

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Hasner offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Legislative findings and intent.--The
Legislature finds that advancing the development of renewable
energy technologies and energy efficiency is important for the
state's future, its energy stability, and the protection of its
citizens' public health and its environment. The Legislature
finds that the development of renewable energy technologies and
energy efficiency in the state will help to reduce demand for
foreign fuels, promote energy diversity, enhance system
reliability, reduce pollution, educate the public on the promise
of renewable energy technologies, and promote economic growth.
The Legislature finds that there is a need to assist in the
development of market demand that will advance the
commercialization and widespread application of renewable energy

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18 technologies. The Legislature further finds that the state is
19 ideally positioned to stimulate economic development through
20 such renewable energy technologies due to its ongoing and
21 successful research and development track record in these areas,
22 an abundance of natural and renewable energy sources, an ability
23 to attract significant federal research and development funds,
24 and the need to find and secure renewable energy technologies
25 for the benefit of its citizens, visitors, and environment.

26 Section 2. Section 377.801, Florida Statutes, is created
27 to read:

28 377.801 Short title.--Sections 377.801-377.806 may be
29 cited as the "Florida Renewable Energy Technologies and Energy
30 Efficiency Act."

31 Section 3. Section 377.802, Florida Statutes, is created
32 to read:

33 377.802 Purpose.--This act is intended to provide matching
34 grants to stimulate capital investment in the state and to
35 enhance the market for and promote the statewide utilization of
36 renewable energy technologies. The targeted grants program is
37 designed to advance the already growing establishment of
38 renewable energy technologies in the state and encourage the use
39 of other incentives such as tax exemptions and regulatory
40 certainty to attract additional renewable energy technology
41 producers, developers, and users to the state. This act is also
42 intended to provide incentives for the purchase of energy-
43 efficient appliances and rebates for solar energy equipment
44 installations for residential and commercial buildings.

45 Section 4. Section 377.803, Florida Statutes, is created
46 to read:

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47 377.803 Definitions.--As used in ss. 377.801-377.806, the
48 term:

49 (1) "Act" means the Florida Renewable Energy Technologies
50 and Energy Efficiency Act.

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

54 (3) "Commission" means the Florida Public Service
55 Commission.

56 (4) "Department" means the Department of Environmental
57 Protection.

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

61 (6) "Renewable energy" means electrical, mechanical, or
62 thermal energy produced from a method that uses one or more of
63 the following fuels or energy sources: hydrogen, biomass, solar
64 energy, geothermal energy, wind energy, ocean energy, waste
65 heat, or hydroelectric power.

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

68 (8) "Solar energy system" means equipment that provides
69 for the collection and use of incident solar energy for water
70 heating, space heating or cooling, or other applications that
71 would normally require a conventional source of energy such as
72 petroleum products, natural gas, or electricity that performs
73 primarily with solar energy. In other systems in which solar
74 energy is used in a supplemental way, only those components that

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75 collect and transfer solar energy shall be included in this
76 definition.

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

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

81 Section 5. Section 377.804, Florida Statutes, is created
82 to read:

83 377.804 Renewable Energy Technologies Grants Program.--

84 (1) The Renewable Energy Technologies Grants Program is
85 established within the department to provide renewable energy
86 matching grants for demonstration, commercialization, research,
87 and development projects relating to renewable energy
88 technologies.

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

92 (a) Municipalities and county governments.

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

95 (c) Universities and colleges in the state.

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

97 (e) Not-for-profit organizations.

98 (f) Other qualified persons, as determined by the
99 department.

100 (3) The department may adopt rules pursuant to ss.
101 120.536(1) and 120.54 to provide for application requirements,
102 provide for ranking of applications, and administer the awarding
103 of grants under this program.

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

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

110 (b) The degree to which the project stimulates in-state
111 capital investment and economic development in metropolitan and
112 rural areas, including the creation of jobs and the future
113 development of a commercial market for renewable energy
114 technologies.

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

119 (d) The degree to which the project incorporates an
120 innovative new technology or an innovative application of an
121 existing technology.

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

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

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

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

130 (i) Project duration and timeline for expenditures.

131 (j) The geographic area in which the project is to be
132 conducted in relation to other projects.

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133 (k) The degree of public visibility and interaction.

134 (5) The department shall solicit the expertise of other
135 state agencies in evaluating project proposals. State agencies
136 shall cooperate with the Department of Environmental Protection
137 and provide such assistance as requested.

138 (6) The department shall coordinate and actively consult
139 with the Department of Agriculture and Consumer Services during
140 the review and approval process of grants relating to bioenergy
141 projects for renewable energy technology, and the departments
142 shall jointly determine the grant awards to these bioenergy
143 projects. No grant funding shall be awarded to any bioenergy
144 project without such joint approval. Factors for consideration
145 in awarding grants may include, but are not limited to, the
146 degree to which:

147 (a) The project stimulates in-state capital investment and
148 economic development in metropolitan and rural areas, including
149 the creation of jobs and the future development of a commercial
150 market for bioenergy.

151 (b) The project produces bioenergy from Florida-grown
152 crops or biomass.

153 (c) The project demonstrates efficient use of energy and
154 material resources.

155 (d) The project fosters overall understanding and
156 appreciation of bioenergy technologies.

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

159 (f) The project duration and the timeline for expenditures
160 are acceptable.

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161 (g) The project has a reasonable assurance of enhancing
162 the value of agricultural products or will expand agribusiness
163 in the state.

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

167 Section 6. The period from 12:01 a.m., October 5, through
168 midnight, October 11, 2006, shall be designated "Energy
169 Efficient Week," and the tax levied under chapter 212 may not be
170 collected on the sale of a new energy-efficient product having a
171 selling price of \$1,500 or less per product during that period.
172 This exemption applies only when the energy-efficient product is
173 purchased for noncommercial home or personal use and does not
174 apply when the product is purchased for trade, business, or
175 resale. As used in this section, the term "energy-efficient
176 product" means a dishwasher, clothes washer, air conditioner,
177 ceiling fan, incandescent or florescent light bulb,
178 dehumidifier, programmable thermostat, or refrigerator that has
179 been designated by the United States Environmental Protection
180 Agency or by the United States Department of Energy as meeting
181 or exceeding the requirements under the Energy Star Program of
182 either agency. Purchases made under this section may not be made
183 using a business or company credit or debit card or check. Any
184 construction company, building contractor, or commercial
185 business or entity that purchases or attempts to purchase the
186 energy-efficient products as exempt under this section commits
187 an unfair method of competition in violation of s. 501.204,
188 punishable as provided in s. 501.2075. The Department of Revenue

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189 may adopt rules under ss. 120.536(1) and 120.54 to administer
190 this section.

191 Section 7. Section 377.806, Florida Statutes, is created
192 to read:

193 377.806 Solar Energy System Incentives Program.--

194 (1) PURPOSE.--The Solar Energy System Incentives Program
195 is established within the department to provide financial
196 incentives for the purchase and installation of solar energy
197 systems. Any resident of the state who purchases and installs a
198 new solar energy system of 2 kilowatts or larger for a solar
199 photovoltaic system, a solar energy system that provides at
200 least 50 percent of a building's hot water consumption for a
201 solar thermal system, or a solar thermal pool heater, from July
202 1, 2006, through June 30, 2010, is eligible for a rebate on a
203 portion of the purchase price of that solar energy system.

204 (2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

205 (a) Eligibility requirements.--A solar photovoltaic system
206 qualifies for a rebate if:

207 1. The system is installed by a state-licensed master
208 electrician, electrical contractor, or solar contractor.

209 2. The system complies with state interconnection
210 standards as provided by the commission.

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

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

217 1. Twenty thousand dollars for a residence.

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218 2. One hundred thousand dollars for a place of business, a
219 publicly owned or operated facility, or a facility owned or
220 operated by a private, not-for-profit organization, including
221 condominiums or apartment buildings.

222 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

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

225 1. The system is installed by a state-licensed solar or
226 plumbing contractor.

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

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

231 1. Five hundred dollars for a residence.

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

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

238 (a) Eligibility requirements.--A solar thermal pool heater
239 qualifies for a rebate if the system is installed by a state-
240 licensed solar or plumbing contractor and the system complies
241 with all applicable building codes as defined by the local
242 jurisdictional authority.

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

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

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247 (6) REBATE AVAILABILITY.--The department shall determine
248 and publish on a regular basis the amount of rebate funds
249 remaining in each fiscal year. The total dollar amount of all
250 rebates issued by the department is subject to the total amount
251 of appropriations in any fiscal year for this program. If funds
252 are insufficient during the current fiscal year, any requests
253 for rebates received during that fiscal year may be processed
254 during the following fiscal year. Requests for rebates received
255 in a fiscal year that are processed during the following fiscal
256 year shall be given priority over requests for rebates received
257 during the following fiscal year.

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

261 Section 8. Florida Energy Commission.--

262 (1) The Florida Energy Commission is created and shall be
263 located within the Office of Legislative Services for
264 administrative purposes. The commission shall be comprised of a
265 total of nine members.

266 (a) The members shall be appointed as follows: the
267 President of the Senate and the Speaker of the House of
268 Representatives shall appoint four members each and shall
269 jointly appoint the ninth member, who shall serve as chair.
270 Members shall be appointed to 2-year terms; however, in order to
271 establish staggered terms, for the initial appointments, each
272 appointing official shall appoint two members to a 1-year term
273 and two members to a 2-year term. Members must meet the
274 following qualifications and restrictions:

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275 1. A member must be an expert in one or more of the
276 following fields: energy, natural resource conservation,
277 economics, engineering, finance, law, consumer protection, state
278 energy policy, or another field substantially related to the
279 duties and functions of the commission. The commission shall
280 fairly represent the fields specified in this subparagraph.

281 2. Each member shall, at the time of appointment and at
282 each commission meeting during his or her term of office,
283 disclose:

284 a. Whether he or she has any financial interest, other
285 than ownership of shares in a mutual fund, in any business
286 entity that, directly or indirectly, owns or controls, or is an
287 affiliate or subsidiary of, any business entity that may profit
288 by the policy recommendations developed by the commission.

289 b. Whether he or she is employed by or is engaged in any
290 business activity with any business entity that, directly or
291 indirectly, owns or controls, or is an affiliate or subsidiary
292 of, any business entity that may profit by the policy
293 recommendations developed by the commission.

294 (b) The following may also attend meetings and provide
295 information and advise at the request of the chair:

296 1. The chair of the Florida Public Service Commission, or
297 his or her designee.

298 2. The Public Counsel, or his or her designee.

299 3. The Commissioner of Agriculture, or his or her
300 designee.

301 4. The Director of the Office of Insurance Regulation, or
302 his or her designee.

303 5. The Secretary of Health, or his or her designee.

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304 6. The chair of the State Board of Education, or his or
305 her designee.

306 7. The Secretary of Community Affairs, or his or her
307 designee.

308 8. The Secretary of Transportation, or his or her
309 designee.

310 9. The Secretary of Environmental Protection, or his or
311 her designee.

312 (2) Members shall serve without compensation but are
313 entitled to reimbursement for per diem and travel expenses as
314 provided in s. 112.061, Florida Statutes.

315 (3) Meetings of the commission shall be held in various
316 locations around the state and at the call of the chair;
317 however, the commission must meet at least twice each year.

318 (4) (a) The commission may employ staff to assist in the
319 performance of its duties, including an executive director, an
320 attorney, a communications staff member, and an executive
321 assistant.

322 (b) The commission may form advisory groups consisting of
323 members of the public to provide information on specific issues.

324 (5) The commission shall develop recommendations for
325 legislation to establish a state energy policy. The
326 recommendations of the commission shall be based on the guiding
327 principles of reliability, efficiency, affordability, and
328 diversity as provided in subsection (7). The commission shall
329 continually review the state energy policy and shall recommend
330 to the Legislature any additional necessary changes or
331 improvements.

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332 (6) (a) The commission shall report by December 31 of each
333 year to the President of the Senate and the Speaker of the House
334 of Representatives on its progress and recommendations,
335 including draft legislation.

336 (b) The commission's initial report must be filed by
337 December 31, 2007, and must identify incentives for research,
338 development, or deployment projects involving the goals and
339 issues set forth in this section; set forth policy
340 recommendations for conservation of all forms of energy; and set
341 forth a plan of action, together with a timetable, for
342 addressing additional issues.

343 (c) The commission's initial report shall also recommend
344 consensus-based public-involvement processes that evaluate
345 greenhouse gas emissions in this state and make recommendations
346 regarding related economic, energy, and environmental benefits.

347 (d) The report must include recommended steps and a
348 schedule for the development of a comprehensive state climate
349 action plan with greenhouse gas reduction through a public-
350 involvement process, including transportation and land use;
351 power generation; residential, commercial, and industrial
352 activities; waste management; agriculture and forestry;
353 emissions-reporting systems; and public education.

354 (7) In developing its recommendations, the commission
355 shall be guided by the principles of reliability, efficiency,
356 affordability, and diversity, and more specifically as follows:

357 (a) The state should have a reliable electric supply with
358 adequate reserves.

359 (b) The transmission and delivery of electricity should be
360 reliable.

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361 (c) The generation, transmission, and delivery of
362 electricity should be accomplished with the least detriment to
363 the environment and public health.

364 (d) The generation, transmission, and delivery of
365 electricity should be accomplished compatibly with the goals for
366 growth management.

367 (e) Electricity generation, transmission, and delivery
368 facilities should be reasonably secure from damage, taking all
369 factors into consideration, and recovery from damage should be
370 prompt.

371 (f) Electric rates should be affordable, as to base rates
372 and all recovery-clause additions, with sufficient incentives
373 for utilities to achieve this goal.

374 (g) The state should have a reliable supply of motor
375 vehicle fuels, both under normal circumstances and during
376 hurricanes and other emergency situations.

377 (h) In-state research, development, and deployment of
378 alternative energy technologies and alternative motor vehicle
379 fuels should be encouraged.

380 (i) When possible, the resources of the state should be
381 used in achieving the goals enumerated in this subsection.

382 (j) Consumers of energy should be encouraged and given
383 incentives to be more efficient in their use of energy.

384
385 It is the specific intent of the Legislature that nothing in
386 this section shall in any way change the powers, duties, and
387 responsibilities of the Public Service Commission or the powers,
388 duties, and responsibilities assigned by the Florida Electrical
389 Power Plant Siting Act, ss. 403.501-403.518, Florida Statutes.

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

392 212.08 Sales, rental, use, consumption, distribution, and
393 storage tax; specified exemptions.--The sale at retail, the
394 rental, the use, the consumption, the distribution, and the
395 storage to be used or consumed in this state of the following
396 are hereby specifically exempt from the tax imposed by this
397 chapter.

398 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any
399 entity by this chapter do not inure to any transaction that is
400 otherwise taxable under this chapter when payment is made by a
401 representative or employee of the entity by any means,
402 including, but not limited to, cash, check, or credit card, even
403 when that representative or employee is subsequently reimbursed
404 by the entity. In addition, exemptions provided to any entity by
405 this subsection do not inure to any transaction that is
406 otherwise taxable under this chapter unless the entity has
407 obtained a sales tax exemption certificate from the department
408 or the entity obtains or provides other documentation as
409 required by the department. Eligible purchases or leases made
410 with such a certificate must be in strict compliance with this
411 subsection and departmental rules, and any person who makes an
412 exempt purchase with a certificate that is not in strict
413 compliance with this subsection and the rules is liable for and
414 shall pay the tax. The department may adopt rules to administer
415 this subsection.

416 (ccc) Equipment, machinery, and other materials for
417 renewable energy technologies.--

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

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419 a. "Biodiesel" means the mono-alkyl esters of long-chain
420 fatty acids derived from plant or animal matter for use as a
421 source of energy and meeting the specifications for biodiesel
422 and biodiesel blends with petroleum products as adopted by the
423 Department of Agriculture and Consumer Services. Biodiesel may
424 refer to biodiesel blends designated BXX, where XX represents
425 the volume percentage of biodiesel fuel in the blend.

426 b. "Ethanol" means nominally anhydrous denatured alcohol
427 produced by the fermentation of plant sugars meeting the
428 specifications for fuel ethanol and fuel ethanol blends with
429 petroleum products as adopted by the Department of Agriculture
430 and Consumer Services. Ethanol may refer to fuel ethanol blends
431 designated EXX, where XX represents the volume percentage of
432 fuel ethanol in the blend.

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

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

438 a. Hydrogen-powered vehicles, materials incorporated into
439 hydrogen-powered vehicles, and hydrogen-fueling stations, up to
440 a limit of \$2 million in tax each state fiscal year for all
441 taxpayers.

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

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

451 3. The Department of Environmental Protection shall
452 provide to the department a list of items eligible for the
453 exemption provided in this paragraph.

454 4.a. The exemption provided in this paragraph shall be
455 available to a purchaser only through a refund of previously
456 paid taxes.

457 b. To be eligible to receive the exemption provided in
458 this paragraph, a purchaser shall file an application with the
459 Department of Environmental Protection. The application shall be
460 developed by the Department of Environmental Protection, in
461 consultation with the department, and shall require:

462 (I) The name and address of the person claiming the
463 refund.

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

467 (III) The sales invoice or other proof of purchase showing
468 the amount of sales tax paid, the date of purchase, and the name
469 and address of the sales tax dealer from whom the property was
470 purchased.

471 (IV) A sworn statement that the information provided is
472 accurate and that the requirements of this paragraph have been
473 met.

474 c. Within 30 days after receipt of an application, the
475 Department of Environmental Protection shall review the
476 application and shall notify the applicant of any deficiencies.

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477 Upon receipt of a completed application, the Department of
478 Environmental Protection shall evaluate the application for
479 exemption and issue a written certification that the applicant
480 is eligible for a refund or issue a written denial of such
481 certification within 60 days after receipt of the application.
482 The Department of Environmental Protection shall provide the
483 department with a copy of each certification issued upon
484 approval of an application.

485 d. Each certified applicant shall be responsible for
486 forwarding a certified copy of the application and copies of all
487 required documentation to the department within 6 months after
488 certification by the Department of Environmental Protection.

489 e. The provisions of s. 212.095 do not apply to any refund
490 application made pursuant to this paragraph. A refund approved
491 pursuant to this paragraph shall be made within 30 days after
492 formal approval by the department.

493 f. The department may adopt all rules pursuant to ss.
494 120.536(1) and 120.54 to administer this paragraph, including
495 rules establishing forms and procedures for claiming this
496 exemption.

497 g. The Department of Environmental Protection shall be
498 responsible for ensuring that the total amounts of the
499 exemptions authorized do not exceed the limits as specified in
500 subparagraph 2.

501 5. The Department of Environmental Protection shall
502 determine and publish on a regular basis the amount of sales tax
503 funds remaining in each fiscal year.

504 6. This paragraph expires July 1, 2010.

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

507 213.053 Confidentiality and information sharing.--

508 (7) Notwithstanding any other provision of this section,
509 the department may provide:

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

513
514 Disclosure of information under this subsection shall be
515 pursuant to a written agreement between the executive director
516 and the agency. Such agencies, governmental or nongovernmental,
517 shall be bound by the same requirements of confidentiality as
518 the Department of Revenue. Breach of confidentiality is a
519 misdemeanor of the first degree, punishable as provided by s.
520 775.082 or s. 775.083.

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

523 220.02 Legislative intent.--

524 (8) It is the intent of the Legislature that credits
525 against either the corporate income tax or the franchise tax be
526 applied in the following order: those enumerated in s. 631.828,
527 those enumerated in s. 220.191, those enumerated in s. 220.181,
528 those enumerated in s. 220.183, those enumerated in s. 220.182,
529 those enumerated in s. 220.1895, those enumerated in s. 221.02,
530 those enumerated in s. 220.184, those enumerated in s. 220.186,
531 those enumerated in s. 220.1845, those enumerated in s. 220.19,
532 those enumerated in s. 220.185, ~~and~~ those enumerated in s.

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533 220.187, those enumerated in s. 220.192, and those enumerated in
534 s. 220.193.

535 Section 12. Section 220.192, Florida Statutes, is created
536 to read:

537 220.192 Renewable energy technologies investment tax
538 credit.--

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

540 (a) "Biodiesel" means biodiesel as defined in s.
541 212.08(7)(ccc).

542 (b) "Eligible costs" means:

543 1. Seventy-five percent of all capital costs, operation
544 and maintenance costs, and research and development costs
545 incurred between July 1, 2006, and June 30, 2010, up to a limit
546 of \$3 million per state fiscal year for all taxpayers, in
547 connection with an investment in hydrogen-powered vehicles and
548 hydrogen vehicle fueling stations in the state, including, but
549 not limited to, the costs of constructing, installing, and
550 equipping such technologies in the state.

551 2. Seventy-five percent of all capital costs, operation
552 and maintenance costs, and research and development costs
553 incurred between July 1, 2006, and June 30, 2010, up to a limit
554 of \$1.5 million per state fiscal year for all taxpayers, and
555 limited to a maximum of \$12,000 per fuel cell, in connection
556 with an investment in commercial stationary hydrogen fuel cells
557 in the state, including, but not limited to, the costs of
558 constructing, installing, and equipping such technologies in the
559 state.

560 3. Seventy-five percent of all capital costs, operation
561 and maintenance costs, and research and development costs

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562 incurred between July 1, 2006, and June 30, 2010, up to a limit
563 of \$6.5 million per state fiscal year for all taxpayers, in
564 connection with an investment in the production, storage, and
565 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
566 the state, including the costs of constructing, installing, and
567 equipping such technologies in the state. Gasoline fueling
568 station pump retrofits for ethanol (E10-E100) distribution
569 qualify as an eligible cost under this subparagraph.

570 (c) "Ethanol" means ethanol as defined in s.
571 212.08(7)(ccc).

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

574 (2) TAX CREDIT.--For tax years beginning on or after
575 January 1, 2007, a credit against the tax imposed by this
576 chapter shall be granted in an amount equal to the eligible
577 costs. Credits may be used in tax years beginning January 1,
578 2007, and ending December 31, 2010, after which the credit shall
579 expire. If the credit is not fully used in any one tax year
580 because of insufficient tax liability on the part of the
581 corporation, the unused amount may be carried forward and used
582 in tax years beginning January 1, 2007, and ending December 31,
583 2012, after which the credit carryover expires and may not be
584 used. A taxpayer that files a consolidated return in this state
585 as a member of an affiliated group under s. 220.131(1) may be
586 allowed the credit on a consolidated return basis up to the
587 amount of tax imposed upon the consolidated group. Any eligible
588 cost for which a credit is claimed and which is deducted or
589 otherwise reduces federal taxable income shall be added back in
590 computing adjusted federal income under s. 220.13.

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591 (3) CORPORATE APPLICATION PROCESS.--Any corporation
592 wishing to obtain tax credits available under this section must
593 submit to the Department of Environmental Protection an
594 application for tax credit that includes a complete description
595 of all eligible costs for which the corporation is seeking a
596 credit and a description of the total amount of credits sought.
597 The Department of Environmental Protection shall make a
598 determination on the eligibility of the applicant for the
599 credits sought and certify the determination to the applicant
600 and the Department of Revenue. The corporation must attach the
601 Department of Environmental Protection's certification to the
602 tax return on which the credit is claimed. The Department of
603 Environmental Protection shall be responsible for ensuring that
604 the corporate income tax credits granted in each fiscal year do
605 not exceed the limits provided for in this section. The
606 Department of Environmental Protection is authorized to adopt
607 the necessary rules, guidelines, and application materials for
608 the application process.

609 (4) TAXPAYER APPLICATION PROCESS.--To claim a credit under
610 this section, each taxpayer must apply to the Department of
611 Environmental Protection for an allocation of each type of
612 annual credit by the date established by the Department of
613 Environmental Protection. The application form may be
614 established by the Department of Environmental Protection and
615 shall include an affidavit from each taxpayer certifying that
616 all information contained in the application, including all
617 records of eligible costs claimed as the basis for the tax
618 credit, are true and correct. Approval of the credits under this
619 section shall be accomplished on a first-come, first-served

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620 basis, based upon the date complete applications are received by
621 the Department of Environmental Protection. A taxpayer shall
622 submit only one complete application based upon eligible costs
623 incurred within a particular state fiscal year. Incomplete
624 placeholder applications will not be accepted and will not
625 secure a place in the first-come, first-served application line.
626 If a taxpayer does not receive a tax credit allocation due to
627 the exhaustion of the annual tax credit authorizations, then
628 such taxpayer may reapply in the following year for those
629 eligible costs and will have priority over other applicants for
630 the allocation of credits.

631 (5) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF
632 CREDITS.--

633 (a) In addition to its existing audit and investigation
634 authority, the Department of Revenue may perform any additional
635 financial and technical audits and investigations, including
636 examining the accounts, books, and records of the tax credit
637 applicant, that are necessary to verify the eligible costs
638 included in the tax credit return and to ensure compliance with
639 this section. The Department of Environmental Protection shall
640 provide technical assistance when requested by the Department of
641 Revenue on any technical audits or examinations performed
642 pursuant to this section.

