 electrical transmission lines, new 230 kV and greater  
11 electrical transmission lines for which an application for  
12 certification under the Florida Electric Transmission Line  
13 Siting Act, ss. 403.52-403.5365, is not filed, new or existing  
14 electrical transmission or distribution lines with voltage  
15 less than 230 kV, and substation facilities. Notwithstanding  
16 any other provision in this chapter or any other law of this  
17 state or political subdivision thereof, the department shall  
18 have exclusive jurisdiction in the regulation of electric and  
19 magnetic fields associated with all electrical transmission  
20 and distribution lines and substation facilities. However,  
21 nothing herein shall be construed as superseding or repealing  
22 the provisions of s. 403.523(1) and (10).

23           Section 25. Paragraph (a) of subsection (3) of section  
24 403.0876, Florida Statutes, is amended to read:

25           403.0876 Permits; processing.--

26           (3)(a) The department shall establish a special unit  
27 for permit coordination and processing to provide expeditious  
28 processing of department permits which the district offices  
29 are unable to process expeditiously and to provide accelerated  
30 processing of certain permits or renewals for economic and  
31 operating stability. The ability of the department to process

1 applications under ~~pursuant to~~ this subsection in a more  
2 timely manner than allowed by subsections (1) and (2) is  
3 dependent upon the timely exchange of information between the  
4 applicant and the department and the intervention of outside  
5 parties as allowed by law. An applicant may request the  
6 processing of its permit application by the special unit if  
7 the application is from an area of high unemployment or low  
8 per capita income, is from a business or industry that is the  
9 primary employer within an area's labor market, or is in an  
10 industry with respect to which the complexities involved in  
11 the review of the application require special skills uniquely  
12 available in the headquarters office. The department may  
13 require the applicant to waive the 90-day time limitation for  
14 department issuance or denial of the permit once for a period  
15 not to exceed 90 days. The department may require a special  
16 fee to cover the direct cost of processing special  
17 applications in addition to normal permit fees and costs. The  
18 special fee may not exceed \$10,000 per permit required.  
19 Applications for renewal permits, but not applications for  
20 initial permits, required for facilities pursuant to the  
21 Electrical Power Plant Siting Act or the Florida Electric  
22 Transmission Line Siting Act may be processed under this  
23 subsection. Personnel staffing the special unit shall have  
24 lengthy experience in permit processing.

25 Section 26. Paragraph (b) of subsection (3) of section  
26 403.809, Florida Statutes, is amended to read:

27 403.809 Environmental districts; establishment;  
28 managers; functions.--

29 (3)

30 (b) The processing of all applications for permits,  
31 licenses, certificates, and exemptions shall be accomplished

1 at the district center or the branch office, except for those  
2 applications specifically assigned elsewhere in the department  
3 under s. 403.805 or to the water management districts under s.  
4 403.812 and those applications assigned by interagency  
5 agreement as provided in this act. However, the secretary, as  
6 head of the department, may not delegate to district or  
7 subdistrict managers, water management districts, or any unit  
8 of local government the authority to act on the following  
9 types of permit applications:

10 1. Permits issued under s. 403.0885, except such  
11 permit issuance may be delegated to district managers.

12 2. Construction of major air pollution sources.

13 3. Certifications under the Florida Electrical Power  
14 Plant Siting Act or the Florida Electric Transmission Line  
15 Siting Act and the associated permit issued under s. 403.0885,  
16 if applicable.

17 4. Permits issued under s. 403.0885 to steam electric  
18 generating facilities regulated pursuant to 40 C.F.R. part  
19 423.

20 5. Permits issued under s. 378.901.

21 Section 27. Sections 403.5253 and 403.5369, Florida  
22 Statutes, are repealed.

23 Section 28. This act shall take effect upon becoming a  
24 law.

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SENATE SUMMARY

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3 Revises the powers and duties of the Department of  
4 Environmental Protection. Requires the department to  
5 collect and process fees, to prepare a project impact  
6 analysis, to act as clerk for the siting board, and to  
7 administer and manage the terms and conditions of the  
8 certification order and supporting documents and records.  
9 Revises provisions for notice by an electric utility of  
10 its intent to construct an exempted transmission line.  
11 Provides for the powers and duties of the administrative  
12 law judge designated by the Division of Administrative  
13 Hearings to conduct required hearings. Revises  
14 application procedures and schedules for certification.  
15 Requires the department to prepare a proposed schedule of  
16 dates for determination of completeness and other  
17 significant dates to be followed during the certification  
18 process. Requires the applicant to file a notice of  
19 filing of the application. Revises timeframes and  
20 procedures for determination of completeness of the  
21 application. Requires the department to consult with  
22 affected agencies. Requires the department to file a  
23 statement of its determination of completeness with the  
24 Division of Administrative Hearings, the applicant, and  
25 all parties within a certain time after distribution of  
26 the application. Revises requirements for the applicant  
27 to file a statement with the department, the division,  
28 and all parties, if the department determines the  
29 application is not complete. Provides for the statement  
30 to notify the department that the information will not be  
31 provided. Revises criteria and procedures for preliminary  
statements of issues, reports, and studies. Requires that  
the preliminary statement of issues from each affected  
agency be submitted to the department and the applicant.  
Requires affected agencies to prepare a project impact  
report. Provides for notice of any agency nonprocedural  
requirements not listed in the application. Provides that  
receipt of an affirmative determination of need is a  
condition precedent to further processing of the  
application. Requires the department to prepare a project  
impact analysis to be filed with the administrative law  
judge and served on all parties within a certain  
timeframe. Revises provisions for notices and publication  
of notices and for procedures at hearings. Requires that  
certain notices be made in accordance with specified  
requirements and within a certain timeframe. Authorizes  
the administrative law judge to cancel the certification  
hearing and relinquish jurisdiction to the department  
upon request by the applicant or the department. Requires  
the department and the applicant to publish notice of the  
cancellation. Requires the parties to submit proposed  
recommended orders to the department when the  
certification hearing has been canceled. Revises  
procedures, notices, and timeframes for consideration of  
proposed alternate corridors. Provides for notice of the  
filing of the alternate corridor and revised time  
schedules. Requires the person proposing the alternate  
corridor to provide all data to the agencies within a  
certain timeframe. Provides for the department to  
determine if the data is complete. Provides for



1 withdrawal of the proposed alternate corridor if the data  
2 is incomplete. Requires the agencies to file reports with  
3 the applicant and department which address the proposed  
4 alternate corridor. Requires the party proposing an  
5 alternate corridor to have the burden of proof on the  
6 certifiability of the alternate corridor. Revises the  
7 procedures for the informational public meetings. Revises  
8 the provisions for amending the application before  
9 certification. Provides that a comprehensive application  
10 encompassing more than one proposed transmission line may  
11 be good cause for altering established time limits.  
12 Revises provisions for final disposition of the  
13 application by the siting board. Requires the applicant  
14 to file notice of a certified corridor route with the  
15 department. Revises the circumstances under which a  
16 certification may be modified after the certification has  
17 been issued. Provides procedures for changes proposed by  
18 the licensee after certification. Requires the department  
19 to determine within a certain time if the proposed change  
20 requires modification of the conditions of certification.  
21 Requires publication of certain notices by the applicant,  
22 the proponent of an alternate corridor, and the  
23 department. Provides for application fees and the  
24 distribution of fees collected. Revises procedures for  
25 reimbursement of local governments and regional planning  
26 organizations. Provides that the Public Service  
27 Commission is the only forum in which to determine the  
28 need for a transmission line. (See bill for details.)  
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