643 (b) It is grounds for forfeiture of previously claimed and
644 received tax credits if the Department of Revenue determines, as
645 a result of either an audit or examination or from information
646 received from the Department of Environmental Protection, that a
647 taxpayer received tax credits pursuant to this section to which
648 the taxpayer was not entitled. The taxpayer is responsible for

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649 returning forfeited tax credits to the Department of Revenue,
650 and such funds shall be paid into the General Revenue Fund of
651 the state.

652 (c) The Department of Environmental Protection may revoke
653 or modify any written decision granting eligibility for tax
654 credits under this section if it is discovered that the tax
655 credit applicant submitted any false statement, representation,
656 or certification in any application, record, report, plan, or
657 other document filed in an attempt to receive tax credits under
658 this section. The Department of Environmental Protection shall
659 immediately notify the Department of Revenue of any revoked or
660 modified orders affecting previously granted tax credits.
661 Additionally, the taxpayer must notify the Department of Revenue
662 of any change in its tax credit claimed.

663 (d) The taxpayer shall file with the Department of Revenue
664 an amended return or such other report as the Department of
665 Revenue prescribes by rule and shall pay any required tax and
666 interest within 60 days after the taxpayer receives notification
667 from the Department of Environmental Protection that previously
668 approved tax credits have been revoked or modified. If the
669 revocation or modification order is contested, the taxpayer
670 shall file an amended return or other report as provided in this
671 paragraph within 60 days after a final order is issued following
672 proceedings.

673 (e) A notice of deficiency may be issued by the Department
674 of Revenue at any time within 3 years after the taxpayer
675 receives formal notification from the Department of
676 Environmental Protection that previously approved tax credits
677 have been revoked or modified. If a taxpayer fails to notify the

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678 Department of Revenue of any changes to its tax credit claimed,
679 a notice of deficiency may be issued at any time.

680 (6) RULES.--The Department of Revenue shall have the
681 authority to adopt rules relating to the forms required to claim
682 a tax credit under this section, the requirements and basis for
683 establishing an entitlement to a credit, and the examination and
684 audit procedures required to administer this section.

685 (7) PUBLICATION.--The Department of Environmental
686 Protection shall determine and publish on a regular basis the
687 amount of available tax credits remaining in each fiscal year.

688 Section 13. Section 220.193, Florida Statutes, is created
689 to read:

690 220.193 Florida renewable energy production credit.--

691 (1) The purpose of this section is to encourage the
692 development and expansion of facilities that produce renewable
693 energy in Florida.

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

695 (a) "Commission" shall mean the Public Service Commission.

696 (b) "Department" shall mean the Department of Revenue.

697 (c) "Expanded facility" shall mean a Florida renewable
698 energy facility that increases its electrical production and
699 sale by more than 5 percent above the facility's electrical
700 production and sale during the 2005 calendar year.

701 (d) "Florida renewable energy facility" shall mean a
702 facility in the state that produces electricity for sale from
703 renewable energy, as defined in s. 377.803.

704 (e) "New facility" shall mean a Florida renewable energy
705 facility that is operationally placed in service after May 1,
706 2006.

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707 (3) An annual credit against the tax imposed by this
708 section shall be allowed to a taxpayer, based on the taxpayer's
709 production and sale of electricity from a new or expanded
710 Florida renewable energy facility. For a new facility, the
711 credit shall be based on the taxpayer's sale of the facility's
712 entire electrical production. For an expanded facility, the
713 credit shall be based on the increases in the facility's
714 electrical production that are achieved after May 1, 2006.

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

718 (b) The credit may be claimed for electricity produced and
719 sold on or after January 1, 2007. Beginning in 2008 and
720 continuing until 2011, each taxpayer claiming a credit under
721 this section must first apply to the department by February 1 of
722 each year for an allocation of available credit. The department,
723 in consultation with the commission, shall develop an
724 application form. The application form shall, at a minimum,
725 require a sworn affidavit from each taxpayer certifying the
726 increase in production and sales that form the basis of the
727 application and certifying that all information contained in the
728 application is true and correct.

729 (c) If the amount of credits applied for each year exceeds
730 \$5 million, the department shall award to each applicant a
731 prorated amount based on each applicant's increased production
732 and sales and the increased production and sales of all
733 applicants.

734 (d) If the credit granted pursuant to this section is not
735 fully used in one year because of insufficient tax liability on

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736 the part of the taxpayer, the unused amount may be carried
737 forward for a period not to exceed 5 years. The carryover credit
738 may be used in a subsequent year when the tax imposed by this
739 chapter for such year exceeds the credit for such year, after
740 applying the other credits and unused credit carryovers in the
741 order provided in s. 220.02(8).

742 (e) A taxpayer that files a consolidated return in this
743 state as a member of an affiliated group under s. 220.131(1) may
744 be allowed the credit on a consolidated return basis up to the
745 amount of tax imposed upon the consolidated group.

746 (f)1. Tax credits that may be available under this section
747 to an entity eligible under this section may be transferred
748 after a merger or acquisition to the surviving or acquiring
749 entity and used in the same manner with the same limitations.

750 2. The entity or its surviving or acquiring entity as
751 described in subparagraph 1. may transfer any unused credit in
752 whole or in units of no less than 25 percent of the remaining
753 credit. The entity acquiring such credit may use it in the same
754 manner and with the same limitations under this section. Such
755 transferred credits may not be transferred again although they
756 may succeed to a surviving or acquiring entity subject to the
757 same conditions and limitations as described in this section.

758 3. In the event the credit provided for under this section
759 is reduced as a result of an examination or audit by the
760 department, such tax deficiency shall be recovered from the
761 first entity or the surviving or acquiring entity to have
762 claimed such credit up to the amount of credit taken. Any
763 subsequent deficiencies shall be assessed against any entity
764 acquiring and claiming such credit, or in the case of multiple

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765 succeeding entities in the order of credit succession.

766 (g) Notwithstanding any other provision of this section,
767 credits for the production and sale of electricity from a new or
768 expanded Florida renewable energy facility may be earned between
769 January 1, 2007 and June 30, 2010. The combined total amount of
770 tax credits which may be granted for all taxpayers under this
771 section is limited to \$5 million per state fiscal year.

772 (h) A taxpayer claiming a credit under this section shall
773 be required to add back to net income that portion of its
774 business deductions claimed on its federal return paid or
775 incurred for the taxable year which is equal to the amount of
776 the credit allowable for the taxable year under this section.

777 (i) A taxpayer claiming credit under this section may not
778 claim a credit under s. 220.192. A taxpayer claiming credit
779 under s. 220.192 may not claim a credit under this section.

780 (4) The department may adopt rules to implement and
781 administer this section, including rules prescribing forms, the
782 documentation needed to substantiate a claim for the tax credit,
783 and the specific procedures and guidelines for claiming the
784 credit.

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

787 Section 14. Paragraph (a) of subsection (1) of section
788 220.13, Florida Statutes, is amended to read:

789 220.13 "Adjusted federal income" defined.--

790 (1) The term "adjusted federal income" means an amount
791 equal to the taxpayer's taxable income as defined in subsection
792 (2), or such taxable income of more than one taxpayer as

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793 provided in s. 220.131, for the taxable year, adjusted as
794 follows:

795 (a) Additions.--There shall be added to such taxable
796 income:

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

802 2. The amount of interest which is excluded from taxable
803 income under s. 103(a) of the Internal Revenue Code or any other
804 federal law, less the associated expenses disallowed in the
805 computation of taxable income under s. 265 of the Internal
806 Revenue Code or any other law, excluding 60 percent of any
807 amounts included in alternative minimum taxable income, as
808 defined in s. 55(b)(2) of the Internal Revenue Code, if the
809 taxpayer pays tax under s. 220.11(3).

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

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

818 5. That portion of the ad valorem school taxes paid or
819 incurred for the taxable year which is equal to the amount of
820 the credit allowable for the taxable year under s. 220.182. The

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821 provisions of this subparagraph shall expire and be void on June
822 30, 2005.

823 6. The amount of emergency excise tax paid or accrued as a
824 liability to this state under chapter 221 which tax is
825 deductible from gross income in the computation of taxable
826 income for the taxable year.

827 7. That portion of assessments to fund a guaranty
828 association incurred for the taxable year which is equal to the
829 amount of the credit allowable for the taxable year.

830 8. In the case of a nonprofit corporation which holds a
831 pari-mutuel permit and which is exempt from federal income tax
832 as a farmers' cooperative, an amount equal to the excess of the
833 gross income attributable to the pari-mutuel operations over the
834 attributable expenses for the taxable year.

835 9. The amount taken as a credit for the taxable year under
836 s. 220.1895.

837 10. Up to nine percent of the eligible basis of any
838 designated project which is equal to the credit allowable for
839 the taxable year under s. 220.185.

840 11. The amount taken as a credit for the taxable year
841 under s. 220.187.

842 12. The amount taken as a credit for the taxable year
843 under s. 220.192.

844 13. The amount taken as a credit for the taxable year
845 under s. 220.193.

846 Section 15. Subsection (2) of section 186.801, Florida
847 Statutes, is amended to read:

848 186.801 Ten-year site plans.--

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849 (2) Within 9 months after the receipt of the proposed
850 plan, the commission shall make a preliminary study of such plan
851 and classify it as "suitable" or "unsuitable." The commission
852 may suggest alternatives to the plan. All findings of the
853 commission shall be made available to the Department of
854 Environmental Protection for its consideration at any subsequent
855 electrical power plant site certification proceedings. It is
856 recognized that 10-year site plans submitted by an electric
857 utility are tentative information for planning purposes only and
858 may be amended at any time at the discretion of the utility upon
859 written notification to the commission. A complete application
860 for certification of an electrical power plant site under
861 chapter 403, when such site is not designated in the current 10-
862 year site plan of the applicant, shall constitute an amendment
863 to the 10-year site plan. In its preliminary study of each 10-
864 year site plan, the commission shall consider such plan as a
865 planning document and shall review:

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

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

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

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

872 (e)~~(d)~~ The views of appropriate local, state, and federal
873 agencies, including the views of the appropriate water
874 management district as to the availability of water and its
875 recommendation as to the use by the proposed plant of salt water
876 or fresh water for cooling purposes.

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

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

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

883 366.04 Jurisdiction of commission.--

884 (6) The commission shall further have exclusive
885 jurisdiction to prescribe and enforce safety standards for
886 transmission and distribution facilities of all public electric
887 utilities, cooperatives organized under the Rural Electric
888 Cooperative Law, and electric utilities owned and operated by
889 municipalities. In adopting safety standards, the commission
890 shall, at a minimum:

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

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

895
896 The standards prescribed by the current 1984 edition of the
897 National Electrical Safety Code (ANSI C2) shall constitute
898 acceptable and adequate requirements for the protection of the
899 safety of the public, and compliance with the minimum
900 requirements of that code shall constitute good engineering
901 practice by the utilities. The administrative authority referred
902 to in the 1984 edition of the National Electrical Safety Code is
903 the commission. However, nothing herein shall be construed as
904 superseding, repealing, or amending the provisions of s.

905 403.523(1) and (10).

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

908 366.05 Powers.--

909 (1) In the exercise of such jurisdiction, the commission
910 shall have power to prescribe fair and reasonable rates and
911 charges, classifications, standards of quality and measurements,
912 including the ability to adopt construction standards that
913 exceed the National Electrical Safety Code, for purposes of
914 ensuring the reliable provision of service, and service rules
915 and regulations to be observed by each public utility; to
916 require repairs, improvements, additions, replacements, and
917 extensions to the plant and equipment of any public utility when
918 reasonably necessary to promote the convenience and welfare of
919 the public and secure adequate service or facilities for those
920 reasonably entitled thereto; to employ and fix the compensation
921 for such examiners and technical, legal, and clerical employees
922 as it deems necessary to carry out the provisions of this
923 chapter; and to adopt rules pursuant to ss. 120.536(1) and
924 120.54 to implement and enforce the provisions of this chapter.

925 (8) If the commission determines that there is probable
926 cause to believe that inadequacies exist with respect to the
927 energy grids developed by the electric utility industry,
928 including inadequacies in fuel diversity or fuel supply
929 reliability, it shall have the power, after proceedings as
930 provided by law, and after a finding that mutual benefits will
931 accrue to the electric utilities involved, to require
932 installation or repair of necessary facilities, including
933 generating plants and transmission facilities, with the costs to
934 be distributed in proportion to the benefits received, and to

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935 take all necessary steps to ensure compliance. The electric
936 utilities involved in any action taken or orders issued pursuant
937 to this subsection shall have full power and authority,
938 notwithstanding any general or special laws to the contrary, to
939 jointly plan, finance, build, operate, or lease generating and
940 transmission facilities and shall be further authorized to
941 exercise the powers granted to corporations in chapter 361. This
942 subsection shall not supersede or control any provision of the
943 Florida Electrical Power Plant Siting Act, ss. 403.501-403.518.

944 Section 18. Section 366.92, Florida Statutes, is created
945 to read:

946 366.92 Florida renewable energy policy.--

947 (1) It is the intent of the Legislature to promote the
948 development of renewable energy; protect the economic viability
949 of Florida's existing renewable energy facilities; diversify the
950 types of fuel used to generate electricity in Florida; lessen
951 Florida's dependence on natural gas and fuel oil for the
952 production of electricity; minimize the volatility of fuel
953 costs; encourage investment within the state; improve
954 environmental conditions; and at the same time, minimize the
955 costs of power supply to electric utilities and their customers.

956 (2) For the purposes of this section, "Florida renewable
957 energy resources" shall mean renewable energy, as defined in s.
958 377.803, that is produced in Florida.

959 (3) The commission may adopt appropriate goals for
960 increasing the use of existing, expanded, and new Florida
961 renewable energy resources. The commission may change the goals.
962 The commission may review and reestablish the goals at least
963 once every five years.

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964 (4) The commission may adopt rules to administer and
965 implement the provisions of this section.

966 Section 19. (1) The Florida Public Service Commission
967 shall direct a study of the electric transmission grid in the
968 state. The study shall look at electric system reliability to
969 examine the efficiency and reliability of power transfer and
970 emergency contingency conditions. In addition, the study shall
971 examine the hardening of infrastructure to address issues
972 arising from the 2004 and 2005 hurricane seasons. A report of
973 the results of the study shall be provided to the Governor, the
974 President of the Senate, and the Speaker of the House of
975 Representatives by March 1, 2007.

976 (2) The commission shall conduct a review to determine
977 what should be done to enhance the reliability of Florida's
978 transmission and distribution grids during extreme weather
979 events, including the strengthening of distribution and
980 transmission facilities. Considerations may include:

981 (a) Recommendations for promoting and encouraging
982 underground electric distribution for new service or
983 construction provided by public utilities.

984 (b) Recommendations for promoting and encouraging the
985 conversion of existing overhead distribution facilities to
986 underground facilities, including any recommended incentives to
987 local governments for local-government-sponsored conversions.

988 (c) Recommendations as to whether incentives for local-
989 government-sponsored conversions should include participation by
990 a public utility in the conversion costs as an investment in the
991 reliability of the grid in total, with such investment
992 recognized as a new plant in service for regulatory purposes.

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993 (d) Recommendations for promoting and encouraging the use
994 of road rights-of-way for the location of underground facilities
995 in any local-government-sponsored conversion project, provided
996 the customers of the public utility do not incur increased
997 liability and future relocation costs.

998 (3) The commission shall submit its review and
999 recommendations to the Governor, the President of the Senate,
1000 and the Speaker of the House of Representatives by July 1, 2007.

1001 (4) This section does not limit the existing jurisdiction
1002 or powers of the commission. It may not be construed to delay or
1003 defer any activities that are currently docketed which relate to
1004 matters to be addressed by the study required by this section,
1005 nor may it be construed to delay or defer any case or proceeding
1006 that may be initiated before the commission pursuant to current
1007 statutory powers of the commission.

1008 Section 20. Subsections (5), (8), (9), (12), (18), (24),
1009 and (27) of section 403.503, Florida Statutes, are amended,
1010 subsections (6) through (28) are renumbered as (7) through (29),
1011 respectively, and new subsections (6) and (16) are added to that
1012 section, to read:

1013 403.503 Definitions relating to Florida Electrical Power
1014 Plant Siting Act.--As used in this act:

1015 (5) "Application" means the documents required by the
1016 department to be filed to initiate a certification review and
1017 evaluation, including the initial document filing, amendments,
1018 and responses to requests from the department for additional
1019 data and information proceeding and shall include the documents
1020 necessary for the department to render a decision on any permit

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1021 ~~required pursuant to any federally delegated or approved permit~~
1022 ~~program.~~

1023 (6) "Associated facilities" means, for the purpose of
1024 certification, those facilities which directly support the
1025 construction and operation of the electrical power plant such as
1026 fuel unloading facilities; pipelines necessary for transporting
1027 fuel for the operation of the facility or other fuel
1028 transportation facilities; water or wastewater transport
1029 pipelines; construction, maintenance, and access roads; and
1030 railway lines necessary for transport of construction equipment
1031 or fuel for the operation of the facility.

1032 (8) "Completeness" means that the application has
1033 addressed all applicable sections of the prescribed application
1034 format, and ~~but does not mean~~ that those sections are sufficient
1035 in comprehensiveness of data or in quality of information
1036 provided to allow the department to determine whether the
1037 application provides the reviewing agencies adequate information
1038 to prepare the reports required by s. 403.507.

1039 (9) "Corridor" means the proposed area within which an
1040 associated linear facility right-of-way is to be located. The
1041 width of the corridor proposed for certification as an
1042 associated facility, at the option of the applicant, may be the
1043 width of the right-of-way or a wider boundary, not to exceed a
1044 width of 1 mile. The area within the corridor in which a right-
1045 of-way may be located may be further restricted by a condition
1046 of certification. After all property interests required for the
1047 right-of-way have been acquired by the licensee applicant, the
1048 boundaries of the area certified shall narrow to only that land
1049 within the boundaries of the right-of-way.

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1050 (12) "Electrical power plant" means, for the purpose of
1051 certification, any steam or solar electrical generating facility
1052 using any process or fuel, including nuclear materials, ~~and~~
1053 ~~includes associated facilities which directly support the~~
1054 ~~construction and operation of the electrical power plant and~~
1055 ~~those associated transmission lines which connect the electrical~~
1056 ~~power plant to an existing transmission network or rights-of-way~~
1057 ~~to which the applicant intends to connect,~~ except that this term
1058 does not include any steam or solar electrical generating
1059 facility of less than 75 megawatts in capacity unless the
1060 applicant for such a facility elects to apply for certification
1061 under this act. This term includes associated facilities to be
1062 owned by the applicant which are physically connected to the
1063 electrical power plant site or which are directly connected to
1064 the electrical power plant site by other proposed associated
1065 facilities to be owned by the applicant, and associated
1066 transmission lines to be owned by the applicant which connect
1067 the electrical power plant to an existing transmission network
1068 or rights-of-way of which the applicant intends to connect. An
1069 ~~associated transmission line may include,~~ At the applicant's
1070 option, this term may include, any offsite associated facilities
1071 which will not be owned by the applicant; offsite associated
1072 facilities which are owned by the applicant but which are not
1073 directly connected to the electrical power plant site; any
1074 proposed terminal or intermediate substations or substation
1075 expansions connected to the associated transmission line; or new
1076 transmission lines, upgrades, or improvements of an existing
1077 transmission line on any portion of the applicant's electrical

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1078 transmission system necessary to support the generation injected
1079 into the system from the proposed electrical power plant.

1080 (16) "Licensee" means an applicant that has obtained a
1081 certification order for the subject project.

1082 (19)~~(18)~~ "Nonprocedural requirements of agencies" means
1083 any agency's regulatory requirements established by statute,
1084 rule, ordinance, zoning ordinance, land development code, or
1085 comprehensive plan, excluding any provisions prescribing forms,
1086 fees, procedures, or time limits for the review or processing of
1087 information submitted to demonstrate compliance with such
1088 regulatory requirements.

1089 (25)~~(24)~~ "Right-of-way" means land necessary for the
1090 construction and maintenance of a connected associated linear
1091 facility, such as a railroad line, pipeline, or transmission
1092 line as owned by or proposed to be certified by the applicant.
1093 The typical width of the right-of-way shall be identified in the
1094 application. The right-of-way shall be located within the
1095 certified corridor and shall be identified by the applicant
1096 subsequent to certification in documents filed with the
1097 department prior to construction.

1098 (28)~~(27)~~ "Ultimate site capacity" means the maximum
1099 generating capacity for a site as certified by the board.

1100 ~~"Sufficiency" means that the application is not only complete~~
1101 ~~but that all sections are sufficient in the comprehensiveness of~~
1102 ~~data or in the quality of information provided to allow the~~
1103 ~~department to determine whether the application provides the~~
1104 ~~reviewing agencies adequate information to prepare the reports~~
1105 ~~required by s. 403.507.~~

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1106 Section 21. Subsections (1), (7), (9), and (10) of section
1107 403.504, Florida Statutes, are amended, and new subsections (9),
1108 (10), (11), and (12) are added to that section, to read:

1109 403.504 Department of Environmental Protection; powers and
1110 duties enumerated.--The department shall have the following
1111 powers and duties in relation to this act:

1112 (1) To adopt rules pursuant to ss. 120.536(1) and 120.54
1113 to implement the provisions of this act, including rules setting
1114 forth environmental precautions to be followed in relation to
1115 the location, construction, and operation of electrical power
1116 plants.

1117 (7) To conduct studies and prepare a project ~~written~~
1118 analysis under s. 403.507.

1119 (9) To issue final orders after receipt of the
1120 administrative law judge's order relinquishing jurisdiction
1121 pursuant to s. 403.508(6).

1122 (10) To act as clerk for the siting board.

1123 (11) To administer and manage the terms and conditions of
1124 the certification order and supporting documents and records for
1125 the life of the facility.

1126 (12) To issue emergency orders on behalf of the board for
1127 facilities licensed under this act.

1128 ~~(9) To notify all affected agencies of the filing of a~~
1129 ~~notice of intent within 15 days after receipt of the notice.~~

1130 ~~(10) To issue, with the electrical power plant~~
1131 ~~certification, any license required pursuant to any federally~~
1132 ~~delegated or approved permit program.~~

1133 Section 22. Section 403.5055, Florida Statutes, is amended
1134 to read:

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1135 403.5055 Application for permits pursuant to s.
1136 403.0885.--In processing applications for permits pursuant to s.
1137 403.0885 that are associated with applications for electrical
1138 power plant certification:

1139 (1) The procedural requirements set forth in 40 C.F.R. s.
1140 123.25, including public notice, public comments, and public
1141 hearings, shall be closely coordinated with the certification
1142 process established under this part. In the event of a conflict
1143 between the certification process and federally required
1144 procedures for NPDES permit issuance, the applicable federal
1145 requirements shall control.

1146 ~~(2) The department's proposed action pursuant to 40 C.F.R.~~
1147 ~~s. 124.6, including any draft NPDES permit (containing the~~
1148 ~~information required under 40 C.F.R. s. 124.6(d)), shall within~~
1149 ~~130 days after the submittal of a complete application be~~
1150 ~~publicly noticed and transmitted to the United States~~
1151 ~~Environmental Protection Agency for its review pursuant to 33~~
1152 ~~U.S.C. s. 1342(d).~~

1153 (2)(3) If available at the time the department issues its
1154 project analysis pursuant to s. 403.507(5), the department shall
1155 include in its project analysis ~~written analysis pursuant to s.~~
1156 ~~403.507(3) copies of the department's proposed action pursuant~~
1157 ~~to 40 C.F.R. s. 124.6 on any application for a NPDES permit; any~~
1158 ~~corresponding comments received from the United States~~
1159 ~~Environmental Protection Agency, the applicant, or the general~~
1160 ~~public; and the department's response to those comments.~~

1161 (3)(4) The department shall not issue or deny the permit
1162 pursuant to s. 403.0885 in advance of the issuance of the
1163 electrical ~~electric~~ power plant certification under this part
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1164 unless required to do so by the provisions of federal law. When
1165 possible, any hearing on a permit issued pursuant to s. 403.0885
1166 shall be conducted in conjunction with the certification hearing
1167 held pursuant to this act. The department's actions on an NPDES
1168 permit shall be based on the record and recommended order of the
1169 certification hearing, if the hearing on the NPDES was conducted
1170 in conjunction with the certification hearing, and of any other
1171 proceeding held in connection with the application for an NPDES
1172 permit, timely public comments received with respect to the
1173 application, and the provisions of federal law. The department's
1174 action on an NPDES permit, if issued, shall differ from the
1175 actions taken by the siting board regarding the certification
1176 order if federal laws and regulations require different action
1177 to be taken to ensure compliance with the Clean Water Act, as
1178 amended, and implementing regulations. Nothing in this part
1179 shall be construed to displace the department's authority as the
1180 final permitting entity under the federally approved state NPDES
1181 program. Nothing in this part shall be construed to authorize
1182 the issuance of a state NPDES permit which does not conform to
1183 the requirements of the federally approved state NPDES program.
1184 The permit, if issued, shall be valid for no more than 5 years.

1185 ~~(5) The department's action on an NPDES permit renewal, if~~
1186 ~~issued, shall differ from the actions taken by the siting board~~
1187 ~~regarding the certification order if federal laws and~~
1188 ~~regulations require different action to be taken to ensure~~
1189 ~~compliance with the Clean Water Act, as amended, and~~
1190 ~~implementing regulations.~~

1191 Section 23. Section 403.506, Florida Statutes, is amended
1192 to read:

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1193 403.506 Applicability, thresholds, and certification.--

1194 (1) The provisions of this act shall apply to any
1195 electrical power plant as defined herein, except that the
1196 provisions of this act shall not apply to any electrical power
1197 plant or steam generating plant of less than 75 megawatts in
1198 capacity or to any substation to be constructed as part of an
1199 associated transmission line unless the applicant has elected to
1200 apply for certification of such plant or substation under this
1201 act. The provisions of this act shall not apply to any unit
1202 capacity expansion of 35 megawatts or less of an existing
1203 exothermic reaction cogeneration unit that was exempt from this
1204 act when it was originally built; however, this exemption shall
1205 not apply if the unit uses oil or natural gas for purposes other
1206 than unit startup. No construction of any new electrical power
1207 plant or expansion in steam generating capacity as measured by
1208 an increase in the maximum electrical generator rating of any
1209 existing electrical power plant may be undertaken after October
1210 1, 1973, without first obtaining certification in the manner as
1211 herein provided, except that this act shall not apply to any
1212 such electrical power plant which is presently operating or
1213 under construction or which has, upon the effective date of
1214 chapter 73-33, Laws of Florida, applied for a permit or
1215 certification under requirements in force prior to the effective
1216 date of such act.

1217 (2) Except as provided in the certification, modification
1218 of nonnuclear fuels, internal related hardware, including
1219 increases in steam turbine efficiency, or operating conditions
1220 not in conflict with certification which increase the electrical
1221 output of a unit to no greater capacity than the maximum

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1222 electrical generator rating ~~operating capacity~~ of the existing
1223 generator shall not constitute an alteration or addition to
1224 generating capacity which requires certification pursuant to
1225 this act.

1226 ~~(3) The application for any related department license~~
1227 ~~which is required pursuant to any federally delegated or~~
1228 ~~approved permit program shall be processed within the time~~
1229 ~~periods allowed by this act, in lieu of those specified in s.~~
1230 ~~120.60. However, permits issued pursuant to s. 403.0885 shall be~~
1231 ~~processed in accordance with 40 C.F.R. part 123.~~

1232 Section 24. Section 403.5064, Florida Statutes, is amended
1233 to read:

1234 403.5064 Application ~~Distribution of application;~~
1235 schedules.--

1236 (1) The formal date of filing of a certification
1237 application and commencement of the certification review process
1238 shall be when the applicant submits:

1239 (a) Copies of the certification application in a quantity
1240 and format as prescribed by rule to the department and other
1241 agencies identified in s. 403.507(2)(a).

1242 (b) The application fee specified under s. 403.518 to the
1243 department.

1244 (2) ~~(1)~~ Within 7 days after the filing of an application,
1245 the department shall provide to the applicant and the Division
1246 of Administrative Hearings the names and addresses of any
1247 additional ~~those affected or other~~ agencies or persons entitled
1248 to notice and copies of the application and any amendments.
1249 Copies of the application shall be distributed within 5 days by
1250 the applicant to these additional agencies. This distribution

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1251 shall not be a basis for altering the schedule of dates for the
1252 certification process.

1253 (3) Any amendment to the application made prior to
1254 certification shall be disposed of as part of the original
1255 certification proceeding. Amendment of the application may be
1256 considered good cause for alteration of time limits pursuant to
1257 s. 403.5095.

1258 (4)-(2) Within 7 days after the filing of an application
1259 completeness has been determined, the department shall prepare a
1260 proposed schedule of dates for determination of completeness,
1261 submission of statements of issues, determination of
1262 sufficiency, and submittal of final reports, from affected and
1263 other agencies and other significant dates to be followed during
1264 the certification process, including dates for filing notices of
1265 appearance to be a party pursuant to s. 403.508(3)-(4). This
1266 schedule shall be timely provided by the department to the
1267 applicant, the administrative law judge, all agencies identified
1268 pursuant to subsection (2) -(1), and all parties. Within 7 days
1269 after the filing of the proposed schedule, the administrative
1270 law judge shall issue an order establishing a schedule for the
1271 matters addressed in the department's proposed schedule and
1272 other appropriate matters, if any.

1273 (5)-(3) Within 7 days after completeness has been
1274 determined, the applicant shall distribute copies of the
1275 application to all agencies identified by the department
1276 pursuant to subsection (1). Copies of changes and amendments to
1277 the application shall be timely distributed by the applicant to
1278 all affected agencies and parties who have received a copy of
1279 the application.

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1280 (6) Notice of the filing of the application shall be
1281 published in accordance with the requirements of s. 403.5115.

1282 Section 25. Section 403.5065, Florida Statutes, is amended
1283 to read:

1284 403.5065 Appointment of administrative law judge; powers
1285 and duties.--

1286 (1) Within 7 days after receipt of an application, ~~whether~~
1287 ~~complete or not~~, the department shall request the Division of
1288 Administrative Hearings to designate an administrative law judge
1289 to conduct the hearings required by this act. The division
1290 director shall designate an administrative law judge within 7
1291 days after receipt of the request from the department. In
1292 designating an administrative law judge for this purpose, the
1293 division director shall, whenever practicable, assign an
1294 administrative law judge who has had prior experience or
1295 training in electrical power plant site certification
1296 proceedings. Upon being advised that an administrative law judge
1297 has been appointed, the department shall immediately file a copy
1298 of the application and all supporting documents with the
1299 designated administrative law judge, who shall docket the
1300 application.

1301 (2) The administrative law judge shall have all powers and
1302 duties granted to administrative law judges by chapter 120 and
1303 by the laws and rules of the department.

1304 Section 26. Section 403.5066, Florida Statutes, is amended
1305 to read:

1306 403.5066 Determination of completeness.--

1307 (1)(a) Within 30 days after the filing of an application,
1308 affected agencies shall file a statement with the department

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1309 containing each agency's recommendations on the completeness of
1310 the application.

1311 (b) Within 40 ~~15~~ days after the filing ~~receipt~~ of an
1312 application, the department shall file a statement with the
1313 Division of Administrative Hearings, ~~and~~ with the applicant, ~~and~~
1314 with all parties declaring its position with regard to the
1315 completeness, ~~not the sufficiency,~~ of the application. The
1316 department's statement shall be based upon consultation with the
1317 affected agencies.

1318 (2) ~~(1)~~ If the department declares the application to be
1319 incomplete, the applicant, within 15 days after the filing of
1320 the statement by the department, shall file with the Division of
1321 Administrative Hearings, ~~and~~ with the department, ~~and all~~
1322 parties a statement:

1323 (a) ~~A withdrawal of Agreeing with the statement of the~~
1324 department and withdrawing the application;

1325 (b) ~~A statement agreeing to supply the additional~~
1326 information necessary to make the application complete. Such
1327 additional information shall be provided within 30 days after
1328 the issuance of the department's statement on completeness of
1329 the application. The time schedules under this act shall not be
1330 tolled if the applicant makes the application complete within 30
1331 days after the issuance of the department's statement on
1332 completeness of the application. A subsequent finding by the
1333 department that the application remains incomplete, based upon
1334 the additional information submitted by the applicant or upon
1335 the failure of the applicant to timely submit the additional
1336 information, tolls the time schedules under this act until the
1337 application is determined complete; ~~Agreeing with the statement~~

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1338 ~~of the department and agreeing to amend the application without~~
1339 ~~withdrawing it. The time schedules referencing a complete~~
1340 ~~application under this act shall not commence until the~~
1341 ~~application is determined complete; or~~

1342 (c) A statement contesting the department's determination
1343 of incompleteness; or ~~contesting the statement of the~~
1344 ~~department.~~

1345 (d) A statement agreeing with the department and
1346 requesting additional time beyond 30 days to provide the
1347 information necessary to make the application complete. If the
1348 applicant exercises this option, the time schedules under this
1349 act are tolled until the application is determined complete.

1350 (3) (a) ~~(2)~~ If the applicant contests the determination by
1351 the department that an application is incomplete, the
1352 administrative law judge shall schedule a hearing on the
1353 statement of completeness. The hearing shall be held as
1354 expeditiously as possible, but not later than 21 ~~30~~ days after
1355 the filing of the statement by the department. The
1356 administrative law judge shall render a decision within 7 ~~10~~
1357 days after the hearing.

1358 (b) Parties to a hearing on the issue of completeness
1359 shall include the applicant, the department, and any agency that
1360 has jurisdiction over the matter in dispute.

1361 (c) ~~(a)~~ If the administrative law judge determines that the
1362 application was not complete ~~as filed~~, the applicant shall
1363 withdraw the application or make such additional submittals as
1364 necessary to complete it. The time schedules referencing a
1365 complete application under this act shall not commence until the
1366 application is determined complete.

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1367 (d) ~~(b)~~ If the administrative law judge determines that the
1368 application was complete at the time it was declared incomplete
1369 filed, the time schedules referencing a complete application
1370 under this act shall commence upon such determination.

1371 (4) If the applicant provides additional information to
1372 address the issues identified in the determination of
1373 incompleteness, each affected agency may submit to the
1374 department, no later than 15 days after the applicant files the
1375 additional information, a recommendation on whether the agency
1376 believes the application is complete. Within 22 days after
1377 receipt of the additional information from the applicant
1378 submitted under paragraph (2) (b), paragraph (2) (d), or paragraph
1379 (3) (c), the department shall determine whether the additional
1380 information supplied by an applicant makes the application
1381 complete. If the department finds that the application is still
1382 incomplete, the applicant may exercise any of the options
1383 specified in subsection (2) as often as is necessary to resolve
1384 the dispute.

1385 Section 27. Section 403.50663, Florida Statutes, is
1386 created to read:

1387 403.50663 Informational public meetings.--

1388 (1) A local government within whose jurisdiction the power
1389 plant is proposed to be sited may hold one informational public
1390 meeting in addition to the hearings specifically authorized by
1391 this act on any matter associated with the electrical power
1392 plant proceeding. Such informational public meetings shall be
1393 held by the local government or by the regional planning council
1394 if the local government does not hold such meeting within 70
1395 days after the filing of the application. The purpose of an

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1396 informational public meeting is for the local government or
1397 regional planning council to further inform the public about the
1398 proposed electrical power plant or associated facilities, obtain
1399 comments from the public, and formulate its recommendation with
1400 respect to the proposed electrical power plant.

1401 (2) Informational public meetings shall be held solely at
1402 the option of each local government or regional planning council
1403 if a public meeting is not held by the local government. It is
1404 the legislative intent that local governments or regional
1405 planning councils attempt to hold such public meetings. Parties
1406 to the proceedings under this act shall be encouraged to attend;
1407 however, no party other than the applicant and the department
1408 shall be required to attend such informational public meetings.

1409 (3) A local government or regional planning council that
1410 intends to conduct an informational public meeting must provide
1411 notice of the meeting to all parties not less than 5 days prior
1412 to the meeting.

1413 (4) The failure to hold an informational public meeting or
1414 the procedure used for the informational public meeting are not
1415 grounds for the alteration of any time limitation in this act
1416 under s. 403.5095 or grounds to deny or condition certification.

1417 Section 28. Section 403.50665, Florida Statutes, is
1418 created to read:

1419 403.50665 Land use consistency.--

1420 (1) The applicant shall include in the application a
1421 statement on the consistency of the site or any directly
1422 associated facilities with existing land use plans and zoning
1423 ordinances that were in effect on the date the application was
1424 filed and a full description of such consistency.

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1425 (2) Within 45 days after the filing of the application,
1426 each local government shall file a determination with the
1427 department, the applicant, the administrative law judge, and all
1428 parties on the consistency of the site or any directly
1429 associated facilities with existing land use plans and zoning
1430 ordinances that were in effect on the date the application was
1431 filed, based on the information provided in the application. The
1432 local government may issue its determination up to 35 days later
1433 if the local government has requested additional information on
1434 land use and zoning consistency as part of the local
1435 government's statement on completeness of the application
1436 submitted pursuant to s. 403.5066(1)(a). Notice of the
1437 consistency determination shall be published in accordance with
1438 the requirements of s. 403.5115.

1439 (3) If the local government issues a determination that
1440 the proposed electrical power plant is not consistent or in
1441 compliance with local land use plans and zoning ordinances, the
1442 applicant may apply to the local government for the necessary
1443 local approval to address the inconsistencies in the local
1444 government's determination. If the applicant makes such an
1445 application to the local government, the time schedules under
1446 this act shall be tolled until the local government issues its
1447 revised determination on land use and zoning or the applicant
1448 otherwise withdraws its application to the local government. If
1449 the applicant applies to the local government for necessary
1450 local land use or zoning approval, the local government shall
1451 issue a revised determination within 30 days following the
1452 conclusion of that local proceeding, and the time schedules and

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1453 notice requirements under this act shall apply to such revised
1454 determination.

1455 (4) If any substantially affected person wishes to dispute
1456 the local government's determination, he or she shall file a
1457 petition with the department within 21 days after the
1458 publication of notice of the local government's determination.
1459 If a hearing is requested, the provisions of s. 403.508(1) shall
1460 apply.

1461 (5) The dates in this section may be altered upon
1462 agreement between the applicant, the local government, and the
1463 department pursuant to s. 403.5095.

1464 (6) If it is determined by the local government that the
1465 proposed site or directly associated facility does conform with
1466 existing land use plans and zoning ordinances in effect as of
1467 the date of the application and no petition has been filed, the
1468 responsible zoning or planning authority shall not thereafter
1469 change such land use plans or zoning ordinances so as to
1470 foreclose construction and operation of the proposed site or
1471 directly associated facilities unless certification is
1472 subsequently denied or withdrawn.

1473 Section 29. Section 403.5067, Florida Statutes, is
1474 repealed.

1475 Section 30. Section 403.507, Florida Statutes, is amended
1476 to read:

1477 403.507 Preliminary statements of issues, reports, project
1478 analyses, and studies.--

1479 (1) Each affected agency identified in paragraph (2)(a)
1480 shall submit a preliminary statement of issues to the
1481 department, ~~and~~ the applicant, and all parties no later than 40
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1482 ~~60~~ days after the certification application has been determined
1483 ~~distribution of the complete application.~~ The failure to raise
1484 an issue in this statement shall not preclude the issue from
1485 being raised in the agency's report.

1486 (2) (a) No later than 100 days after the certification
1487 application has been determined complete, the following agencies
1488 shall prepare reports as provided below and shall submit them to
1489 the department and the applicant ~~within 150 days after~~
1490 ~~distribution of the complete application:~~

1491 1. The Department of Community Affairs shall prepare a
1492 report containing recommendations which address the impact upon
1493 the public of the proposed electrical power plant, based on the
1494 degree to which the electrical power plant is consistent with
1495 the applicable portions of the state comprehensive plan,
1496 emergency management, and other such matters within its
1497 jurisdiction. The Department of Community Affairs may also
1498 comment on the consistency of the proposed electrical power
1499 plant with applicable strategic regional policy plans or local
1500 comprehensive plans and land development regulations.

1501 ~~2. The Public Service Commission shall prepare a report as~~
1502 ~~to the present and future need for the electrical generating~~
1503 ~~capacity to be supplied by the proposed electrical power plant.~~
1504 ~~The report shall include the commission's determination pursuant~~
1505 ~~to s. 403.519 and may include the commission's comments with~~
1506 ~~respect to any other matters within its jurisdiction.~~

1507 ~~2.3.~~ The water management district shall prepare a report
1508 as to matters within its jurisdiction, including but not limited
1509 to, the impact of the proposed electrical power plant on water

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1510 resources, regional water supply planning, and district-owned
1511 lands and works.

1512 ~~3.4.~~ Each local government in whose jurisdiction the
1513 proposed electrical power plant is to be located shall prepare a
1514 report as to the consistency of the proposed electrical power
1515 plant with all applicable local ordinances, regulations,
1516 standards, or criteria that apply to the proposed electrical
1517 power plant, including ~~adopted local comprehensive plans, land~~
1518 ~~development regulations, and~~ any applicable local environmental
1519 regulations adopted pursuant to s. 403.182 or by other means.

1520 ~~4.5.~~ The Fish and Wildlife Conservation Commission shall
1521 prepare a report as to matters within its jurisdiction.

1522 ~~5.6.~~ Each ~~The~~ regional planning council shall prepare a
1523 report containing recommendations that address the impact upon
1524 the public of the proposed electrical power plant, based on the
1525 degree to which the electrical power plant is consistent with
1526 the applicable provisions of the strategic regional policy plan
1527 adopted pursuant to chapter 186 and other matters within its
1528 jurisdiction.

1529 6. The Department of Transportation shall address the
1530 impact of the proposed electrical power plant on matters within
1531 its jurisdiction.

1532 ~~(b)7.~~ Any other agency, if requested by the department,
1533 shall also perform studies or prepare reports as to matters
1534 within that agency's jurisdiction which may potentially be
1535 affected by the proposed electrical power plant.

1536 ~~(b) As needed to verify or supplement the studies made by~~
1537 ~~the applicant in support of the application, it shall be the~~
1538 ~~duty of the department to conduct, or contract for, studies of~~
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1539 ~~the proposed electrical power plant and site, including, but not~~
1540 ~~limited to, the following, which shall be completed no later~~
1541 ~~than 210 days after the complete application is filed with the~~
1542 ~~department:~~

- 1543 ~~1. Cooling system requirements.~~
- 1544 ~~2. Construction and operational safeguards.~~
- 1545 ~~3. Proximity to transportation systems.~~
- 1546 ~~4. Soil and foundation conditions.~~
- 1547 ~~5. Impact on suitable present and projected water supplies~~
1548 ~~for this and other competing uses.~~
- 1549 ~~6. Impact on surrounding land uses.~~
- 1550 ~~7. Accessibility to transmission corridors.~~
- 1551 ~~8. Environmental impacts.~~
- 1552 ~~9. Requirements applicable under any federally delegated~~
1553 ~~or approved permit program.~~

1554 ~~(3)(e)~~ Each report described in subsection (2) paragraphs
1555 ~~(a) and (b)~~ shall contain:

1556 (a) A notice of any nonprocedural requirements not
1557 specifically listed in the application from which a variance,
1558 exemption, exception all information on variances, exemptions,
1559 exceptions, or other relief is necessary in order for the
1560 proposed electrical power plant to be certified. Failure of such
1561 notification by an agency shall be treated as a waiver from
1562 nonprocedural requirements of that agency. However, no variance
1563 shall be granted from standards or regulations of the department
1564 applicable under any federally delegated or approved permit
1565 program, except as expressly allowed in such program. ~~which may~~
1566 ~~be required by s. 403.511(2) and~~

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1567 (b) A recommendation for approval or denial of the
1568 application.

1569 (c) Any proposed conditions of certification on matters
1570 within the jurisdiction of such agency. For each condition
1571 proposed by an agency in its report, the agency shall list the
1572 specific statute, rule, or ordinance which authorizes the
1573 proposed condition.

1574 (d) The agencies shall initiate the activities required by
1575 this section no later than 15 ~~30~~ days after the ~~complete~~
1576 application is distributed. The agencies shall keep the
1577 applicant and the department informed as to the progress of the
1578 studies and any issues raised thereby.

1579 ~~(3) No later than 60 days after the application for a~~
1580 ~~federally required new source review or prevention of~~
1581 ~~significant deterioration permit for the electrical power plant~~
1582 ~~is complete and sufficient, the department shall issue its~~
1583 ~~preliminary determination on such permit. Notice of such~~
1584 ~~determination shall be published as required by the department's~~
1585 ~~rules for notices of such permits. The department shall receive~~
1586 ~~public comments and comments from the United States~~
1587 ~~Environmental Protection Agency and other affected agencies on~~
1588 ~~the preliminary determination as provided for in the federally~~
1589 ~~approved state implementation plan. The department shall~~
1590 ~~maintain a record of all comments received and considered in~~
1591 ~~taking action on such permits. If a petition for an~~
1592 ~~administrative hearing on the department's preliminary~~
1593 ~~determination is filed by a substantially affected person, that~~
1594 ~~hearing shall be consolidated with the certification hearing.~~

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1595 (4) (a) No later than 150 days after the application is
1596 filed, the Public Service Commission shall prepare a report as
1597 to the present and future need for electrical generating
1598 capacity to be supplied by the proposed electrical power plant.
1599 The report shall include the commission's determination pursuant
1600 to s. 403.519 and may include the commission's comments with
1601 respect to any other matters within its jurisdiction.

1602 (b) Receipt of an affirmative determination of need by the
1603 submittal deadline under paragraph (a) shall be a condition
1604 precedent to issuance of the department's project analysis and
1605 conduct of the certification hearing.

1606 (5)-(4) The department shall prepare a project written
1607 analysis, which shall be filed with the designated
1608 administrative law judge and served on all parties no later than
1609 130 ~~240~~ days after the ~~complete~~ application is determined
1610 ~~complete~~ filed with the department, but no later than 60 days
1611 ~~prior to the hearing,~~ and which shall include:

1612 (a) A statement indicating whether the proposed electrical
1613 power plant and proposed ultimate site capacity will be in
1614 compliance and consistent with matters within the department's
1615 standard jurisdiction, including ~~with~~ the rules of the
1616 department, as well as whether the proposed electrical power
1617 plant and proposed ultimate site capacity will be in compliance
1618 with the nonprocedural requirements of the affected agencies.

1619 (b) Copies of the studies and reports required by this
1620 section and s. 403.519.

1621 (c) The comments received by the department from any other
1622 agency or person.

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1623 (d) The recommendation of the department as to the
1624 disposition of the application, of variances, exemptions,
1625 exceptions, or other relief identified by any party, and of any
1626 proposed conditions of certification which the department
1627 believes should be imposed.

1628 (e) If available, the recommendation of the department
1629 regarding the issuance of any license required pursuant to a
1630 federally delegated or approved permit program.

1631 ~~(f) Copies of the department's draft of the operation~~
1632 ~~permit for a major source of air pollution, which must also be~~
1633 ~~provided to the United States Environmental Protection Agency~~
1634 ~~for review within 5 days after issuance of the written analysis.~~

1635 (6)~~(5)~~ Except when good cause is shown, the failure of any
1636 agency to submit a preliminary statement of issues or a report,
1637 or to submit its preliminary statement of issues or report
1638 within the allowed time, shall not be grounds for the alteration
1639 of any time limitation in this act. Neither the failure to
1640 submit a preliminary statement of issues or a report nor the
1641 inadequacy of the preliminary statement of issues or report are
1642 ~~shall be~~ grounds to deny or condition certification.

1643 Section 31. Section 403.508, Florida Statutes, is amended
1644 to read:

1645 403.508 Land use and certification hearings ~~proceedings~~,
1646 parties, participants.--

1647 (1) (a) If a petition for a hearing on land use has been
1648 filed pursuant to s. 403.50665, the designated administrative
1649 law judge shall conduct a land use hearing in the county of the
1650 proposed site or directly associated facility, as applicable, as
1651 expeditiously as possible, but not later than 30 ~~within 90~~ days

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1652 after the department's receipt of the petition ~~a complete~~
1653 ~~application for electrical power plant site certification by the~~
1654 ~~department.~~ The place of such hearing shall be as close as
1655 possible to the proposed site or directly associated facility.
1656 If a petition is filed, the hearing shall be held regardless of
1657 the status of the completeness of the application. However,
1658 incompleteness of information necessary for a local government
1659 to evaluate an application may be claimed by the local
1660 government as cause for a statement of inconsistency with
1661 existing land use plans and zoning ordinances under s.
1662 403.50665.

1663 (b) Notice of the land use hearing shall be published in
1664 accordance with the requirements of s. 403.5115.

1665 (c)(2) The sole issue for determination at the land use
1666 hearing shall be whether or not the proposed site is consistent
1667 and in compliance with existing land use plans and zoning
1668 ordinances. If the administrative law judge concludes that the
1669 proposed site is not consistent or in compliance with existing
1670 land use plans and zoning ordinances, the administrative law
1671 judge shall receive at the hearing evidence on, and address in
1672 the recommended order any changes to or approvals or variances
1673 under, the applicable land use plans or zoning ordinances which
1674 will render the proposed site consistent and in compliance with
1675 the local land use plans and zoning ordinances.

1676 (d) The designated administrative law judge's recommended
1677 order shall be issued within 30 days after completion of the
1678 hearing and shall be reviewed by the board within 60 45 days
1679 after receipt of the recommended order by the board.

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1680 (e) If it is determined by the board that the proposed
1681 site does conform with existing land use plans and zoning
1682 ordinances in effect as of the date of the application, or as
1683 otherwise provided by this act, the responsible zoning or
1684 planning authority shall not thereafter change such land use
1685 plans or zoning ordinances so as to foreclose construction and
1686 operation of ~~affected~~ the proposed electrical power plant on the
1687 proposed site or directly associated facilities unless
1688 certification is subsequently denied or withdrawn.

1689 (f) If it is determined by the board that the proposed
1690 site does not conform with existing land use plans and zoning
1691 ordinances, ~~it shall be the responsibility of the applicant to~~
1692 ~~make the necessary application for rezoning. Should the~~
1693 ~~application for rezoning be denied, the applicant may appeal~~
1694 ~~this decision to the board, which may, if it determines after~~
1695 notice and hearing and upon consideration of the recommended
1696 order on land use and zoning issues that it is in the public
1697 interest to authorize the use of the land as a site for an
1698 electrical power plant, authorize a variance or other necessary
1699 approval to the adopted land use plan and zoning ordinances
1700 required to render the proposed site consistent with local land
1701 use plans and zoning ordinances. The board's action shall not be
1702 controlled by any other procedural requirements of law. In the
1703 event a variance or other approval is denied by the board, it
1704 shall be the responsibility of the applicant to make the
1705 necessary application for any approvals determined by the board
1706 as required to make the proposed site consistent and in
1707 compliance with local land use plans and zoning ordinances. No
1708 further action may be taken on the complete application ~~by the~~

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1709 ~~department~~ until the proposed site conforms to the adopted land
1710 use plan or zoning ordinances or the board grants relief as
1711 provided under this act.

1712 (2) (a) (3) A certification hearing shall be held by the
1713 designated administrative law judge no later than 265 ~~300~~ days
1714 after the ~~complete~~ application is filed with the department,
1715 ~~however, an affirmative determination of need by the Public~~
1716 ~~Service Commission pursuant to s. 403.519 shall be a condition~~
1717 ~~precedent to the conduct of the certification hearing.~~ The
1718 certification hearing shall be held at a location in proximity
1719 to the proposed site. ~~The certification hearing shall also~~
1720 ~~constitute the sole hearing allowed by chapter 120 to determine~~
1721 ~~the substantial interest of a party regarding any required~~
1722 ~~agency license or any related permit required pursuant to any~~
1723 ~~federally delegated or approved permit program.~~ At the
1724 conclusion of the certification hearing, the designated
1725 administrative law judge shall, after consideration of all
1726 evidence of record, submit to the board a recommended order no
1727 later than 45 ~~60~~ days after the filing of the hearing
1728 transcript. ~~In the event the administrative law judge fails to~~
1729 ~~issue a recommended order within 60 days after the filing of the~~
1730 ~~hearing transcript, the administrative law judge shall submit a~~
1731 ~~report to the board with a copy to all parties within 60 days~~
1732 ~~after the filing of the hearing transcript to advise the board~~
1733 ~~of the reason for the delay in the issuance of the recommended~~
1734 ~~order and of the date by which the recommended order will be~~
1735 ~~issued.~~

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1736 (b) Notice of the certification hearing and notice of the
1737 deadline for filing of notice of intent to be a party shall be
1738 made in accordance with the requirements of s. 403.5115.

1739 (3) (a)-(4)-(a) Parties to the proceeding shall include:

- 1740 1. The applicant.
- 1741 2. The Public Service Commission.
- 1742 3. The Department of Community Affairs.
- 1743 4. The Fish and Wildlife Conservation Commission.
- 1744 5. The water management district.
- 1745 6. The department.
- 1746 7. The regional planning council.
- 1747 8. The local government.
- 1748 9. The Department of Transportation.

1749 (b) Any party listed in paragraph (a) other than the
1750 department or the applicant may waive its right to participate
1751 in these proceedings. If such listed party fails to file a
1752 notice of its intent to be a party on or before the 90th day
1753 prior to the certification hearing, such party shall be deemed
1754 to have waived its right to be a party.

1755 (c) Notwithstanding the provisions of chapter 120, upon
1756 the filing with the administrative law judge of a notice of
1757 intent to be a party no later than 75 days after the application
1758 is filed at least 15 days prior to the date of the land use
1759 hearing, the following shall also be parties to the proceeding:

- 1760 1. Any agency not listed in paragraph (a) as to matters
1761 within its jurisdiction.
- 1762 2. Any domestic nonprofit corporation or association
1763 formed, in whole or in part, to promote conservation or natural
1764 beauty; to protect the environment, personal health, or other

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1765 biological values; to preserve historical sites; to promote
1766 consumer interests; to represent labor, commercial, or
1767 industrial groups; or to promote comprehensive planning or
1768 orderly development of the area in which the proposed electrical
1769 power plant is to be located.

1770 (d) Notwithstanding paragraph (e), failure of an agency
1771 described in subparagraph (c)1. to file a notice of intent to be
1772 a party within the time provided herein shall constitute a
1773 waiver of the right of that agency to participate as a party in
1774 the proceeding.

1775 (e) Other parties may include any person, including those
1776 persons enumerated in paragraph (c) who have failed to timely
1777 file a notice of intent to be a party, whose substantial
1778 interests are affected and being determined by the proceeding
1779 and who timely file a motion to intervene pursuant to chapter
1780 120 and applicable rules. Intervention pursuant to this
1781 paragraph may be granted at the discretion of the designated
1782 administrative law judge and upon such conditions as he or she
1783 may prescribe any time prior to 30 days before the commencement
1784 of the certification hearing.

1785 (f) Any agency, including those whose properties or works
1786 are being affected pursuant to s. 403.509(4), shall be made a
1787 party upon the request of the department or the applicant.

1788 (4) (a) The order of presentation at the certification
1789 hearing, unless otherwise changed by the administrative law
1790 judge to ensure the orderly presentation of witnesses and
1791 evidence, shall be:

1792 1. The applicant.

1793 2. The department.

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- 1794 3. State agencies.
- 1795 4. Regional agencies, including regional planning councils
- 1796 and water management districts.
- 1797 5. Local governments.
- 1798 6. Other parties.

1799 ~~(b)(5)~~ When appropriate, any person may be given an
1800 opportunity to present oral or written communications to the
1801 designated administrative law judge. If the designated
1802 administrative law judge proposes to consider such
1803 communications, then all parties shall be given an opportunity
1804 to cross-examine or challenge or rebut such communications.

1805 (5) At the conclusion of the certification hearing, the
1806 designated administrative law judge shall, after consideration
1807 of all evidence of record, submit to the board a recommended
1808 order no later than 45 days after the filing of the hearing
1809 transcript.

1810 (6) (a) No earlier than 29 days prior to the conduct of the
1811 certification hearing, the department or the applicant may
1812 request that the administrative law judge cancel the
1813 certification hearing and relinquish jurisdiction to the
1814 department if all parties to the proceeding stipulate that there
1815 are no disputed issues of fact or law to be raised at the
1816 certification hearing, and if sufficient time remains for the
1817 applicant and the department to publish public notices of the
1818 cancellation of the hearing at least 3 days prior to the
1819 scheduled date of the hearing.

1820 (b) The administrative law judge shall issue an order
1821 granting or denying the request within 5 days after receipt of
1822 the request.

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1823 (c) If the administrative law judge grants the request,
1824 the department and the applicant shall publish notices of the
1825 cancellation of the certification hearing, in accordance with s.
1826 403.5115.

1827 (d)1. If the administrative law judge grants the request,
1828 the department shall prepare and issue a final order in
1829 accordance with s. 403.509(1) (a).

1830 2. Parties may submit proposed recommended orders to the
1831 department no later than 10 days after the administrative law
1832 judge issues an order relinquishing jurisdiction.

1833 (7) The applicant shall pay those expenses and costs
1834 associated with the conduct of the hearings and the recording
1835 and transcription of the proceedings.

1836 ~~(6) The designated administrative law judge shall have all~~
1837 ~~powers and duties granted to administrative law judges by~~
1838 ~~chapter 120 and this chapter and by the rules of the department~~
1839 ~~and the Administration Commission, including the authority to~~
1840 ~~resolve disputes over the completeness and sufficiency of an~~
1841 ~~application for certification.~~

1842 ~~(7) The order of presentation at the certification~~
1843 ~~hearing, unless otherwise changed by the administrative law~~
1844 ~~judge to ensure the orderly presentation of witnesses and~~
1845 ~~evidence, shall be:~~

1846 ~~(a) The applicant.~~

1847 ~~(b) The department.~~

1848 ~~(c) State agencies.~~

1849 ~~(d) Regional agencies, including regional planning~~
1850 ~~councils and water management districts.~~

1851 ~~(e) Local governments.~~

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1852 ~~(f) Other parties.~~

1853 (8) In issuing permits under the federally approved new
1854 source review or prevention of significant deterioration permit
1855 program, the department shall observe the procedures specified
1856 under the federally approved state implementation plan,
1857 including public notice, public comment, public hearing, and
1858 notice of applications and amendments to federal, state, and
1859 local agencies, to assure that all such permits issued in
1860 coordination with the certification of a power plant under this
1861 act are federally enforceable and are issued after opportunity
1862 for informed public participation regarding the terms and
1863 conditions thereof. When possible, any hearing on a federally
1864 approved or delegated program permit such as new source review,
1865 prevention of significant deterioration permit, or NPDES permit
1866 shall be conducted in conjunction with the certification hearing
1867 held under this act. ~~The department shall accept written comment~~
1868 ~~with respect to an application for, or the department's~~
1869 ~~preliminary determination on, a new source review or prevention~~
1870 ~~of significant deterioration permit for a period of no less than~~
1871 ~~30 days from the date notice of such action is published. Upon~~
1872 ~~request submitted within 30 days after published notice, the~~
1873 ~~department shall hold a public meeting, in the area affected,~~
1874 ~~for the purpose of receiving public comment on issues related to~~
1875 ~~the new source review or prevention of significant deterioration~~
1876 ~~permit. If requested following notice of the department's~~
1877 ~~preliminary determination, the public meeting to receive public~~
1878 ~~comment shall be held prior to the scheduled certification~~
1879 ~~hearing. The department shall also solicit comments from the~~
1880 ~~United States Environmental Protection Agency and other affected~~

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1881 ~~federal agencies regarding the department's preliminary~~
1882 ~~determination for any federally required new source review or~~
1883 ~~prevention of significant deterioration permit. It is the intent~~
1884 of the Legislature that the review, processing, and issuance of
1885 such federally delegated or approved permits be closely
1886 coordinated with the certification process established under
1887 this part. In the event of a conflict between the certification
1888 process and federally required procedures ~~contained in the state~~
1889 ~~implementation plan,~~ the applicable federal requirements ~~of the~~
1890 ~~implementation plan~~ shall control.

1891 Section 32. Section 403.509, Florida Statutes, is amended
1892 to read:

1893 403.509 Final disposition of application.--

1894 (1) (a) If the administrative law judge has granted a
1895 request to cancel the certification hearing and has relinquished
1896 jurisdiction to the department under the provisions of s.
1897 403.508(6), within 40 days thereafter, the secretary of the
1898 department shall act upon the application by written order in
1899 accordance with the terms of this act and the stipulation of the
1900 parties in requesting cancellation of the certification hearing.

1901 (b) If the administrative law judge has not granted a
1902 request to cancel the certification hearing under the provisions
1903 of s. 403.508(6), within 60 days after receipt of the designated
1904 administrative law judge's recommended order, the board shall
1905 act upon the application by written order, approving
1906 certification or denying certification the issuance of a
1907 certificate, in accordance with the terms of this act, and
1908 stating the reasons for issuance or denial. If certification the
1909 certificate is denied, the board shall set forth in writing the

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1910 action the applicant would have to take to secure the board's
1911 approval of the application.

1912 (2) The issues that may be raised in any hearing before
1913 the board shall be limited to those matters raised in the
1914 certification proceeding before the administrative law judge or
1915 raised in the recommended order. All parties, or their
1916 representatives, or persons who appear before the board shall be
1917 subject to the provisions of s. 120.66.

1918 (3) In determining whether an application should be
1919 approved in whole, approved with modifications or conditions, or
1920 denied, the board, or secretary when applicable, shall consider
1921 whether, and the extent to which, the location of the electrical
1922 power plant and directly associated facilities and their
1923 construction and operation will:

1924 (a) Provide reasonable assurance that operational
1925 safeguards are technically sufficient for the public welfare and
1926 protection.

1927 (b) Comply with applicable nonprocedural requirements of
1928 agencies.

1929 (c) Be consistent with applicable local government
1930 comprehensive plans and land development regulations.

1931 (d) Meet the electrical energy needs of the state in an
1932 orderly and timely fashion.

1933 (e) Effect a reasonable balance between the need for the
1934 facility as established pursuant to s. 403.519, and the impacts
1935 upon air and water quality, fish and wildlife, water resources,
1936 and other natural resources of the state resulting from the
1937 construction and operation of the facility.

1938 (f) Minimize, through the use of reasonable and available

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1939 methods, the adverse effects on human health, the environment,
1940 and the ecology of the land and its wildlife and the ecology of
1941 state waters and their aquatic life.

1942 (g) Serve and protect the broad interests of the public.

1943 ~~(3) Within 30 days after issuance of the certification,~~
1944 ~~the department shall issue and forward to the United States~~
1945 ~~Environmental Protection Agency a proposed operation permit for~~
1946 ~~a major source of air pollution and must issue or deny any other~~
1947 ~~license required pursuant to any federally delegated or approved~~
1948 ~~permit program. The department's action on the license and its~~
1949 ~~action on the proposed operation permit for a major source of~~
1950 ~~air pollution shall be based upon the record and recommended~~
1951 ~~order of the certification hearing. The department's actions on~~
1952 ~~a federally required new source review or prevention of~~
1953 ~~significant deterioration permit shall be based on the record~~
1954 ~~and recommended order of the certification hearing and of any~~
1955 ~~other proceeding held in connection with the application for a~~
1956 ~~new source review or prevention of significant deterioration~~
1957 ~~permit, on timely public comments received with respect to the~~
1958 ~~application or preliminary determination for such permit, and on~~
1959 ~~the provisions of the state implementation plan.~~

1960 (4) The department's action on a federally required new
1961 source review or prevention of significant deterioration permit
1962 shall differ from the actions taken by the siting board
1963 regarding the certification if the federally approved state
1964 implementation plan requires such a different action to be taken
1965 by the department. Nothing in this part shall be construed to
1966 displace the department's authority as the final permitting
1967 entity under the federally approved permit program. Nothing in
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1968 this part shall be construed to authorize the issuance of a new
1969 source review or prevention of significant deterioration permit
1970 which does not conform to the requirements of the federally
1971 approved state implementation plan. ~~Any final operation permit~~
1972 ~~for a major source of air pollution must be issued in accordance~~
1973 ~~with the provisions of s. 403.0872. Unless the federally~~
1974 ~~delegated or approved permit program provides otherwise,~~
1975 ~~licenses issued by the department under this subsection shall be~~
1976 ~~effective for the term of the certification issued by the board.~~
1977 ~~If renewal of any license issued by the department pursuant to a~~
1978 ~~federally delegated or approved permit program is required, such~~
1979 ~~renewal shall not affect the certification issued by the board,~~
1980 ~~except as necessary to resolve inconsistencies pursuant to s.~~
1981 ~~403.516(1)(a).~~

1982 (5)(4) In regard to the properties and works of any agency
1983 which is a party to the certification hearing, the board shall
1984 have the authority to decide issues relating to the use, the
1985 connection thereto, or the crossing thereof, for the electrical
1986 power plant and directly associated facilities ~~site~~ and to
1987 direct any such agency to execute, within 30 days after the
1988 entry of certification, the necessary license or easement for
1989 such use, connection, or crossing, subject only to the
1990 conditions set forth in such certification.

1991 (6)(5) ~~Except for the issuance of any operation permit for~~
1992 ~~a major source of air pollution pursuant to s. 403.0872, The~~
1993 ~~issuance or denial of the certification by the board or~~
1994 ~~secretary of the department and the issuance or denial of any~~
1995 ~~related department license required pursuant to any federally~~

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1996 ~~delegated or approved permit program shall be the final~~
1997 ~~administrative action required as to that application.~~

1998 ~~(6) All certified electrical power plants must apply for~~
1999 ~~and obtain a major source air operation permit pursuant to s.~~
2000 ~~403.0872. Major source air operation permit applications for~~
2001 ~~certified electrical power plants must be submitted pursuant to~~
2002 ~~a schedule developed by the department. To the extent that any~~
2003 ~~conflicting provision, limitation, or restriction under any~~
2004 ~~rule, regulation, or ordinance imposed by any political~~
2005 ~~subdivision of the state, or by any local pollution control~~
2006 ~~program, was superseded during the certification process~~
2007 ~~pursuant to s. 403.510(1), such rule, regulation, or ordinance~~
2008 ~~shall continue to be superseded for purposes of the major source~~
2009 ~~air operation permit program under s. 403.0872.~~

2010 Section 33. Section 403.511, Florida Statutes, is amended
2011 to read:

2012 403.511 Effect of certification.--

2013 (1) Subject to the conditions set forth therein, any
2014 certification ~~signed by the Governor~~ shall constitute the sole
2015 license of the state and any agency as to the approval of the
2016 site and the construction and operation of the proposed
2017 electrical power plant, except for the issuance of department
2018 licenses required under any federally delegated or approved
2019 permit program and except as otherwise provided in subsection
2020 (4).

2021 (2)(a) The certification shall authorize the licensee
2022 ~~applicant~~ named therein to construct and operate the proposed
2023 electrical power plant, subject only to the conditions of
2024 certification set forth in such certification, and except for

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2025 the issuance of department licenses or permits required under
2026 any federally delegated or approved permit program.

2027 (b)1. Except as provided in subsection (4), the
2028 certification may include conditions which constitute variances,
2029 exemptions, or exceptions from nonprocedural requirements of the
2030 department or any agency which were expressly considered during
2031 the proceeding, including, but not limited to, any site specific
2032 criteria, standards, or limitations under local land use and
2033 zoning approvals which affect the proposed electrical power
2034 plant or its site, unless waived by the agency ~~as provided below~~
2035 and which otherwise would be applicable to the construction and
2036 operation of the proposed electrical power plant.

2037 2. No variance, exemption, exception, or other relief
2038 shall be granted from a state statute or rule for the protection
2039 of endangered or threatened species, aquatic preserves,
2040 Outstanding National Resource Waters, or Outstanding Florida
2041 Waters or for the disposal of hazardous waste, except to the
2042 extent authorized by the applicable statute or rule or except
2043 upon a finding in the certification order ~~by the siting board~~
2044 that the public interests set forth in s. 403.509(3) ~~403.502~~ in
2045 certifying the electrical power plant at the site proposed by
2046 the applicant overrides the public interest protected by the
2047 statute or rule from which relief is sought. ~~Each party shall~~
2048 ~~notify the applicant and other parties at least 60 days prior to~~
2049 ~~the certification hearing of any nonprocedural requirements not~~
2050 ~~specifically listed in the application from which a variance,~~
2051 ~~exemption, exception, or other relief is necessary in order for~~
2052 ~~the board to certify any electrical power plant proposed for~~
2053 ~~certification. Failure of such notification by an agency shall~~

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2054 ~~be treated as a waiver from nonprocedural requirements of the~~
2055 ~~department or any other agency. However, no variance shall be~~
2056 ~~granted from standards or regulations of the department~~
2057 ~~applicable under any federally delegated or approved permit~~
2058 ~~program, except as expressly allowed in such program.~~

2059 (3) The certification and any order on land use and zoning
2060 issued under this act shall be in lieu of any license, permit,
2061 certificate, or similar document required by any state,
2062 regional, or local agency pursuant to, but not limited to,
2063 chapter 125, chapter 161, chapter 163, chapter 166, chapter 186,
2064 chapter 253, chapter 298, chapter 370, chapter 373, chapter 376,
2065 chapter 380, chapter 381, chapter 387, chapter 403, except for
2066 permits issued pursuant to any federally delegated or approved
2067 permit program s. 403.0885 and except as provided in ~~s.~~
2068 ~~403.509(3) and (6),~~ chapter 404, or the Florida Transportation
2069 Code, or 33 U.S.C. s. 1341.

2070 (4) This act shall not affect in any way the ratemaking
2071 powers of the Public Service Commission under chapter 366; nor
2072 shall this act in any way affect the right of any local
2073 government to charge appropriate fees or require that
2074 construction be in compliance with applicable building
2075 construction codes.

2076 (5) (a) An electrical power plant certified pursuant to
2077 this act shall comply with rules adopted by the department
2078 subsequent to the issuance of the certification which prescribe
2079 new or stricter criteria, to the extent that the rules are
2080 applicable to electrical power plants. Except when express
2081 variances, exceptions, exemptions, or other relief have been
2082 granted, subsequently adopted rules which prescribe new or

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2083 stricter criteria shall operate as automatic modifications to
2084 certifications.

2085 (b) Upon written notification to the department, any
2086 holder of a certification issued pursuant to this act may choose
2087 to operate the certified electrical power plant in compliance
2088 with any rule subsequently adopted by the department which
2089 prescribes criteria more lenient than the criteria required by
2090 the terms and conditions in the certification which are not
2091 site-specific.

2092 (c) No term or condition of certification shall be
2093 interpreted to preclude the postcertification exercise by any
2094 party of whatever procedural rights it may have under chapter
2095 120, including those related to rulemaking proceedings. This
2096 subsection shall apply to previously issued certifications.

2097 (6) No term or condition of a site certification shall be
2098 interpreted to supersede or control the provisions of a final
2099 operation permit for a major source of air pollution issued by
2100 the department pursuant to s. 403.0872 to a ~~such~~ facility
2101 certified under this part.

2102 (7) Pursuant to s. 380.23, electrical power plants are
2103 subject to the federal coastal consistency review program.
2104 Issuance of certification shall constitute the state's
2105 certification of coastal zone consistency.

2106 Section 34. Section 403.5112, Florida Statutes, is created
2107 to read:

2108 403.5112 Filing of notice of certified corridor route.--

2109 (1) Within 60 days after certification of a directly
2110 associated linear facility pursuant to this act, the applicant
2111 shall file, in accordance with s. 28.222, with the department

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2112 and the clerk of the circuit court for each county through which
2113 the corridor will pass, a notice of the certified route.

2114 (2) The notice shall consist of maps or aerial photographs
2115 in the scale of 1:24,000 which clearly show the location of the
2116 certified route and shall state that the certification of the
2117 corridor will result in the acquisition of rights-of-way within
2118 the corridor. Each clerk shall record the filing in the official
2119 record of the county for the duration of the certification or
2120 until such time as the applicant certifies to the department and
2121 the clerk that all lands required for the transmission line
2122 rights-of-way within the corridor have been acquired within such
2123 county, whichever is sooner.

2124 Section 35. Section 403.5113, Florida Statutes, is created
2125 to read:

2126 403.5113 Postcertification amendments.--

2127 (1) If, subsequent to certification by the board, a
2128 licensee proposes any material change to the application and
2129 revisions or amendments thereto, as certified, the licensee
2130 shall submit a written request for amendment and a description
2131 of the proposed change to the application to the department.
2132 Within 30 days after the receipt of the request for the
2133 amendment, the department shall determine whether the proposed
2134 change to the application requires a modification of the
2135 conditions of certification.

2136 (2) If the department concludes that the change would not
2137 require a modification of the conditions of certification, the
2138 department shall provide written notification of the approval of
2139 the proposed amendment to the licensee, all agencies, and all
2140 other parties.

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2141 (3) If the department concludes that the change would
2142 require a modification of the conditions of certification, the
2143 department shall provide written notification to the licensee
2144 that the proposed change to the application requires a request
2145 for modification pursuant to s. 403.516.

2146 (4) Postcertification submittals filed by the licensee
2147 with one or more agencies are for the purpose of monitoring for
2148 compliance with the issued certification and must be reviewed by
2149 the agencies on an expedited and priority basis because each
2150 facility certified under this act is a critical infrastructure
2151 facility. In no event shall a postcertification review be
2152 completed in more than 90 days after complete information is
2153 submitted to the reviewing agencies.

2154 Section 36. Section 403.5115, Florida Statutes, is amended
2155 to read:

2156 403.5115 Public notice; costs of proceeding.--

2157 (1) The following notices are to be published by the
2158 applicant:

2159 (a) Notice ~~A notice~~ of the filing of a notice of intent
2160 under s. 403.5063, which shall be published within 21 days after
2161 the filing of the notice. The notice shall be published as
2162 specified by subsection (2), except that the newspaper notice
2163 shall be one-fourth page in size in a standard size newspaper or
2164 one-half page in size in a tabloid size newspaper.

2165 (b) Notice ~~A notice~~ of filing of the application, which
2166 shall include a description of the proceedings required by this
2167 act, within 21 days after the date of the application filing be
2168 ~~published as specified in subsection (2), within 15 days after~~
2169 ~~the application has been determined complete.~~ Such notice shall
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2170 give notice of the provisions of s. 403.511(1) and (2) ~~and that~~
2171 ~~the application constitutes a request for a federally required~~
2172 ~~new source review or prevention of significant deterioration~~
2173 ~~permit.~~

2174 (c) Notice of the land use determination made pursuant to
2175 s. 403.50665(1) within 21 days after the determination is filed.

2176 (d) Notice of the land use hearing, which shall be
2177 published as specified in subsection (2), no later than 15 ~~45~~
2178 days before the hearing.

2179 (e) ~~(d)~~ Notice of the certification hearing and notice of
2180 the deadline for filing notice of intent to be a party, which
2181 shall be published as specified in subsection (2), at least 65
2182 days before the date set for the certification ~~no later than 45~~
2183 ~~days before the hearing.~~

2184 (f) Notice of the cancellation of the certification
2185 hearing, if applicable, no later than 3 days before the date of
2186 the originally scheduled certification hearing.

2187 (g) ~~(e)~~ Notice of modification when required by the
2188 department, based on whether the requested modification of
2189 certification will significantly increase impacts to the
2190 environment or the public. Such notice shall be published as
2191 specified under subsection (2):

2192 1. Within 21 days after receipt of a request for
2193 modification, ~~except that~~ The newspaper notice shall be of a
2194 size as directed by the department commensurate with the scope
2195 of the modification.

2196 2. If a hearing is to be conducted in response to the
2197 request for modification, then notice shall be published no

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2198 ~~later than 30 days before the hearing provided as specified in~~
2199 ~~paragraph (d).~~

2200 ~~(h) (f)~~ Notice of a supplemental application, which shall
2201 be published as specified in paragraph (b) and subsection
2202 (2) follows:

2203 ~~1. Notice of receipt of the supplemental application shall~~
2204 ~~be published as specified in paragraph (b).~~

2205 ~~2. Notice of the certification hearing shall be published~~
2206 ~~as specified in paragraph (d).~~

2207 (i) Notice of existing site certification pursuant to s.
2208 403.5175. Notices shall be published as specified in paragraph
2209 (b) and subsection (2).

2210 (2) Notices provided by the applicant shall be published
2211 in newspapers of general circulation within the county or
2212 counties in which the proposed electrical power plant will be
2213 located. The newspaper notices shall be at least one-half page
2214 in size in a standard size newspaper or a full page in a tabloid
2215 size newspaper ~~and published in a section of the newspaper other~~
2216 ~~than the legal notices section.~~ These notices shall include a
2217 map generally depicting the project and all associated
2218 facilities corridors. A newspaper of general circulation shall
2219 be the newspaper which has the largest daily circulation in that
2220 county and has its principal office in that county. If the
2221 newspaper with the largest daily circulation has its principal
2222 office outside the county, the notices shall appear in both the
2223 newspaper having the largest circulation in that county and in a
2224 newspaper authorized to publish legal notices in that county.

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2225 (3) All notices published by the applicant shall be paid
2226 for by the applicant and shall be in addition to the application
2227 fee.

2228 (4) The department shall arrange for publication of the
2229 following notices in the manner specified by chapter 120 and
2230 provide copies of those notices to any persons who have
2231 requested to be placed on the departmental mailing list for this
2232 purpose:

2233 (a) Notice Publish in the Florida Administrative Weekly
2234 notices of the filing of the notice of intent within 15 days
2235 after receipt of the notice.†

2236 (b) Notice of the filing of the application, no later than
2237 21 days after the application filing.†

2238 (c) Notice of the land use determination made pursuant to
2239 s. 403.50665(1) within 21 days after the determination is filed.

2240 (d) Notice of the land use hearing before the
2241 administrative law judge, if applicable, no later than 15 days
2242 before the hearing.†

2243 (e) Notice of the land use hearing before the board, if
2244 applicable.

2245 (f) Notice of the certification hearing at least 45 days
2246 before the date set for the certification hearing.†

2247 (g) Notice of the cancellation of the certification
2248 hearing, if applicable, no later than 3 days prior to the date
2249 of the originally scheduled certification hearing.

2250 (h) Notice of the hearing before the board, if
2251 applicable.†

2252 (i) Notice and of stipulations, proposed agency action, or
2253 petitions for modification.† ~~and~~

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2254 ~~(b) Provide copies of those notices to any persons who~~
2255 ~~have requested to be placed on the departmental mailing list for~~
2256 ~~this purpose.~~

2257 ~~(5) The applicant shall pay those expenses and costs~~
2258 ~~associated with the conduct of the hearings and the recording~~
2259 ~~and transcription of the proceedings.~~

2260 Section 37. Section 403.513, Florida Statutes, is amended
2261 to read:

2262 403.513 Review.--Proceedings under this act shall be
2263 subject to judicial review as provided in chapter 120. When
2264 possible, separate appeals of the certification order issued by
2265 the board and of any department permit issued pursuant to a
2266 federally delegated or approved permit program may ~~shall~~ be
2267 consolidated for purposes of judicial review.

2268 Section 38. Section 403.516, Florida Statutes, is amended
2269 to read:

2270 403.516 Modification of certification.--

2271 (1) A certification may be modified after issuance in any
2272 one of the following ways:

2273 (a) The board may delegate to the department the authority
2274 to modify specific conditions in the certification.

2275 (b)1. The department may modify specific conditions of a
2276 site certification which are inconsistent with the terms of any
2277 federally delegated or approved ~~final air pollution operation~~
2278 ~~permit for the certified electrical power plant issued by the~~
2279 ~~United States Environmental Protection Agency under the terms of~~
2280 ~~42 U.S.C. s. 7661d.~~

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2281 2. Such modification may be made without further notice if
2282 the matter has been previously noticed under the requirements
2283 for any federally delegated or approved permit program.

2284 (c) The licensee may file a petition for modification with
2285 the department, or the department may initiate the modification
2286 upon its own initiative.

2287 1. A petition for modification must set forth:

2288 a. The proposed modification.

2289 b. The factual reasons asserted for the modification.

2290 c. The anticipated environmental effects of the proposed
2291 modification.

2292 2. ~~(b)~~ The department may modify the terms and conditions
2293 of the certification if no party to the certification hearing
2294 objects in writing to such modification within 45 days after
2295 notice by mail to such party's last address of record, and if no
2296 other person whose substantial interests will be affected by the
2297 modification objects in writing within 30 days after issuance of
2298 public notice.

2299 3. If objections are raised or the department denies the
2300 request, the applicant or department may file a request petition
2301 for a hearing on the modification with the department. Such
2302 request shall be handled pursuant to chapter 120 paragraph ~~(e)~~.

2303 ~~(c) A petition for modification may be filed by the~~
2304 ~~applicant or the department setting forth:~~

2305 ~~1. The proposed modification,~~

2306 ~~2. The factual reasons asserted for the modification, and~~

2307 ~~3. The anticipated effects of the proposed modification on~~
2308 ~~the applicant, the public, and the environment.~~

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2310 ~~The petition for modification shall be filed with the department~~
2311 ~~and the Division of Administrative Hearings.~~

2312 4. Requests referred to the Division of Administrative
2313 Hearings shall be disposed of in the same manner as an
2314 application, but with time periods established by the
2315 administrative law judge commensurate with the significance of
2316 the modification requested.

2317 (d) As required by s. 403.511(5).

2318 ~~(2) Petitions filed pursuant to paragraph (1)(c) shall be~~
2319 ~~disposed of in the same manner as an application, but with time~~
2320 ~~periods established by the administrative law judge commensurate~~
2321 ~~with the significance of the modification requested.~~

2322 ~~(2)(3)~~ Any agreement or modification under this section
2323 must be in accordance with the terms of this act. No
2324 modification to a certification shall be granted that
2325 constitutes a variance from standards or regulations of the
2326 department applicable under any federally delegated or approved
2327 permit program, except as expressly allowed in such program.

2328 Section 39. Section 403.517, Florida Statutes, is amended
2329 to read:

2330 403.517 Supplemental applications for sites certified for
2331 ultimate site capacity.--

2332 (1) (a) Supplemental ~~The department shall adopt rules~~
2333 ~~governing the processing of supplemental applications~~ may be
2334 submitted for certification of the construction and operation of
2335 electrical power plants to be located at sites which have been
2336 previously certified for an ultimate site capacity pursuant to
2337 this act. Supplemental applications shall be limited to
2338 electrical power plants using the fuel type previously certified

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2339 for that site. Such applications shall include all new directly
2340 associated facilities that support the construction and
2341 operation of the electrical power plant. ~~The rules adopted~~
2342 ~~pursuant to this section shall include provisions for:~~

2343 ~~1. Prompt appointment of a designated administrative law~~
2344 ~~judge.~~

2345 ~~2. The contents of the supplemental application.~~

2346 ~~3. Resolution of disputes as to the completeness and~~
2347 ~~sufficiency of supplemental applications by the designated~~
2348 ~~administrative law judge.~~

2349 ~~4. Public notice of the filing of the supplemental~~
2350 ~~applications.~~

2351 ~~5. Time limits for prompt processing of supplemental~~
2352 ~~applications.~~

2353 ~~6. Final disposition by the board within 215 days of the~~
2354 ~~filing of a complete supplemental application.~~

2355 (b) The review shall use the same procedural steps and
2356 notices as for an initial application.

2357 (c) The time limits for the processing of a complete
2358 supplemental application shall be designated by the department
2359 commensurate with the scope of the supplemental application, but
2360 shall not exceed any time limitation governing the review of
2361 initial applications for site certification pursuant to this
2362 act, it being the legislative intent to provide shorter time
2363 limitations for the processing of supplemental applications for
2364 electrical power plants to be constructed and operated at sites
2365 which have been previously certified for an ultimate site
2366 capacity.

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2367 ~~(d)(e)~~ Any time limitation in this section or in rules
2368 adopted pursuant to this section may be altered pursuant to s.
2369 403.5095 ~~by the designated administrative law judge upon~~
2370 ~~stipulation between the department and the applicant, unless~~
2371 ~~objected to by any party within 5 days after notice, or for good~~
2372 ~~cause shown by any party. The parties to the proceeding shall~~
2373 ~~adhere to the provisions of chapter 120 and this act in~~
2374 ~~considering and processing such supplemental applications.~~

2375 ~~(2) Supplemental applications shall be reviewed as~~
2376 ~~provided in ss. 403.507-403.511, except that the time limits~~
2377 ~~provided in this section shall apply to such supplemental~~
2378 ~~applications.~~

2379 ~~(3) The land use and zoning consistency determination of~~
2380 ~~s. 403.50665 hearing requirements of s. 403.508(1) and (2) shall~~
2381 ~~not be applicable to the processing of supplemental applications~~
2382 ~~pursuant to this section so long as:~~

2383 ~~(a) The previously certified ultimate site capacity is not~~
2384 ~~exceeded; and~~

2385 ~~(b) The lands required for the construction or operation~~
2386 ~~of the electrical power plant which is the subject of the~~
2387 ~~supplemental application are within the boundaries of the~~
2388 ~~previously certified site.~~

2389 ~~(4) For the purposes of this act, the term "ultimate site~~
2390 ~~capacity" means the maximum generating capacity for a site as~~
2391 ~~certified by the board.~~

2392 Section 40. Section 403.5175, Florida Statutes, is amended
2393 to read:

2394 403.5175 Existing electrical power plant site
2395 certification.--

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2396 (1) An electric utility that owns or operates an existing
2397 electrical power plant as defined in s. 403.503(12) may apply
2398 for certification of an existing power plant and its site in
2399 order to obtain all agency licenses necessary to ensure ~~assure~~
2400 compliance with federal or state environmental laws and
2401 regulation using the centrally coordinated, one-stop licensing
2402 process established by this part. An application for site
2403 certification under this section must be in the form prescribed
2404 by department rule. Applications must be reviewed and processed
2405 using the same procedural steps and notices as for an
2406 application for a new facility ~~in accordance with ss. 403.5064-~~
2407 ~~403.5115~~, except that a determination of need by the Public
2408 Service Commission is not required.

2409 (2) An application for certification under this section
2410 must include:

2411 (a) A description of the site and existing power plant
2412 installations;

2413 (b) A description of all proposed changes or alterations
2414 to the site or electrical power plant, including all new
2415 associated facilities that are the subject of the application;

2416 (c) A description of the environmental and other impacts
2417 caused by the existing utilization of the site and directly
2418 associated facilities, and the operation of the electrical power
2419 plant that is the subject of the application, and of the
2420 environmental and other benefits, if any, to be realized as a
2421 result of the proposed changes or alterations if certification
2422 is approved and such other information as is necessary for the
2423 reviewing agencies to evaluate the proposed changes and the
2424 expected impacts;

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2425 (d) The justification for the proposed changes or
2426 alterations;

2427 (e) Copies of all existing permits, licenses, and
2428 compliance plans authorizing utilization of the site and
2429 directly associated facilities or operation of the electrical
2430 power plant that is the subject of the application.

2431 (3) The land use and zoning determination hearing
2432 requirements of s. 403.50665 ~~s. 403.508(1) and (2)~~ do not apply
2433 to an application under this section if the applicant does not
2434 propose to expand the boundaries of the existing site. If the
2435 applicant proposes to expand the boundaries of the existing site
2436 to accommodate portions of the plant or associated facilities, a
2437 land use and zoning determination shall be made ~~hearing must be~~
2438 ~~held~~ as specified in s. 403.50665 ~~s. 403.508(1) and (2)~~;
2439 provided, however, that the sole issue for determination ~~through~~
2440 ~~the land use hearing~~ is whether the proposed site expansion is
2441 consistent and in compliance with the existing land use plans
2442 and zoning ordinances.

2443 (4) In considering whether an application submitted under
2444 this section should be approved in whole, approved with
2445 appropriate conditions, or denied, the board shall consider
2446 whether, and to the extent to which the proposed changes to the
2447 electrical power plant and its continued operation under
2448 certification will:

2449 (a) Comply with the provisions of s. 403.509(3).
2450 ~~applicable nonprocedural requirements of agencies;~~

2451 (b) Result in environmental or other benefits compared to
2452 current utilization of the site and operations of the electrical

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2453 power plant if the proposed changes or alterations are
2454 undertaken.

2455 ~~(c) Minimize, through the use of reasonable and available~~
2456 ~~methods, the adverse effects on human health, the environment,~~
2457 ~~and the ecology of the land and its wildlife and the ecology of~~
2458 ~~state waters and their aquatic life; and~~

2459 ~~(d) Serve and protect the broad interests of the public.~~

2460 (5) An applicant's failure to receive approval for
2461 certification of an existing site or an electrical power plant
2462 under this section is without prejudice to continued operation
2463 of the electrical power plant or site under existing agency
2464 licenses.

2465 Section 41. Section 403.518, Florida Statutes, is amended
2466 to read:

2467 403.518 Fees; disposition.--

2468 ~~(1)~~ The department shall charge the applicant the
2469 following fees, as appropriate, which, unless otherwise
2470 specified, shall be paid into the Florida Permit Fee Trust Fund:

2471 (1)(a) A fee for a notice of intent pursuant to s.
2472 403.5063, in the amount of \$2,500, to be submitted to the
2473 department at the time of filing of a notice of intent. The
2474 notice-of-intent fee shall be used and disbursed in the same
2475 manner as the application fee.

2476 (2)(b) An application fee, which shall not exceed
2477 \$200,000. The fee shall be fixed by rule on a sliding scale
2478 related to the size, type, ultimate site capacity, or increase
2479 in electrical generating capacity proposed by the application,
2480 ~~or the number and size of local governments in whose~~
2481 ~~jurisdiction the electrical power plant is located.~~

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2482 (a)1- Sixty percent of the fee shall go to the department
2483 to cover any costs associated with coordinating the review
2484 ~~reviewing~~ and acting upon the application, to cover any field
2485 services associated with monitoring construction and operation
2486 of the facility, and to cover the costs of the public notices
2487 published by the department.

2488 (b)2- The following percentages ~~Twenty percent of the fee~~
2489 ~~or \$25,000, whichever is greater,~~ shall be transferred to the
2490 Administrative Trust Fund of the Division of Administrative
2491 Hearings of the Department of Management Services:-

2492 1. Five percent to compensate expenses from the initial
2493 exercise of duties associated with the filing of an application.

2494 2. An additional 5 percent if a land use hearing is held
2495 pursuant to s. 403.508.

2496 3. An additional 10 percent if a certification hearing is
2497 held pursuant to s. 403.508.

2498 (c)1.3- Upon written request with proper itemized
2499 accounting within 90 days after final agency action by the board
2500 or withdrawal of the application, the agencies that prepared
2501 reports pursuant to s. 403.507 or participated in a hearing
2502 pursuant to s. 403.508 may submit a written request to the
2503 department for reimbursement of expenses incurred during the
2504 certification proceedings. The request shall contain an
2505 accounting of expenses incurred which may include time spent
2506 reviewing the application, the department shall reimburse the
2507 ~~Department of Community Affairs, the Fish and Wildlife~~
2508 ~~Conservation Commission, and any water management district~~
2509 ~~created pursuant to chapter 373, regional planning council, and~~
2510 ~~local government in the jurisdiction of which the proposed~~
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2511 ~~electrical power plant is to be located, and any other agency~~
2512 ~~from which the department requests special studies pursuant to~~
2513 ~~s. 403.507(2)(a)7. Such reimbursement shall be authorized for~~
2514 the preparation of any studies required of the agencies by this
2515 act, ~~and for~~ agency travel and per diem to attend any hearing
2516 held pursuant to this act, and for any agency or local
2517 government's provision of notice of public meetings or hearings
2518 required as a result of the application for certification
2519 governments to participate in the proceedings. The department
2520 shall review the request and verify that the expenses are valid.
2521 Valid expenses shall be reimbursed; however, in the event the
2522 amount of funds available for reimbursement allocation is
2523 insufficient to provide for full compensation complete
2524 reimbursement to the agencies requesting reimbursement,
2525 reimbursement shall be on a prorated basis.

2526 2. If the application review is held in abeyance for more
2527 than 1 year, the agencies may submit a request for
2528 reimbursement.

2529 (d)4. If any sums are remaining, the department shall
2530 retain them for its use in the same manner as is otherwise
2531 authorized by this act; provided, however, that if the
2532 certification application is withdrawn, the remaining sums shall
2533 be refunded to the applicant within 90 days after withdrawal.

2534 (3)(a)-(e) A certification modification fee, which shall
2535 not exceed \$30,000. The department shall establish rules for
2536 determining such a fee based on the equipment redesign, change
2537 in site size, type, increase in generating capacity proposed, or
2538 change in an associated linear facility location.

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2539 **(b)** The fee shall be submitted to the department with a
2540 ~~formal~~ petition for modification ~~to the department~~ pursuant to
2541 s. 403.516. This fee shall be established, disbursed, and
2542 processed in the same manner as the application fee in
2543 subsection (2) ~~paragraph (b)~~, except that the Division of
2544 Administrative Hearings shall not receive a portion of the fee
2545 unless the petition for certification modification is referred
2546 to the Division of Administrative Hearings for hearing. If the
2547 petition is so referred, only \$10,000 of the fee shall be
2548 transferred to the Administrative Trust Fund of the Division of
2549 Administrative Hearings of the Department of Management
2550 Services. ~~The fee for a modification by agreement filed pursuant~~
2551 ~~to s. 403.516(1)(b) shall be \$10,000 to be paid upon the filing~~
2552 ~~of the request for modification. Any sums remaining after~~
2553 ~~payment of authorized costs shall be refunded to the applicant~~
2554 ~~within 90 days of issuance or denial of the modification or~~
2555 ~~withdrawal of the request for modification.~~

2556 **(4)(d)** A supplemental application fee, not to exceed
2557 \$75,000, to cover all reasonable expenses and costs of the
2558 review, processing, and proceedings of a supplemental
2559 application. This fee shall be established, disbursed, and
2560 processed in the same manner as the certification application
2561 fee in subsection (2) ~~paragraph (b)~~, ~~except that only \$20,000 of~~
2562 ~~the fee shall be transferred to the Administrative Trust Fund of~~
2563 ~~the Division of Administrative Hearings of the Department of~~
2564 ~~Management Services.~~

2565 **(5)(e)** An existing site certification application fee, not
2566 to exceed \$200,000, to cover all reasonable costs and expenses
2567 of the review processing and proceedings for certification of an
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2568 existing power plant site under s. 403.5175. This fee must be
2569 established, disbursed, and processed in the same manner as the
2570 certification application fee in subsection (2) paragraph (b).

2571 ~~(2) Effective upon the date commercial operation begins,~~
2572 ~~the operator of an electrical power plant certified under this~~
2573 ~~part is required to pay to the department an annual operation~~
2574 ~~license fee as specified in s. 403.0872(11) to be deposited in~~
2575 ~~the Air Pollution Control Trust Fund.~~

2576 Section 42. Any application for electrical power plant
2577 certification filed pursuant to ss. 403.501-403.518, Florida
2578 Statutes, shall be processed under the provisions of the law
2579 applicable at the time the application was filed, except that
2580 the provisions relating to cancellation of the certification
2581 hearing under s. 403.508(6), Florida Statutes, the provisions
2582 relating to the final disposition of the application and
2583 issuance of the written order by the secretary under s.
2584 403.509(1)(a), Florida Statutes, and notice of the cancellation
2585 of the certification hearing under s. 403.5115, Florida
2586 Statutes, may apply to any application for electrical power
2587 plant certification.

2588 Section 43. Section 403.519, Florida Statutes, is amended
2589 to read:

2590 403.519 Exclusive forum for determination of need.--

2591 (1) On request by an applicant or on its own motion, the
2592 commission shall begin a proceeding to determine the need for an
2593 electrical power plant subject to the Florida Electrical Power
2594 Plant Siting Act.

2595 (2) The applicant ~~commission~~ shall publish a notice of the
2596 proceeding in a newspaper of general circulation in each county

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2597 in which the proposed electrical power plant will be located.
2598 The notice shall be at least one-quarter of a page and published
2599 at least 21 ~~45~~ days prior to the scheduled date for the
2600 proceeding. The commission shall publish notice of the
2601 proceeding in the manner specified by chapter 120 at least 21
2602 days prior to the scheduled date for the proceeding.

2603 (3) The commission shall be the sole forum for the
2604 determination of this matter, which accordingly shall not be
2605 raised in any other forum or in the review of proceedings in
2606 such other forum. In making its determination, the commission
2607 shall take into account the need for electric system reliability
2608 and integrity, the need for adequate electricity at a reasonable
2609 cost, the need for fuel diversity and supply reliability, and
2610 whether the proposed plant is the most cost-effective
2611 alternative available. The commission shall also expressly
2612 consider the conservation measures taken by or reasonably
2613 available to the applicant or its members which might mitigate
2614 the need for the proposed plant and other matters within its
2615 jurisdiction which it deems relevant. The commission's
2616 determination of need for an electrical power plant shall create
2617 a presumption of public need and necessity and shall serve as
2618 the commission's report required by s. 403.507(4)
2619 ~~403.507(2)(a)2~~. An order entered pursuant to this section
2620 constitutes final agency action.

2621 (4) In making its determination on a proposed electrical
2622 power plant using nuclear materials as fuel, the commission
2623 shall hold a hearing within 90 days after the filing of the
2624 petition to determine need and shall issue an order granting or
2625 denying the petition within 135 days after the date of the

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2626 filing of the petition. The commission shall be the sole forum
2627 for the determination of this matter and the issues addressed in
2628 the petition, which accordingly shall not be reviewed in any
2629 other forum, or in the review of proceedings in such other
2630 forum. In making its determination to either grant or deny the
2631 petition, the commission shall consider the need for electric
2632 system reliability and integrity, including fuel diversity, the
2633 need for base-load generating capacity, and the need for
2634 adequate electricity at a reasonable cost.

2635 (a) The applicant's petition shall include:

2636 1. A description of the need for the generation capacity.

2637 2. A description of how the proposed nuclear power plant
2638 will enhance the reliability of electric power production within
2639 the state by improving the balance of power plant fuel diversity
2640 and reducing Florida's dependence on fuel oil and natural gas.

2641 3. A description of and a nonbinding estimate of the cost
2642 of the nuclear power plant.

2643 4. The annualized base revenue requirement for the first
2644 12 months of operation of the nuclear power plant.

2645 5. Information on whether there were any discussions with
2646 any electric utilities regarding ownership of a portion of the
2647 plant by such electric utilities.

2648 (b) In making its determination, the commission shall take
2649 into account matters within its jurisdiction, which it deems
2650 relevant, including whether the nuclear power plant will:

2651 1. Provide needed base-load capacity.

2652 2. Enhance the reliability of electric power production
2653 within the state by improving the balance of power plant fuel

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2654 diversity and reducing Florida's dependence on fuel oil and
2655 natural gas.

2656 3. Provide the most cost-effective source of power, taking
2657 into account the need to improve the balance of fuel diversity,
2658 reduce Florida's dependence on fuel oil and natural gas, reduce
2659 air emission compliance costs, and contribute to the long-term
2660 stability and reliability of the electric grid.

2661 (c) No provision of rule 25-22.082, Florida Administrative
2662 Code, shall be applicable to a nuclear power plant sited under
2663 this act, including provisions for cost recovery, and an
2664 applicant shall not otherwise be required to secure competitive
2665 proposals for power supply prior to making application under
2666 this act or receiving a determination of need from the
2667 commission.

2668 (d) The commission's determination of need for a nuclear
2669 power plant shall create a presumption of public need and
2670 necessity and shall serve as the commission's report required by
2671 s. 403.507(4) (a). An order entered pursuant to this section
2672 constitutes final agency action. Any petition for
2673 reconsideration of a final order on a petition for need
2674 determination shall be filed within 5 days after the date of
2675 such order. The commission's final order, including any order on
2676 reconsideration, shall be reviewable on appeal in the Florida
2677 Supreme Court. Inasmuch as delay in the determination of need
2678 will delay siting of a nuclear power plant or diminish the
2679 opportunity for savings to customers under the federal Energy
2680 Policy Act of 2005, the Supreme Court shall proceed to hear and
2681 determine the action as expeditiously as practicable and give

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2682 the action precedence over matters not accorded similar
2683 precedence by law.

2684 (e) After a petition for determination of need for a
2685 nuclear power plant has been granted, the right of a utility to
2686 recover any costs incurred prior to commercial operation,
2687 including, but not limited to, costs associated with the siting,
2688 design, licensing, or construction of the plant, shall not be
2689 subject to challenge unless and only to the extent the
2690 commission finds, based on a preponderance of the evidence
2691 adduced at a hearing before the commission under s. 120.57, that
2692 certain costs were imprudently incurred. Proceeding with the
2693 construction of the nuclear power plant following an order by
2694 the commission approving the need for the nuclear power plant
2695 under this act shall not constitute or be evidence of
2696 imprudence. Imprudence shall not include any cost increases due
2697 to events beyond the utility's control. Further, a utility's
2698 right to recover costs associated with a nuclear power plant may
2699 not be raised in any other forum or in the review of proceedings
2700 in such other forum. Costs incurred prior to commercial
2701 operation shall be recovered pursuant to chapter 366.

2702 Section 44. Section 366.93, Florida Statutes, is created
2703 to read:

2704 366.93 Cost recovery for the siting, design, licensing,
2705 and construction of nuclear power plants.--

2706 (1) As used in this section, the term:

2707 (a) "Cost" includes, but is not limited to, all capital
2708 investments, including rate of return, any applicable taxes, and
2709 all expenses, including operation and maintenance expenses,

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2710 related to or resulting from the siting, licensing, design,
2711 construction, or operation of the nuclear power plant.

2712 (b) "Electric utility" or "utility" has the same meaning
2713 as that provided in s. 366.8255(1)(a).

2714 (c) "Nuclear power plant" or "plant" is an electrical
2715 power plant as defined in s. 403.503(12) that uses nuclear
2716 materials for fuel.

2717 (d) "Preconstruction" is that period of time after a site
2718 has been selected through and including the date the utility
2719 completes site clearing work. Preconstruction costs shall be
2720 afforded deferred accounting treatment and shall accrue a
2721 carrying charge equal to the utility's allowance for funds
2722 during construction (AFUDC) rate until recovered in rates.

2723 (2) Within 6 months after the enactment of this act, the
2724 commission shall establish, by rule, alternative cost recovery
2725 mechanisms for the recovery of costs incurred in the siting,
2726 design, licensing, and construction of a nuclear power plant.
2727 Such mechanisms shall be designed to promote utility investment
2728 in nuclear power plants and allow for the recovery in rates all
2729 prudently incurred costs, and shall include, but are not limited
2730 to:

2731 (a) Recovery through the capacity cost recovery clause of
2732 any preconstruction costs.

2733 (b) Recovery through an incremental increase in the
2734 utility's capacity cost recovery clause rates of the carrying
2735 costs on the utility's projected construction cost balance
2736 associated with the nuclear power plant. To encourage investment
2737 and provide certainty, for nuclear power plant need petitions
2738 submitted on or before December 31, 2010, associated carrying

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2739 costs shall be equal to the pretax AFUDC in effect upon this act
2740 becoming law. For nuclear power plants for which need petitions
2741 are submitted after December 31, 2010, the utility's existing
2742 pretax AFUDC rate is presumed to be appropriate unless
2743 determined otherwise by the commission in the determination of
2744 need for the nuclear power plant.

2745 (3) After a petition for determination of need is granted,
2746 a utility may petition the commission for cost recovery as
2747 permitted by this section and commission rules.

2748 (4) When the nuclear power plant is placed in commercial
2749 service, the utility shall be allowed to increase its base rate
2750 charges by the projected annual revenue requirements of the
2751 nuclear power plant based on the jurisdictional annual revenue
2752 requirements of the plant for the first 12 months of operation.
2753 The rate of return on capital investments shall be calculated
2754 using the utility's rate of return last approved by the
2755 commission prior to the commercial inservice date of the nuclear
2756 power plant. If any existing generating plant is retired as a
2757 result of operation of the nuclear power plant, the commission
2758 shall allow for the recovery, through an increase in base rate
2759 charges, of the net book value of the retired plant over a
2760 period not to exceed 5 years.

2761 (5) The utility shall report to the commission annually
2762 the budgeted and actual costs as compared to the estimated
2763 inservice cost of the nuclear power plant provided by the
2764 utility pursuant to s. 403.519(4), until the commercial
2765 operation of the nuclear power plant. The utility shall provide
2766 such information on an annual basis following the final order by
2767 the commission approving the determination of need for the

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2768 nuclear power plant, with the understanding that some costs may
2769 be higher than estimated and other costs may be lower.

2770 (6) In the event the utility elects not to complete or is
2771 precluded from completing construction of the nuclear power
2772 plant, the utility shall be allowed to recover all prudent
2773 preconstruction and construction costs incurred following the
2774 commission's issuance of a final order granting a determination
2775 of need for the nuclear power plant. The utility shall recover
2776 such costs through the capacity cost recovery clause over a
2777 period equal to the period during which the costs were incurred
2778 or 5 years, whichever is greater. The unrecovered balance during
2779 the recovery period will accrue interest at the utility's
2780 weighted average cost of capital as reported in the commission's
2781 earnings surveillance reporting requirement for the prior year.

2782 Section 45. Section 403.52, Florida Statutes, is amended
2783 to read:

2784 403.52 Short title.--Sections 403.52-403.5365 may be cited
2785 as the "Florida Electric Transmission Line Siting Act."

2786 Section 46. Section 403.521, Florida Statutes, is amended
2787 to read:

2788 403.521 Legislative intent.--The legislative intent of
2789 this act is to establish a centralized and coordinated licensing
2790 permitting process for the location of electric transmission
2791 line corridors and the construction, operation, and maintenance
2792 of electric transmission lines, which are critical
2793 infrastructure facilities. This necessarily involves several
2794 broad interests of the public addressed through the subject
2795 matter jurisdiction of several agencies. The Legislature
2796 recognizes that electric transmission lines will have an effect

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2797 upon the reliability of the electric power system, the
2798 environment, land use, and the welfare of the population.
2799 Recognizing the need to ensure electric power system reliability
2800 and integrity, and in order to meet electric ~~electrical~~ energy
2801 needs in an orderly and timely fashion, the centralized and
2802 coordinated licensing ~~permitting~~ process established by this act
2803 is intended to further the legislative goal of ensuring through
2804 available and reasonable methods that the location of
2805 transmission line corridors and the construction, operation, and
2806 maintenance of electric transmission lines produce minimal
2807 adverse effects on the environment and public health, safety,
2808 and welfare ~~while not unduly conflicting with the goals~~
2809 ~~established by the applicable local comprehensive plan.~~ It is
2810 the intent of this act to fully balance the need for
2811 transmission lines with the broad interests of the public in
2812 order to effect a reasonable balance between the need for the
2813 facility as a means of providing reliable, economical, and
2814 efficient electric ~~abundant low-cost electrical~~ energy and the
2815 impact on the public and the environment resulting from the
2816 location of the transmission line corridor and the construction,
2817 operation, and maintenance of the transmission lines. The
2818 Legislature intends that the provisions of chapter 120 apply to
2819 this act and to proceedings under ~~pursuant to~~ it except as
2820 otherwise expressly exempted by other provisions of this act.

2821 Section 47. Section 403.522, Florida Statutes, is amended
2822 to read:

2823 403.522 Definitions relating to the Florida Electric
2824 Transmission Line Siting Act.--As used in this act:

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2825 (1) "Act" means the Florida Electric Transmission Line
2826 Siting Act.

2827 (2) "Agency," as the context requires, means an official,
2828 officer, commission, authority, council, committee, department,
2829 division, bureau, board, section, or other unit or entity of
2830 government, including a county, municipality, or other regional
2831 or local governmental entity.

2832 (3) "Amendment" means a material change in information
2833 provided by the applicant to the application for certification
2834 made after the initial application filing.

2835 (4) "Applicant" means any electric utility that ~~which~~
2836 applies for certification under ~~pursuant to the provisions of~~
2837 this act.

2838 (5) "Application" means the documents required by the
2839 department to be filed to initiate and support a certification
2840 review and evaluation, including the initial document filing,
2841 amendments, and responses to requests from the department for
2842 additional data and information ~~preceeding~~. An electric utility
2843 may file a comprehensive application encompassing all or a part
2844 of one or more proposed transmission lines.

2845 (6) "Board" means the Governor and Cabinet sitting as the
2846 siting board.

2847 (7) "Certification" means the approval by the board of the
2848 license for a corridor proper for certification pursuant to
2849 subsection (10) and the construction, operation, and maintenance
2850 of transmission lines within the ~~such~~ corridor with the ~~such~~
2851 changes or conditions as the siting board deems appropriate.
2852 Certification shall be evidenced by a written order of the
2853 board.

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2854 (8) "Commission" means the Florida Public Service
2855 Commission.

2856 (9) "Completeness" means that the application has
2857 addressed all applicable sections of the prescribed application
2858 format and, but does not mean that those sections are sufficient
2859 in comprehensiveness of data or in quality of information
2860 provided to allow the department to determine whether the
2861 application provides the reviewing agencies adequate information
2862 to prepare the reports required by s. 403.526.

2863 (10) "Corridor" means the proposed area within which a
2864 transmission line right-of-way, including maintenance and access
2865 roads, is to be located. The width of the corridor proposed for
2866 certification by an applicant or other party, at the option of
2867 the applicant, may be the width of the transmission line right-
2868 of-way, or a wider boundary, not to exceed a width of 1 mile.
2869 The area within the corridor in which a right-of-way may be
2870 located may be further restricted by a condition of
2871 certification. After all property interests required for the
2872 transmission line right-of-way and maintenance and access roads
2873 have been acquired by the applicant, the boundaries of the area
2874 certified shall narrow to only that land within the boundaries
2875 of the transmission line right-of-way. The corridors proper for
2876 certification shall be those addressed in the application, in
2877 amendments to the application filed under ~~pursuant to~~ s.
2878 403.5275, and in notices of acceptance of proposed alternate
2879 corridors filed by an applicant and the department pursuant to
2880 s. 403.5271 for which the required ~~sufficient~~ information for
2881 the preparation of agency supplemental reports was filed.

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2882 (11) "Department" means the Department of Environmental
2883 Protection.

2884 (12) "Electric utility" means cities and towns, counties,
2885 public utility districts, regulated electric companies, electric
2886 cooperatives, regional transmission organizations, operators of
2887 independent transmission systems, or other transmission
2888 organizations approved by the Federal Energy Regulatory
2889 Commission or the commission for the operation of transmission
2890 facilities, and joint operating agencies, or combinations
2891 thereof, engaged in, or authorized to engage in, the business of
2892 generating, transmitting, or distributing electric energy.

2893 (13) "License" means a franchise, permit, certification,
2894 registration, charter, comprehensive plan amendment, development
2895 order, or permit as defined in chapters 163 and 380, or similar
2896 form of authorization required by law, but it does not include a
2897 license required primarily for revenue purposes when issuance of
2898 the license is merely a ministerial act.

2899 (14) "Licensee" means an applicant that has obtained a
2900 certification order for the subject project.

2901 ~~(15)~~ (14) "Local government" means a municipality or county
2902 in the jurisdiction of which the project is proposed to be
2903 located.

2904 (16) "Maintenance and access roads" mean roads constructed
2905 within the transmission line right-of-way. Nothing in this act
2906 prohibits an applicant from constructing a road to support
2907 construction, operation, or maintenance of the transmission line
2908 that lies outside the transmission line right-of-way.

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2909 ~~(17)(15)~~ "Modification" means any change in the
2910 certification order after issuance, including a change in the
2911 conditions of certification.

2912 ~~(18)(16)~~ "Nonprocedural requirements of agencies" means
2913 any agency's regulatory requirements established by statute,
2914 rule, ordinance, or comprehensive plan, excluding any provisions
2915 prescribing forms, fees, procedures, or time limits for the
2916 review or processing of information submitted to demonstrate
2917 compliance with such regulatory requirements.

2918 ~~(19)(17)~~ "Person" means an individual, partnership, joint
2919 venture, private or public corporation, association, firm,
2920 public service company, political subdivision, municipal
2921 corporation, government agency, public utility district, or any
2922 other entity, public or private, however organized.

2923 ~~(20)(18)~~ "Preliminary statement of issues" means a listing
2924 and explanation of those issues within the agency's jurisdiction
2925 which are of major concern to the agency in relation to the
2926 proposed electric ~~electrical~~ transmission line corridor.

2927 ~~(21)(19)~~ "Regional planning council" means a regional
2928 planning council as defined in s. 186.503(4) in the jurisdiction
2929 of which the project is proposed to be located.

2930 ~~(20)~~ ~~"Sufficiency" means that the application is not only~~
2931 ~~complete but that all sections are adequate in the~~
2932 ~~comprehensiveness of data and in the quality of information~~
2933 ~~provided to allow the department to determine whether the~~
2934 ~~application provides the reviewing agencies adequate information~~
2935 ~~to prepare the reports authorized by s. 403.526.~~

2936 ~~(22)(21)~~ "Transmission line" or "electric transmission
2937 line" means structures, maintenance and access roads, and all
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2938 other facilities that need to be constructed, operated, or
2939 maintained for the purpose of conveying electric power any
2940 ~~electrical transmission line~~ extending from, but not including,
2941 an existing or proposed substation or power plant to, but not
2942 including, an existing or proposed transmission network or
2943 rights-of-way or substation to which the applicant intends to
2944 connect which defines the end of the proposed project and which
2945 is designed to operate at 230 kilovolts or more. ~~The starting~~
2946 ~~point and ending point of a transmission line must be~~
2947 ~~specifically defined by the applicant and must be verified by~~
2948 ~~the commission in its determination of need. A transmission line~~
2949 ~~includes structures and maintenance and access roads that need~~
2950 ~~to be constructed for the project to become operational. The~~
2951 transmission line may include, at the applicant's option, any
2952 proposed terminal or intermediate substations or substation
2953 expansions necessary to serve the transmission line.

2954 (23)-(22) "Transmission line right-of-way" means land
2955 necessary for the construction, operation, and maintenance of a
2956 transmission line. The typical width of the right-of-way shall
2957 be identified in the application. The right-of-way shall be
2958 located within the certified corridor and shall be identified by
2959 the applicant ~~subsequent to certification~~ in documents filed
2960 with the department before ~~prior to~~ construction.

2961 (24)-(23) "Water management district" means a water
2962 management district created pursuant to chapter 373 in the
2963 jurisdiction of which the project is proposed to be located.

2964 Section 48. Section 403.523, Florida Statutes, is amended
2965 to read:

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2966 403.523 Department of Environmental Protection; powers and
2967 duties.--The department has ~~shall have~~ the following powers and
2968 duties:

2969 (1) To adopt procedural rules pursuant to ss. 120.536(1)
2970 and 120.54 to administer ~~implement the provisions of~~ this act
2971 and to adopt or amend rules to implement the provisions of
2972 subsection (10).

2973 (2) To prescribe the form and content of the public
2974 notices and the form, content, and necessary supporting
2975 documentation, and any required studies, for certification
2976 applications. All ~~such~~ data and studies shall be related to the
2977 jurisdiction of the agencies relevant to the application.

2978 (3) To receive applications for transmission line and
2979 corridor certifications and initially determine the completeness
2980 ~~and sufficiency~~ thereof.

2981 (4) To make or contract for studies of certification
2982 applications. All ~~such~~ studies shall be related to the
2983 jurisdiction of the agencies relevant to the application. For
2984 studies in areas outside the jurisdiction of the department and
2985 in the jurisdiction of another agency, the department may
2986 initiate such studies, but only with the consent of the ~~such~~
2987 agency.

2988 (5) To administer the processing of applications for
2989 certification and ensure that the applications, including
2990 postcertification reviews, are processed on an expeditious and
2991 priority basis ~~as expeditiously as possible~~.

2992 (6) To collect and process ~~require~~ such fees as allowed by
2993 this act.

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2994 (7) To prepare a report and project ~~written~~ analysis as
2995 required by s. 403.526.

2996 (8) To prescribe the means for monitoring the effects
2997 arising from the location of the transmission line corridor and
2998 the construction, operation, and maintenance of the transmission
2999 lines to assure continued compliance with the terms of the
3000 certification.

3001 (9) To make a determination of acceptability of any
3002 alternate corridor proposed for consideration under ~~pursuant to~~
3003 s. 403.5271.

3004 (10) To set requirements that reasonably protect the
3005 public health and welfare from the electric and magnetic fields
3006 of transmission lines for which an application is filed under
3007 ~~after the effective date of this act.~~

3008 (11) To present rebuttal evidence on any issue properly
3009 raised at the certification hearing.

3010 (12) To issue final orders after receipt of the
3011 administrative law judge's order relinquishing jurisdiction
3012 pursuant to s. 403.527(6).

3013 (13) To act as clerk for the siting board.

3014 (14) To administer and manage the terms and conditions of
3015 the certification order and supporting documents and records for
3016 the life of the facility.

3017 (15) To issue emergency orders on behalf of the board for
3018 facilities licensed under this act.

3019 Section 49. Section 403.524, Florida Statutes, is amended
3020 to read:

3021 403.524 Applicability; ~~and~~ certification; exemptions.--

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3022 (1) ~~The provisions of~~ This act applies ~~apply~~ to each
3023 transmission line, except a transmission line certified under
3024 ~~pursuant to~~ the Florida Electrical Power Plant Siting Act.

3025 (2) Except as provided in subsection (1), ~~no~~ construction
3026 of a any transmission line may not be undertaken without first
3027 obtaining certification under this act, but ~~the provisions of~~
3028 this act does ~~de~~ not apply to:

3029 (a) Transmission lines for which development approval has
3030 been obtained under ~~pursuant to~~ chapter 380.

3031 (b) Transmission lines that ~~which~~ have been exempted by a
3032 binding letter of interpretation issued under s. 380.06(4), or
3033 in which the Department of Community Affairs or its predecessor
3034 agency has determined the utility to have vested development
3035 rights within the meaning of s. 380.05(18) or s. 380.06(20).

3036 (c) Transmission line development in which all
3037 construction is limited to established rights-of-way.
3038 Established rights-of-way include ~~such~~ rights-of-way established
3039 at any time for roads, highways, railroads, gas, water, oil,
3040 electricity, or sewage and any other public purpose rights-of-
3041 way. If an established transmission line right-of-way is used to
3042 qualify for this exemption, the transmission line right-of-way
3043 must have been established at least 5 years before notice of the
3044 start of construction under subsection (4) of the proposed
3045 transmission line. If an established transmission line right-of-
3046 way is relocated to accommodate a public project, the date the
3047 original transmission line right-of-way was established applies
3048 to the relocated transmission line right-of-way for purposes of
3049 this exemption. ~~Except for transmission line rights-of-way,~~
3050 established rights-of-way include rights-of-way created before
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3051 ~~er after October 1, 1983. For transmission line rights of way,~~
3052 ~~established rights of way include rights of way created before~~
3053 ~~October 1, 1983.~~

3054 (d) Unless the applicant has applied for certification
3055 under this act, transmission lines that ~~which~~ are less than 15
3056 miles in length or are located in a single ~~which do not cross a~~
3057 county within the state line, unless the applicant has elected
3058 ~~to apply for certification under the act.~~

3059 (3) The exemption of a transmission line under this act
3060 does not constitute an exemption for the transmission line from
3061 other applicable permitting processes under other provisions of
3062 law or local government ordinances.

3063 (4) An electric ~~A~~ utility shall notify the department in
3064 writing, before ~~prior to~~ the start of construction, of its
3065 intent to construct a transmission line exempted under ~~pursuant~~
3066 ~~to~~ this section. The ~~Such~~ notice is ~~shall be~~ only for
3067 information purposes, and ~~no~~ action by the department is not
3068 ~~shall be~~ required pursuant to the ~~such~~ notice. This notice may
3069 be included in any submittal filed with the department before
3070 the start of construction demonstrating that a new transmission
3071 line complies with the applicable electric and magnetic field
3072 standards.

3073 Section 50. Section 403.525, Florida Statutes, is amended
3074 to read:

3075 403.525 ~~Appointment of Administrative law judge;~~
3076 appointment; powers and duties.--

3077 (1) (a) Within 7 days after receipt of an application,
3078 whether complete or not, the department shall request the
3079 Division of Administrative Hearings to designate an

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3080 administrative law judge to conduct the hearings required by
3081 this act.

3082 (b) The division director shall designate an
3083 administrative law judge to conduct the hearings required by
3084 this act within 7 days after receipt of the request from the
3085 department. Whenever practicable, the division director shall
3086 assign an administrative law judge who has had prior experience
3087 or training in this type of certification proceeding.

3088 (c) Upon being advised that an administrative law judge
3089 has been designated, the department shall immediately file a
3090 copy of the application and all supporting documents with the
3091 administrative law judge, who shall docket the application.

3092 (2) The administrative law judge has all powers and duties
3093 granted to administrative law judges under chapter 120 and by
3094 the laws and rules of the department.

3095 Section 51. Section 403.5251, Florida Statutes, is amended
3096 to read:

3097 403.5251 ~~Distribution of Application~~; schedules.--

3098 (1)(a) The formal date of the filing of the application
3099 for certification and commencement of the review process for
3100 certification is the date on which the applicant submits:

3101 1. Copies of the application for certification in a
3102 quantity and format, electronic or otherwise as prescribed by
3103 rule, to the department and other agencies identified in s.
3104 403.526(2).

3105 2. The application fee as specified under s. 403.5365 to
3106 the department.

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3108 The department shall provide to the applicant and the Division
3109 of Administrative Hearings the names and addresses of any
3110 additional agencies or persons entitled to notice and copies of
3111 the application and amendments, if any, within 7 days after
3112 receiving the application for certification and the application
3113 fees.

3114 (b) In the application, the starting point and ending
3115 point of a transmission line must be specifically defined by the
3116 applicant. Within 7 days after the filing of an application, the
3117 department shall provide the applicant and the Division of
3118 Administrative Hearings the names and addresses of those
3119 affected or other agencies entitled to notice and copies of the
3120 application and any amendments.

3121 (2) Within 15 7 days after the formal date of the
3122 application filing ~~completeness has been determined~~, the
3123 department shall prepare a proposed schedule of dates for
3124 determination of completeness, submission of statements of
3125 issues, ~~determination of sufficiency, and~~ submittal of final
3126 reports, ~~from affected and other agencies~~ and other significant
3127 dates to be followed during the certification process, including
3128 dates for filing notices of appearances to be a party under s.
3129 403.527(2) pursuant to s. 403.527(4). This schedule shall be
3130 provided by the department to the applicant, the administrative
3131 law judge, and the agencies identified under ~~pursuant to~~
3132 subsection (1). Within 7 days after the filing of this proposed
3133 schedule, the administrative law judge shall issue an order
3134 establishing a schedule for the matters addressed in the
3135 department's proposed schedule and other appropriate matters, if
3136 any.

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3137 (3) ~~Within 7 days after completeness has been determined,~~
3138 ~~the applicant shall distribute copies of the application to all~~
3139 ~~agencies identified by the department pursuant to subsection~~
3140 ~~(1).~~ Copies of changes and amendments to the application shall
3141 be timely distributed by the applicant to all agencies and
3142 parties who have received a copy of the application.

3143 (4) Notice of the filing of the application shall be made
3144 in accordance with the requirements of s. 403.5363.

3145 Section 52. Section 403.5252, Florida Statutes, is amended
3146 to read:

3147 403.5252 Determination of completeness.--

3148 (1) (a) Within 30 days after distribution of an
3149 application, the affected agencies shall file a statement with
3150 the department containing the recommendations of each agency
3151 concerning the completeness of the application for
3152 certification.

3153 (b) Within 7 ~~15~~ days after receipt of the completeness
3154 statements of each agency ~~an application~~, the department shall
3155 file a statement with the Division of Administrative Hearings,
3156 ~~and~~ with the applicant, and with all parties declaring its
3157 position with regard to the completeness, ~~not the sufficiency,~~
3158 of the application. The statement of the department shall be
3159 based upon its consultation with the affected agencies.

3160 (2) ~~(1)~~ If the department declares the application to be
3161 incomplete, the applicant, within 14 ~~15~~ days after the filing of
3162 the statement by the department, shall file with the Division of
3163 Administrative Hearings, with all parties, and with the
3164 department ~~a statement~~:

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- 3165 (a) A withdrawal of ~~Agreeing with the statement of the~~
3166 ~~department and withdrawing~~ the application;
- 3167 (b) Additional information necessary to make the
3168 application complete. After the department first determines the
3169 application to be incomplete, the time schedules under this act
3170 are not tolled if the applicant makes the application complete
3171 within the 14-day period. A subsequent finding by the department
3172 that the application remains incomplete tolls the time schedules
3173 under this act until the application is determined complete;
3174 ~~Agreeing with the statement of the department and agreeing to~~
3175 ~~amend the application without withdrawing it. The time schedules~~
3176 ~~referencing a complete application under this act shall not~~
3177 ~~commence until the application is determined complete; or~~
- 3178 (c) A statement contesting the department's determination
3179 of incompleteness; or ~~statement of the department.~~
- 3180 (d) A statement agreeing with the department and
3181 requesting additional time to provide the information necessary
3182 to make the application complete. If the applicant exercises
3183 this option, the time schedules under this act are tolled until
3184 the application is determined complete.
- 3185 (3) ~~(a)-(2)~~ If the applicant contests the determination by
3186 the department that an application is incomplete, the
3187 administrative law judge shall schedule a hearing on the
3188 statement of completeness. The hearing shall be held as
3189 expeditiously as possible, but not later than 21 ~~30~~ days after
3190 the filing of the statement by the department. The
3191 administrative law judge shall render a decision within 7 ~~10~~
3192 days after the hearing.

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3193 (b) Parties to a hearing on the issue of completeness
3194 shall include the applicant, the department, and any agency that
3195 has jurisdiction over the matter in dispute. Any substantially
3196 affected person who wishes to become a party to the hearing on
3197 the issue of completeness must file a motion no later than 10
3198 days before the date of the hearing.

3199 (c)-(a) If the administrative law judge determines that the
3200 application was not complete as filed, the applicant shall
3201 withdraw the application or make such additional submittals as
3202 necessary to complete it. The time schedules referencing a
3203 complete application under this act do shall not commence until
3204 the application is determined complete.

3205 (d)-(b) If the administrative law judge determines that the
3206 application was complete at the time it was declared incomplete
3207 filed, the time schedules referencing a complete application
3208 under this act shall commence upon such determination.

3209 (4) If the applicant provides additional information to
3210 address the issues identified in the determination of
3211 incompleteness, each affected agency may submit to the
3212 department, no later than 14 days after the applicant files the
3213 additional information, a recommendation on whether the agency
3214 believes the application is complete. Within 21 days after
3215 receipt of the additional information from the applicant
3216 submitted under paragraphs (2) (b), (2) (d), or (3) (c) and
3217 considering the recommendations of the affected agencies, the
3218 department shall determine whether the additional information
3219 supplied by an applicant makes the application complete. If the
3220 department finds that the application is still incomplete, the

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3221 applicant may exercise any of the options specified in
3222 subsection (2) as often as is necessary to resolve the dispute.

3223 Section 53. Section 403.526, Florida Statutes, is amended
3224 to read:

3225 403.526 Preliminary statements of issues, reports, and
3226 project analyses; and studies.--

3227 (1) Each affected agency that is required to file a report
3228 which received an application in accordance with this section ~~s.~~
3229 ~~403.5251(3)~~ shall submit a preliminary statement of issues to
3230 the department and all parties the applicant no later than 50 ~~60~~
3231 days after the filing distribution of the ~~complete~~ application.
3232 Such statements of issues shall be made available to each local
3233 government for use as information for public meetings held under
3234 ~~pursuant to~~ s. 403.5272. The failure to raise an issue in this
3235 preliminary statement of issues does ~~shall~~ not preclude the
3236 issue from being raised in the agency's report.

3237 (2)(a) The following ~~affected~~ agencies shall prepare
3238 reports as provided below and shall submit them to the
3239 department and the applicant no later than ~~within~~ 90 days after
3240 the filing distribution of the ~~complete~~ application:

3241 1. The department shall prepare a report as to the impact
3242 of each proposed transmission line or corridor as it relates to
3243 matters within its jurisdiction.

3244 2. Each water management district in the jurisdiction of
3245 which a proposed transmission line or corridor is to be located
3246 shall prepare a report as to the impact on water resources and
3247 other matters within its jurisdiction.

3248 3. The Department of Community Affairs shall prepare a
3249 report containing recommendations which address the impact upon
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3250 the public of the proposed transmission line or corridor, based
3251 on the degree to which the proposed transmission line or
3252 corridor is consistent with the applicable portions of the state
3253 comprehensive plan, emergency management, and other matters
3254 within its jurisdiction. The Department of Community Affairs may
3255 also comment on the consistency of the proposed transmission
3256 line or corridor with applicable strategic regional policy plans
3257 or local comprehensive plans and land development regulations.

3258 4. The Fish and Wildlife Conservation Commission shall
3259 prepare a report as to the impact of each proposed transmission
3260 line or corridor on fish and wildlife resources and other
3261 matters within its jurisdiction.

3262 5. Each local government shall prepare a report as to the
3263 impact of each proposed transmission line or corridor on matters
3264 within its jurisdiction, including the consistency of the
3265 proposed transmission line or corridor with all applicable local
3266 ordinances, regulations, standards, or criteria that apply to
3267 the proposed transmission line or corridor, including local
3268 comprehensive plans, zoning regulations, land development
3269 regulations, and any applicable local environmental regulations
3270 adopted pursuant to s. 403.182 or by other means. A ~~No~~ change by
3271 the responsible local government or local agency in local
3272 comprehensive plans, zoning ordinances, or other regulations
3273 made after the date required for the filing of the local
3274 government's report required by this section is not ~~shall be~~
3275 applicable to the certification of the proposed transmission
3276 line or corridor unless the certification is denied or the
3277 application is withdrawn.

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3278 6. Each regional planning council shall present a report
3279 containing recommendations that address the impact upon the
3280 public of the proposed transmission line or corridor based on
3281 the degree to which the transmission line or corridor is
3282 consistent with the applicable provisions of the strategic
3283 regional policy plan adopted under ~~pursuant to~~ chapter 186 and
3284 other impacts of each proposed transmission line or corridor on
3285 matters within its jurisdiction.

3286 7. The Department of Transportation shall prepare a report
3287 as to the impact of the proposed transmission line or corridor
3288 on state roads, railroads, airports, aeronautics, seaports, and
3289 other matters within its jurisdiction.

3290 8. The commission shall prepare a report containing its
3291 determination under s. 403.537 and the report may include the
3292 comments from the commission with respect to any other subject
3293 within its jurisdiction.

3294 9. Any other agency, if requested by the department, shall
3295 also perform studies or prepare reports as to subjects within
3296 the jurisdiction of the agency which may potentially be affected
3297 by the proposed transmission line.

3298 (b) Each report must ~~shall~~ contain:

3299 1. A notice of any nonprocedural requirements not
3300 specifically listed in the application from which a variance,
3301 exemption, exception, or other relief is necessary in order for
3302 the proposed corridor to be certified. Failure to include the
3303 notice shall be treated as a waiver from the nonprocedural
3304 requirements of that agency.

3305 2. A recommendation for approval or denial of the
3306 application.

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3307 3. The ~~information on variances required by s. 403.531(2)~~
3308 ~~and~~ proposed conditions of certification on matters within the
3309 jurisdiction of each agency. For each condition proposed by an
3310 agency, the agency shall list the specific statute, rule, or
3311 ordinance, as applicable, which authorizes the proposed
3312 condition.

3313 (c) Each reviewing agency shall initiate the activities
3314 required by this section no later than 15 days after the
3315 ~~complete~~ application is filed ~~distributed~~. Each agency shall
3316 keep the applicant and the department informed as to the
3317 progress of its studies and any issues raised thereby.

3318 (d) When an agency whose agency head is a collegial body,
3319 such as a commission, board, or council, is required to submit a
3320 report pursuant to this section and is required by its own
3321 internal procedures to have the report reviewed by its agency
3322 head prior to finalization, the agency may submit to the
3323 Department a draft version of the report by the deadline
3324 indicated in subsection (a), and shall submit a final version of
3325 the report after review by the agency head, and no later than 15
3326 days after the deadline indicated in subsection (a).

3327 (e) Receipt of an affirmative determination of need from
3328 the commission by the submittal deadline for agency reports
3329 under paragraph (a) is a condition precedent to further
3330 processing of the application.

3331 (3) The department shall prepare a project ~~written~~
3332 analysis containing ~~which contains~~ a compilation of agency
3333 reports and summaries of the material contained therein which
3334 shall be filed with the administrative law judge and served on
3335 all parties no later than 115 ~~135~~ days after the application is

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3336 ~~filed complete application has been distributed to the affected~~
3337 ~~agencies, and which shall include:~~

3338 (a) A statement indicating whether the proposed electric
3339 transmission line will be in compliance with the rules of the
3340 department and affected agencies.

3341 ~~(b)(a)~~ The studies and reports required by this section
3342 and s. 403.537.

3343 ~~(c)(b)~~ Comments received from any other agency or person.

3344 ~~(d)(e)~~ The recommendation of the department as to the
3345 disposition of the application, of variances, exemptions,
3346 exceptions, or other relief identified by any party, and of any
3347 proposed conditions of certification which the department
3348 believes should be imposed.

3349 (4) The failure of any agency to submit a preliminary
3350 statement of issues or a report, or to submit its preliminary
3351 statement of issues or report within the allowed time, is shall
3352 ~~be~~ grounds for the alteration of any time limitation in this
3353 act under pursuant to s. 403.528. ~~Neither~~ The failure to submit
3354 a preliminary statement of issues or a report, or nor the
3355 inadequacy of the preliminary statement of issues or report, are
3356 not shall be grounds to deny or condition certification.

3357 Section 54. Section 403.527, Florida Statutes, is amended
3358 to read:

3359 (Substantial rewording of section. See
3360 s. 403.527, F.S., for present text.)

3361 403.527 Certification hearing, parties, participants.--

3362 (1)(a) No later than 145 days after the application is
3363 filed, the administrative law judge shall conduct a
3364 certification hearing pursuant to ss. 120.569 and 120.57 at a
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3365 central location in proximity to the proposed transmission line
3366 or corridor.

3367 (b) Notice of the certification hearing and other public
3368 hearings provided for in this section and notice of the deadline
3369 for filing of notice of intent to be a party shall be made in
3370 accordance with the requirements of s. 403.5363.

3371 (2)(a) Parties to the proceeding shall be:

3372 1. The applicant.

3373 2. The department.

3374 3. The commission.

3375 4. The Department of Community Affairs.

3376 5. The Fish and Wildlife Conservation Commission.

3377 6. The Department of Transportation.

3378 7. Each water management district in the jurisdiction of
3379 which the proposed transmission line or corridor is to be
3380 located.

3381 8. The local government.

3382 9. The regional planning council.

3383 (b) Any party listed in paragraph (a), other than the
3384 department or the applicant, may waive its right to participate
3385 in these proceedings. If any listed party fails to file a notice
3386 of its intent to be a party on or before the 30th day before the
3387 certification hearing, the party is deemed to have waived its
3388 right to be a party unless its participation would not prejudice
3389 the rights of any party to the proceeding.

3390 (c) Notwithstanding the provisions of chapter 120 to the
3391 contrary, upon the filing with the administrative law judge of a
3392 notice of intent to be a party by an agency, corporation, or
3393 association described in subparagraphs 1. and 2. or a petition

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3394 for intervention by a person described in subparagraph 3. no
3395 later than 30 days before the date set for the certification
3396 hearing, the following shall also be parties to the proceeding:

3397 1. Any agency not listed in paragraph (a) as to matters
3398 within its jurisdiction.

3399 2. Any domestic nonprofit corporation or association
3400 formed, in whole or in part, to promote conservation of natural
3401 beauty; to protect the environment, personal health, or other
3402 biological values; to preserve historical sites; to promote
3403 consumer interests; to represent labor, commercial, or
3404 industrial groups; or to promote comprehensive planning or
3405 orderly development of the area in which the proposed
3406 transmission line or corridor is to be located.

3407 3. Any person whose substantial interests are affected and
3408 being determined by the proceeding.

3409 (d) Any agency whose properties or works may be affected
3410 shall be made a party upon the request of the agency or any
3411 party to this proceeding.

3412 (3) (a) The order of presentation at the certification
3413 hearing, unless otherwise changed by the administrative law
3414 judge to ensure the orderly presentation of witnesses and
3415 evidence, shall be:

3416 1. The applicant.

3417 2. The department.

3418 3. State agencies.

3419 4. Regional agencies, including regional planning councils
3420 and water management districts.

3421 5. Local governments.

3422 6. Other parties.

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3423 (b) When appropriate, any person may be given an
3424 opportunity to present oral or written communications to the
3425 administrative law judge. If the administrative law judge
3426 proposes to consider such communications, all parties shall be
3427 given an opportunity to cross-examine, challenge, or rebut the
3428 communications.

3429 (4) One public hearing where members of the public who are
3430 not parties to the certification hearing may testify shall be
3431 held within the boundaries of each county, at the option of any
3432 local government.

3433 (a) A local government shall notify the administrative law
3434 judge and all parties not later than 21 days after the
3435 application has been determined complete as to whether the local
3436 government wishes to have a public hearing. If a filing for an
3437 alternate corridor is accepted for consideration under s.
3438 403.5271(1) by the department and the applicant, any newly
3439 affected local government must notify the administrative law
3440 judge and all parties not later than 10 days after the data
3441 concerning the alternate corridor has been determined complete
3442 as to whether the local government wishes to have such a public
3443 hearing. The local government is responsible for providing the
3444 location of the public hearing if held separately from the
3445 certification hearing.

3446 (b) Within 5 days after notification, the administrative
3447 law judge shall determine the date of the public hearing, which
3448 shall be held before or during the certification hearing. If two
3449 or more local governments within one county request a public
3450 hearing, the hearing shall be consolidated so that only one
3451 public hearing is held in any county. The location of a

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3452 consolidated hearing shall be determined by the administrative
3453 law judge.

3454 (c) If a local government does not request a public
3455 hearing within 21 days after the application has been determined
3456 complete, persons residing within the jurisdiction of the local
3457 government may testify during that portion of the certification
3458 hearing at which public testimony is heard.

3459 (5) At the conclusion of the certification hearing, the
3460 administrative law judge shall, after consideration of all
3461 evidence of record, issue a recommended order disposing of the
3462 application no later than 45 days after the transcript of the
3463 certification hearing and the public hearings is filed with the
3464 Division of Administrative Hearings.

3465 (6) (a) No later than 25 days before the certification
3466 hearing, the department or the applicant may request that the
3467 administrative law judge cancel the certification hearing and
3468 relinquish jurisdiction to the department if all parties to the
3469 proceeding stipulate that there are no disputed issues of
3470 material fact to be raised at the certification hearing.

3471 (b) The administrative law judge shall issue an order
3472 granting or denying the request within 5 days.

3473 (c) If the administrative law judge grants the request,
3474 the department and the applicant shall publish notices of the
3475 cancellation of the certification hearing in accordance with s.
3476 403.5363.

3477 (d)1. If the administrative law judge grants the request,
3478 the department shall prepare and issue a final order in
3479 accordance with s. 403.529(1) (a).

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3480 2. Parties may submit proposed final orders to the
3481 department no later than 10 days after the administrative law
3482 judge issues an order relinquishing jurisdiction.

3483 (7) The applicant shall pay those expenses and costs
3484 associated with the conduct of the hearing and the recording and
3485 transcription of the proceedings.

3486 Section 55. Section 403.5271, Florida Statutes, is amended
3487 to read:

3488 403.5271 Alternate corridors.--

3489 (1) No later than 45 ~~50~~ days before ~~prior to~~ the
3490 originally scheduled certification hearing, any party may
3491 propose alternate transmission line corridor routes for
3492 consideration under ~~pursuant to~~ the provisions of this act.

3493 (a) A notice of a ~~any such~~ proposed alternate corridor
3494 must ~~shall~~ be filed with the administrative law judge, all
3495 parties, and any local governments in whose jurisdiction the
3496 alternate corridor is proposed. The ~~Such~~ filing must ~~shall~~
3497 include the most recent United States Geological Survey 1:24,000
3498 quadrangle maps specifically delineating the corridor
3499 boundaries, a description of the proposed corridor, and a
3500 statement of the reasons the proposed alternate corridor should
3501 be certified.

3502 (b)1. Within 7 days after receipt of the ~~such~~ notice, the
3503 applicant and the department shall file with the administrative
3504 law judge and all parties a notice of acceptance or rejection of
3505 a proposed alternate corridor for consideration. If the
3506 alternate corridor is rejected ~~either~~ by the applicant or the
3507 department, the certification hearing and the public hearings
3508 shall be held as scheduled. If both the applicant and the

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3509 department accept a proposed alternate corridor for
3510 consideration, the certification hearing and the public hearings
3511 shall be rescheduled, if necessary.

3512 2. If rescheduled, the certification hearing shall be held
3513 no more than 90 days after the previously scheduled
3514 certification hearing, unless the data submitted under paragraph
3515 (d) is determined to be incomplete, in which case the
3516 rescheduled certification hearing shall be held no more than 105
3517 days after the previously scheduled certification hearing. If
3518 additional time is needed due to the alternate corridor crossing
3519 a local government jurisdiction that was not previously
3520 affected, ~~in which case~~ the remainder of the schedule listed
3521 below shall be appropriately adjusted by the administrative law
3522 judge to allow that local government to prepare a report
3523 pursuant to s. 403.526(2)(a)5.

3524 (c) Notice of the filing of the alternate corridor, of the
3525 revised time schedules, of the deadline for newly affected
3526 persons and agencies to file notice of intent to become a party,
3527 of the rescheduled hearing date, and of the proceedings pursuant
3528 ~~to s. 403.527(1)(b) and (c)~~ shall be published in accordance
3529 with s. 403.5363.

3530 (d) Within 21 ~~25~~ days after acceptance of an alternate
3531 corridor by the department and the applicant, the party
3532 proposing an alternate corridor shall have the burden of
3533 providing all additional data to the agencies listed in s.
3534 403.526(2) and newly affected agencies ~~s. 403.526~~ necessary for
3535 the preparation of a supplementary report on the proposed
3536 alternate corridor.

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3537 (e)1. Reviewing agencies shall advise the department of
3538 any issues concerning completeness no later than 15 days after
3539 the submittal of the data required by paragraph (d). Within 22
3540 days after receipt of the data, the department shall issue a
3541 determination of completeness.

3542 2. If the department determines that the data required by
3543 paragraph (d) is not complete, the party proposing the alternate
3544 corridor must file such additional data to correct the
3545 incompleteness. This additional data must be submitted within 14
3546 days after the determination by the department.

3547 3. If the department, within 14 days after receiving the
3548 additional data, determines that the data remains incomplete,
3549 the incompleteness of the data is deemed a withdrawal of the
3550 proposed alternate corridor. The department may make its
3551 determination based on recommendations made by other affected
3552 agencies. If the department determines within 15 days that this
3553 additional data is insufficient, the party proposing the
3554 alternate corridor shall file such additional data that corrects
3555 the insufficiency within 15 days after the filing of the
3556 department's determination. If such additional data is
3557 determined insufficient, such insufficiency of data shall be
3558 deemed a withdrawal of the proposed alternate corridor. The
3559 party proposing an alternate corridor shall have the burden of
3560 proof on the certifiability of the alternate corridor at the
3561 certification hearing pursuant to s. 403.529(4). Nothing in this
3562 act shall be construed as requiring the applicant or agencies
3563 not proposing the alternate corridor to submit data in support
3564 of such alternate corridor.

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3565 (f) The agencies listed in s. 403.526(2) and any newly
3566 affected agencies s. 403.526 shall file supplementary reports
3567 with the applicant and the department which address ~~addressing~~
3568 the proposed alternate corridors no later than 24 60 days after
3569 the additional data is submitted pursuant to paragraph (d) or
3570 paragraph (e) is determined to be complete.

3571 (g) The agency reports on alternate corridors must include
3572 all information required by s. 403.526(2) agencies shall submit
3573 supplementary notice pursuant to s. 403.531(2) at the time of
3574 filing of their supplemental report.

3575 (h) When an agency whose agency head is a collegial body,
3576 such as a commission, board, or council, is required to submit a
3577 report pursuant to this section and is required by its own
3578 internal procedures to have the report reviewed by its agency
3579 head prior to finalization, the agency may submit to the
3580 Department a draft version of the report by the deadline
3581 indicated in subsection (f), and shall submit a final version of
3582 the report after review by the agency head, and no later than 7
3583 days after the deadline indicated in subsection (f).

3584 (i) ~~(h)~~ The department shall file with the administrative
3585 law judge, the applicant, and all parties a project prepare a
3586 written analysis consistent with s. 403.526(3) no more than 16
3587 at least 29 days after submittal of agency reports on prior to
3588 the rescheduled certification hearing addressing the proposed
3589 alternate corridor.

3590 (2) If the original certification hearing date is
3591 rescheduled, the rescheduling shall not provide the opportunity
3592 for parties to file additional alternate corridors to the
3593 applicant's proposed corridor or any accepted alternate

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3594 corridor. However, an amendment to the application which changes
3595 the alignment of the applicant's proposed corridor shall require
3596 rescheduling of the certification hearing, if necessary, so as
3597 to allow time for a party to file alternate corridors to the
3598 realigned proposed corridor for which the application has been
3599 amended. Any ~~such~~ alternate corridor proposal shall have the
3600 same starting and ending points as the realigned portion of the
3601 corridor proposed by the applicant's amendment, provided that
3602 the administrative law judge for good cause shown may authorize
3603 another starting or ending point in the area of the applicant's
3604 amended corridor.

3605 (3) (a) Notwithstanding the rejection of a proposed
3606 alternate corridor by the applicant or the department, any party
3607 may present evidence at the certification hearing to show that a
3608 corridor proper for certification does not satisfy the criteria
3609 listed in s. 403.529 or that a rejected alternate corridor would
3610 meet the criteria set forth in s. 403.529. ~~No~~ Evidence may not
3611 ~~shall~~ be admitted at the certification hearing on any alternate
3612 corridor, unless the alternate corridor was proposed by the
3613 filing of a notice at least 45 ~~50~~ days before ~~prior to~~ the
3614 originally scheduled certification hearing pursuant to this
3615 section. Rejected alternate corridors shall be considered by the
3616 board as provided in s. 403.529(4) and (5).

3617 (b) The party proposing an alternate corridor has the
3618 burden to prove that the alternate corridor can be certified at
3619 the certification hearing. This act does not require an
3620 applicant or agency that is not proposing the alternate corridor
3621 to submit data in support of the alternate corridor.

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3622 (4) If an alternate corridor is accepted by the applicant
3623 and the department pursuant to a notice of acceptance as
3624 provided in this subsection and the ~~such~~ corridor is ultimately
3625 determined to be the corridor that would meet the criteria set
3626 forth in s. 403.529(4) and (5), the board shall certify that
3627 corridor.

3628 Section 56. Section 403.5272, Florida Statutes, is amended
3629 to read:

3630 403.5272 ~~Local governments;~~ Informational public
3631 meetings.--

3632 (1) A local government whose jurisdiction is to be crossed
3633 by a proposed corridor ~~governments~~ may hold one informational
3634 public meeting ~~meetings~~ in addition to the hearings specifically
3635 authorized by this act on any matter associated with the
3636 transmission line proceeding. The ~~Such~~ informational public
3637 meeting may be conducted by the local government or the regional
3638 planning council and shall ~~meetings should~~ be held no later than
3639 55 ~~80~~ days after the application is filed. The purpose of an
3640 informational public meeting is for the local government or
3641 regional planning council to further inform the ~~general~~ public
3642 about the transmission line proposed, obtain comments from the
3643 public, and formulate its recommendation with respect to the
3644 proposed transmission line.

3645 (2) Informational public meetings shall be held solely at
3646 the option of each local government or regional planning
3647 council. It is the legislative intent that local governments or
3648 regional planning councils attempt to hold such public meetings.
3649 Parties to the proceedings under this act shall be encouraged to
3650 attend; however, a ~~no~~ party other than the applicant and the

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3651 department is not ~~shall be~~ required to attend the such
3652 informational public meetings ~~hearings~~.

3653 (3) A local government or regional planning council that
3654 intends to conduct an informational public meeting must provide
3655 notice of the meeting, with notice sent to all parties listed in
3656 s. 403.527(2)(a), not less than 5 days before the meeting.

3657 (4)~~(3)~~ The failure to hold an informational public meeting
3658 or the procedure used for the informational public meeting are
3659 ~~shall not be~~ grounds for the alteration of any time limitation
3660 in this act under ~~pursuant to~~ s. 403.528 or grounds to deny or
3661 condition certification.

3662 Section 57. Section 403.5275, Florida Statutes, is amended
3663 to read:

3664 403.5275 Amendment to the application.--

3665 (1) Any amendment made to the application before
3666 certification shall be sent by the applicant to the
3667 administrative law judge and to all parties to the proceeding.

3668 (2) Any amendment to the application made before ~~prior to~~
3669 certification shall be disposed of as part of the original
3670 certification proceeding. Amendment of the application may be
3671 considered "good cause" for alteration of time limits pursuant
3672 to s. 403.528.

3673 Section 58. Section 403.528, Florida Statutes, is amended
3674 to read:

3675 403.528 Alteration of time limits.--

3676 (1) Any time limitation in this act may be altered by the
3677 administrative law judge upon stipulation between the department
3678 and the applicant unless objected to by any party within 5 days
3679 after notice or for good cause shown by any party.

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3680 (2) A comprehensive application encompassing more than one
3681 proposed transmission line may be good cause for alternation of
3682 time limits.

3683 Section 59. Section 403.529, Florida Statutes, is amended
3684 to read:

3685 403.529 Final disposition of application.--

3686 (1)(a) If the administrative law judge has granted a
3687 request to cancel the certification hearing and has relinquished
3688 jurisdiction to the department under s. 403.527(6), within 40
3689 days thereafter, the secretary of the department shall act upon
3690 the application by written order in accordance with the terms of
3691 this act and state the reasons for issuance or denial.

3692 (b) If the administrative law judge does not grant a
3693 request to cancel the certification hearing under the provisions
3694 of s. 403.527(6) within 60 ~~30~~ days after receipt of the
3695 administrative law judge's recommended order, the board shall
3696 act upon the application by written order, approving in whole,
3697 approving with such conditions as the board deems appropriate,
3698 or denying the certification and stating the reasons for
3699 issuance or denial.

3700 (2) The issues that may be raised in any hearing before
3701 the board shall be limited to matters raised in the
3702 certification proceeding before the administrative law judge or
3703 raised in the recommended order of the administrative law judge.
3704 All parties, or their representatives, or persons who appear
3705 before the board shall be subject to ~~the provisions of~~ s.
3706 120.66.

3707 (3) If certification is denied, the board, or secretary if
3708 applicable, shall set forth in writing the action the applicant
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3709 would have to take to secure the approval of the application ~~by~~
3710 ~~the board.~~

3711 (4) In determining whether an application should be
3712 approved in whole, approved with modifications or conditions, or
3713 denied, the board, or secretary when applicable, shall consider
3714 whether, and the extent to which, the location of the
3715 transmission line corridor and the construction, operation, and
3716 maintenance of the transmission line will:

3717 (a) Ensure electric power system reliability and
3718 integrity;

3719 (b) Meet the electrical energy needs of the state in an
3720 orderly, economical, and timely fashion;

3721 (c) Comply with applicable nonprocedural requirements of
3722 agencies;

3723 (d) Be consistent with applicable provisions of local
3724 government comprehensive plans, if any; and

3725 (e) Effect a reasonable balance between the need for the
3726 transmission line as a means of providing reliable, economically
3727 efficient electric energy, as determined by the commission,
3728 under s. 403.537, abundant low-cost electrical energy and the
3729 impact upon the public and the environment resulting from the
3730 location of the transmission line corridor and the construction,
3731 operation, and maintenance of the transmission lines.

3732 (5) (a) Any transmission line corridor certified by the
3733 board, or secretary if applicable, shall meet the criteria of
3734 this section. When more than one transmission line corridor is
3735 proper for certification under ~~pursuant to~~ s. 403.522(10) and
3736 meets the criteria of this section, the board, or secretary if
3737 applicable, shall certify the transmission line corridor that

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3738 has the least adverse impact regarding the criteria in
3739 subsection (4), including costs.

3740 (b) If the board, or secretary if applicable, finds that
3741 an alternate corridor rejected pursuant to s. 403.5271 meets the
3742 criteria of subsection (4) and has the least adverse impact
3743 regarding the criteria in subsection (4), including cost, of all
3744 corridors that meet the criteria of subsection (4), ~~then~~ the
3745 board, or secretary if applicable, shall deny certification or
3746 shall allow the applicant to submit an amended application to
3747 include the ~~such~~ corridor.

3748 (c) If the board, or secretary if applicable, finds that
3749 two or more of the corridors that comply with ~~the provisions of~~
3750 subsection (4) have the least adverse impacts regarding the
3751 criteria in subsection (4), including costs, and that the ~~such~~
3752 corridors are substantially equal in adverse impacts regarding
3753 the criteria in subsection (4), including costs, ~~then~~ the board,
3754 or secretary if applicable, shall certify the corridor preferred
3755 by the applicant if the corridor is one proper for certification
3756 under ~~pursuant to~~ s. 403.522(10).

3757 (6) The issuance or denial of the certification is ~~by the~~
3758 ~~board shall be~~ the final administrative action required as to
3759 that application.

3760 Section 60. Section 403.531, Florida Statutes, is amended
3761 to read:

3762 403.531 Effect of certification.--

3763 (1) Subject to the conditions set forth therein,
3764 certification shall constitute the sole license of the state and
3765 any agency as to the approval of the location of transmission
3766 line corridors and the construction, operation, and maintenance

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3767 of transmission lines. The certification is ~~shall be~~ valid for
3768 the life of the transmission line, if ~~provided that~~ construction
3769 on, or condemnation or acquisition of, the right-of-way is
3770 commenced within 5 years after ~~of~~ the date of certification or
3771 such later date as may be authorized by the board.

3772 (2) (a) The certification authorizes ~~shall authorize~~ the
3773 licensee applicant to locate the transmission line corridor and
3774 to construct and maintain the transmission lines subject only to
3775 the conditions of certification set forth in the ~~such~~
3776 certification.

3777 (b) The certification may include conditions that ~~which~~
3778 constitute variances and exemptions from nonprocedural standards
3779 or rules regulations of the department or any other agency,
3780 which were expressly considered during the certification review
3781 ~~proceeding~~ unless waived by the agency as provided in s. 403.526
3782 ~~below~~ and which otherwise would be applicable to the location of
3783 the proposed transmission line corridor or the construction,
3784 operation, and maintenance of the transmission lines. ~~Each party~~
3785 ~~shall notify the applicant and other parties at the time~~
3786 ~~scheduled for the filing of the agency reports of any~~
3787 ~~nonprocedural requirements not specifically listed in the~~
3788 ~~application from which a variance, exemption, exception, or~~
3789 ~~other relief is necessary in order for the board to certify any~~
3790 ~~corridor proposed for certification. Failure of such~~
3791 ~~notification shall be treated as a waiver from the nonprocedural~~
3792 ~~requirements of that agency.~~

3793 (3) (a) The certification shall be in lieu of any license,
3794 permit, certificate, or similar document required by any state,
3795 regional, or local agency under ~~pursuant to~~, but not limited to,
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3796 chapter 125, chapter 161, chapter 163, chapter 166, chapter 186,
3797 chapter 253, chapter 258, chapter 298, chapter 370, chapter 372,
3798 chapter 373, chapter 376, chapter 380, chapter 381, ~~chapter 387,~~
3799 chapter 403, chapter 404, the Florida Transportation Code, or 33
3800 U.S.C. s. 1341.

3801 (b) On certification, any license, easement, or other
3802 interest in state lands, except those the title of which is
3803 vested in the Board of Trustees of the Internal Improvement
3804 Trust Fund, shall be issued by the appropriate agency as a
3805 ministerial act. The applicant shall ~~be required to~~ seek any
3806 necessary interest in state lands the title to which is vested
3807 in the Board of Trustees of the Internal Improvement Trust Fund
3808 from the board of trustees before, during, or after the
3809 certification proceeding, and certification may be made
3810 contingent upon issuance of the appropriate interest in realty.
3811 However, ~~neither~~ the applicant and ~~nor~~ any party to the
3812 certification proceeding may not directly or indirectly raise or
3813 relitigate any matter that ~~which~~ was or could have been an issue
3814 in the certification proceeding in any proceeding before the
3815 Board of Trustees of the Internal Improvement Trust Fund wherein
3816 the applicant is seeking a necessary interest in state lands,
3817 but the information presented in the certification proceeding
3818 shall be available for review by the board of trustees and its
3819 staff.

3820 (4) This act does ~~shall~~ not in any way affect the
3821 ratemaking powers of the commission under chapter 366. This act
3822 does ~~shall~~ ~~also~~ not in any way affect the right of any local
3823 government to charge appropriate fees or require that

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3824 construction be in compliance with the National Electrical
3825 Safety Code, as prescribed by the commission.

3826 (5) A ~~No~~ term or condition of certification may not ~~shall~~
3827 be interpreted to preclude the postcertification exercise by any
3828 party of whatever procedural rights it may have under chapter
3829 120, including those related to rulemaking proceedings.

3830 Section 61. Section 403.5312, Florida Statutes, is amended
3831 to read:

3832 403.5312 Filing ~~Recording~~ of notice of certified corridor
3833 route.--

3834 (1) Within 60 days after certification of a directly
3835 associated transmission line under ~~pursuant to~~ ss. 403.501-
3836 403.518 or a transmission line corridor under ~~pursuant to~~ ss.
3837 403.52-403.5365, the applicant shall file with the department
3838 and, in accordance with s. 28.222, with the clerk of the circuit
3839 court for each county through which the corridor will pass, a
3840 notice of the certified route.

3841 (2) The notice must ~~shall~~ consist of maps or aerial
3842 photographs in the scale of 1:24,000 which clearly show the
3843 location of the certified route and must ~~shall~~ state that the
3844 certification of the corridor will result in the acquisition of
3845 rights-of-way within the corridor. Each clerk shall record the
3846 filing in the official record of the county for the duration of
3847 the certification or until such time as the applicant certifies
3848 to the department and the clerk that all lands required for the
3849 transmission line rights-of-way within the corridor have been
3850 acquired within the ~~such~~ county, whichever is sooner.

3851 (3) The recording of this notice does ~~shall~~ not constitute
3852 a lien, cloud, or encumbrance on real property.

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3853 Section 62. Section 403.5315, Florida Statutes, is amended
3854 to read:

3855 403.5315 Modification of certification.--A certification
3856 may be modified after issuance in any one of the following ways:

3857 (1) The board may delegate to the department the authority
3858 to modify specific conditions in the certification.

3859 (2) The licensee may file a petition for modification with
3860 the department or the department may initiate the modification
3861 upon its own initiative.

3862 (a) A petition for modification must set forth:

3863 1. The proposed modification;

3864 2. The factual reasons asserted for the modification; and

3865 3. The anticipated additional environmental effects of the
3866 proposed modification.

3867 (b) ~~(2)~~ The department may modify the terms and conditions
3868 of the certification if no party objects in writing to ~~the~~ such
3869 modification within 45 days after notice by mail to the last
3870 address of record in the certification proceeding, and if no
3871 other person whose substantial interests will be affected by the
3872 modification objects in writing within 30 days after issuance of
3873 public notice.

3874 (c) If objections are raised or the department denies the
3875 proposed modification, the licensee may file a request for
3876 hearing on the modification with the department. Such a request
3877 shall be handled pursuant to chapter 120.

3878 (d) A request for hearing referred to the Division of
3879 Administrative Hearings shall be disposed of in the same manner
3880 as an application but with time periods established by the
3881 administrative law judge commensurate with the significance of

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3882 ~~the modification requested. If objections are raised, the~~
3883 ~~applicant may file a petition for modification pursuant to~~
3884 ~~subsection (3).~~

3885 ~~(3) The applicant or the department may file a petition~~
3886 ~~for modification with the department and the Division of~~
3887 ~~Administrative Hearings setting forth:~~

3888 ~~(a) The proposed modification;~~

3889 ~~(b) The factual reasons asserted for the modification; and~~

3890 ~~(c) The anticipated additional environmental effects of~~
3891 ~~the proposed modification.~~

3892 ~~(4) Petitions filed pursuant to subsection (3) shall be~~
3893 ~~disposed of in the same manner as an application but with time~~
3894 ~~periods established by the administrative law judge commensurate~~
3895 ~~with the significance of the modification requested.~~

3896 Section 63. Section 403.5317, Florida Statutes, is created
3897 to read:

3898 403.5317 Postcertification activities.--

3899 (1) (a) If, subsequent to certification, a licensee
3900 proposes any material change to the application or prior
3901 amendments, the licensee shall submit to the department a
3902 written request for amendment and description of the proposed
3903 change to the application. The department shall, within 30 days
3904 after the receipt of the request for the amendment, determine
3905 whether the proposed change to the application requires a
3906 modification of the conditions of certification.

3907 (b) If the department concludes that the change would not
3908 require a modification of the conditions of certification, the
3909 department shall notify, in writing, the licensee, all agencies,
3910 and all parties of the approval of the amendment.

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3911 (c) If the department concludes that the change would
3912 require a modification of the conditions of certification, the
3913 department shall notify the licensee that the proposed change to
3914 the application requires a request for modification under s.
3915 403.5315.

3916 (2) Postcertification submittals filed by a licensee with
3917 one or more agencies are for the purpose of monitoring for
3918 compliance with the issued certification. Each submittal must be
3919 reviewed by each agency on an expedited and priority basis
3920 because each facility certified under this act is a critical
3921 infrastructure facility. Postcertification review may not be
3922 completed more than 90 days after complete information for a
3923 segment of the certified transmission line is submitted to the
3924 reviewing agencies.

3925 Section 64. Section 403.5363, Florida Statutes, is created
3926 to read:

3927 403.5363 Public notices; requirements.--

3928 (1)(a) The applicant shall arrange for the publication of
3929 the notices specified in paragraph (b).

3930 1. The notices shall be published in newspapers of general
3931 circulation within counties crossed by the transmission line
3932 corridors proper for certification. The required newspaper
3933 notices for filing of an application and for the certification
3934 hearing shall be one-half page in size in a standard-size
3935 newspaper or a full page in a tabloid-size newspaper and
3936 published in a section of the newspaper other than the section
3937 for legal notices. These two notices must include a map
3938 generally depicting all transmission corridors proper for
3939 certification. A newspaper of general circulation shall be the
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3940 newspaper within a county crossed by a transmission line
3941 corridor proper for certification which newspaper has the
3942 largest daily circulation in that county and has its principal
3943 office in that county. If the newspaper having the largest daily
3944 circulation has its principal office outside the county, the
3945 notices must appear in both the newspaper having the largest
3946 circulation in that county and in a newspaper authorized to
3947 publish legal notices in that county.

3948 2. The department shall adopt rules specifying the content
3949 of the newspaper notices.

3950 3. All notices published by the applicant shall be paid
3951 for by the applicant and shall be in addition to the application
3952 fee.

3953 (b) Public notices that must be published under this
3954 section include:

3955 1. The notice of the filing of an application, which must
3956 include a description of the proceedings required by this act.
3957 The notice must describe the provisions of s. 403.531(1) and (2)
3958 and give the date by which notice of intent to be a party or a
3959 petition to intervene in accordance with s. 403.527(2) must be
3960 filed. This notice must be published no more than 21 days after
3961 the application is filed.

3962 2. The notice of the certification hearing and any other
3963 public hearing permitted under s. 403.527. The notice must
3964 include the date by which a person wishing to appear as a party
3965 must file the notice to do so. The notice of the certification
3966 hearing must be published at least 65 days before the date set
3967 for the certification hearing.

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3968 3. The notice of the cancellation of the certification
3969 hearing, if applicable. The notice must be published at least 3
3970 days before the date of the originally scheduled certification
3971 hearing.

3972 4. The notice of the filing of a proposal to modify the
3973 certification submitted under s. 403.5315, if the department
3974 determines that the modification would require relocation or
3975 expansion of the transmission line right-of-way or a certified
3976 substation.

3977 (2) The proponent of an alternate corridor shall arrange
3978 for the publication of the filing of the proposal for an
3979 alternate corridor, the revised time schedules, the date by
3980 which newly affected persons or agencies may file the notice of
3981 intent to become a party, and the date of the rescheduled
3982 hearing. A notice listed in this subsection must be published in
3983 a newspaper of general circulation within the county or counties
3984 crossed by the proposed alternate corridor and comply with the
3985 content requirements set forth in paragraph (1) (a). The notice
3986 must be published not less than 50 days before the rescheduled
3987 certification hearing.

3988 (3) The department shall arrange for the publication of
3989 the following notices in the manner specified by chapter 120:

3990 (a) The notice of the filing of an application and the
3991 date by which a person intending to become a party must file a
3992 petition to intervene or a notice of intent to be a party. The
3993 notice must be published no later than 21 days after the
3994 application has been filed.

3995 (b) The notice of any administrative hearing for
3996 certification, if applicable. The notice must be published not
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3997 less than 65 days before the date set for a hearing, except that
3998 notice for a rescheduled certification hearing after acceptance
3999 of an alternative corridor must be published not less than 50
4000 days before the date set for the hearing.

4001 (c) The notice of the cancellation of a certification
4002 hearing, if applicable. The notice must be published not later
4003 than 7 days before the date of the originally scheduled
4004 certification hearing.

4005 (d) The notice of the hearing before the siting board, if
4006 applicable.

4007 (e) The notice of stipulations, proposed agency action, or
4008 a petition for modification.

4009 Section 65. Section 403.5365, Florida Statutes, is amended
4010 to read:

4011 403.5365 Fees; disposition.--The department shall charge
4012 the applicant the following fees, as appropriate, which, unless
4013 otherwise specified, shall be paid into the Florida Permit Fee
4014 Trust Fund:

4015 (1) An application fee.

4016 (a) The application fee shall be of \$100,000, plus \$750
4017 per mile for each mile of corridor in which the transmission
4018 line right-of-way is proposed to be located within an existing
4019 electric ~~electrical~~ transmission line right-of-way or within any
4020 existing right-of-way for any road, highway, railroad, or other
4021 aboveground linear facility, or \$1,000 per mile for each mile of
4022 electric transmission line corridor proposed to be located
4023 outside the ~~such~~ existing right-of-way.

4024 (b)-(a) Sixty percent of the fee shall go to the department
4025 to cover any costs associated with coordinating the review of
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4026 ~~reviewing~~ and acting upon the application and any costs for
4027 field services associated with monitoring construction and
4028 operation of the electric transmission line facility.

4029 ~~(c)(b) The following percentage Twenty percent of the fees~~
4030 ~~specified under this section, except postcertification fees,~~
4031 shall be transferred to the Administrative Trust Fund of the
4032 Division of Administrative Hearings of the Department of
4033 Management Services:-

4034 1. Five percent to compensate for expenses from the
4035 initial exercise of duties associated with the filing of an
4036 application.

4037 2. An additional 10 percent if an administrative hearing
4038 under s. 403.527 is held.

4039 ~~(d)1.(e)~~ Upon written request with proper itemized
4040 accounting within 90 days after final agency action by the
4041 siting board or the department or the withdrawal of the
4042 application, the agencies that prepared reports under s. 403.526
4043 or s. 403.5271 or participated in a hearing under s. 403.527 or
4044 s. 403.5271 may submit a written request to the department for
4045 reimbursement of expenses incurred during the certification
4046 proceedings. The request must contain an accounting of expenses
4047 incurred, which may include time spent reviewing the
4048 application, department shall reimburse the expenses and costs
4049 ~~of the Department of Community Affairs, the Fish and Wildlife~~
4050 ~~Conservation Commission, the water management district, regional~~
4051 ~~planning council, and local government in the jurisdiction of~~
4052 ~~which the transmission line is to be located. Such reimbursement~~
4053 ~~shall be authorized for the preparation of any studies required~~
4054 of the agencies by this act, ~~and for agency travel and per diem~~
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4055 to attend any hearing held under ~~pursuant to~~ this act, and for
4056 the local government or regional planning council providing
4057 additional notice of the informational public meeting. The
4058 department shall review the request and verify whether a claimed
4059 expense is valid. Valid expenses shall be reimbursed; however,
4060 if to participate in the proceedings. In the event the amount of
4061 funds available for reimbursement allocation is insufficient to
4062 provide for full compensation ~~complete reimbursement~~ to the
4063 agencies, reimbursement shall be on a prorated basis.

4064 2. If the application review is held in abeyance for more
4065 than 1 year, the agencies may submit a request for reimbursement
4066 under subparagraph 1.

4067 (e) ~~(d)~~ If any sums are remaining, the department shall
4068 retain them for its use in the same manner as is otherwise
4069 authorized by this section; ~~provided, however, that~~ if the
4070 certification application is withdrawn, the remaining sums shall
4071 be refunded to the applicant within 90 days after withdrawal.

4072 (2) An amendment fee.

4073 (a) If no corridor alignment change is proposed by the
4074 amendment, no amendment fee shall be charged.

4075 (b) If a corridor alignment change under s. 403.5275 is
4076 proposed by the applicant, an additional fee of a minimum of
4077 \$2,000 and \$750 per mile shall be submitted to the department
4078 for use in accordance with this act.

4079 (c) If an amendment is required to address issues,
4080 including alternate corridors under ~~pursuant to~~ s. 403.5271,
4081 raised by the department or other parties, no fee for the ~~such~~
4082 amendment shall be charged.

4083 (3) A certification modification fee.

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4084 (a) If no corridor alignment change is proposed by the
4085 licensee applicant, the modification fee shall be \$4,000.

4086 (b) If a corridor alignment change is proposed by the
4087 licensee applicant, the fee shall be \$1,000 for each mile of
4088 realignment plus an amount not to exceed \$10,000 to be fixed by
4089 rule on a sliding scale based on the load-carrying capability
4090 and configuration of the transmission line for use in accordance
4091 with subsection (1) ~~(2)~~.

4092 Section 66. Subsection (1) of section 403.537, Florida
4093 Statutes, is amended to read:

4094 403.537 Determination of need for transmission line;
4095 powers and duties.--

4096 (1)(a) Upon request by an applicant or upon its own
4097 motion, the Florida Public Service Commission shall schedule a
4098 public hearing, after notice, to determine the need for a
4099 transmission line regulated by the Florida Electric Transmission
4100 Line Siting Act, ss. 403.52-403.5365. The ~~Such~~ notice shall be
4101 published at least 21 ~~45~~ days before the date set for the
4102 hearing and shall be published by the applicant in at least one-
4103 quarter page size notice in newspapers of general circulation,
4104 and by the commission in the manner specified in chapter 120 in
4105 ~~the Florida Administrative Weekly~~, by giving notice to counties
4106 and regional planning councils in whose jurisdiction the
4107 transmission line could be placed, and by giving notice to any
4108 persons who have requested to be placed on the mailing list of
4109 the commission for this purpose. Within 21 days after receipt of
4110 a request for determination by an applicant, the commission
4111 shall set a date for the hearing. The hearing shall be held
4112 pursuant to s. 350.01 within 45 days after the filing of the
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4113 request, and a decision shall be rendered within 60 days after
4114 such filing.

4115 (b) The commission shall be the sole forum in which to
4116 determine the need for a transmission line. The need for a
4117 transmission line may not be raised or be the subject of review
4118 in another proceeding.

4119 (c)~~(b)~~ In the determination of need, the commission shall
4120 take into account the need for electric system reliability and
4121 integrity, the need for abundant, low-cost electrical energy to
4122 assure the economic well-being of the residents ~~citizens~~ of this
4123 state, the appropriate starting and ending point of the line,
4124 and other matters within its jurisdiction deemed relevant to the
4125 determination of need. The appropriate starting and ending
4126 points of the electric transmission line must be verified by the
4127 commission in its determination of need.

4128 (d)~~(e)~~ The determination by the commission of the need for
4129 the transmission line, as defined in s. 403.522(22) ~~s.~~
4130 ~~403.522(21)~~, is binding on all parties to any certification
4131 proceeding under ~~pursuant to~~ the Florida Electric Transmission
4132 Line Siting Act and is a condition precedent to the conduct of
4133 the certification hearing prescribed therein. An order entered
4134 pursuant to this section constitutes final agency action.

4135 Section 67. Subsection (3) of section 373.441, Florida
4136 Statutes, is amended to read:

4137 373.441 Role of counties, municipalities, and local
4138 pollution control programs in permit processing.--

4139 (3) The department shall review environmental resource
4140 permit applications for electrical distribution and transmission
4141 lines and other facilities related to the production,

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4142 transmission, and distribution of electricity which are not
4143 certified under ss. 403.52-403.5365, the Florida Electric
4144 Transmission Line Siting Act, regulated under this part.

4145 Section 68. Subsection (30) of section 403.061, Florida
4146 Statutes, is amended to read:

4147 403.061 Department; powers and duties.--The department
4148 shall have the power and the duty to control and prohibit
4149 pollution of air and water in accordance with the law and rules
4150 adopted and promulgated by it and, for this purpose, to:

4151 (30) Establish requirements by rule that reasonably
4152 protect the public health and welfare from electric and magnetic
4153 fields associated with existing 230 kV or greater electrical
4154 transmission lines, new 230 kV and greater electrical
4155 transmission lines for which an application for certification
4156 under the Florida Electric Transmission Line Siting Act, ss.
4157 403.52-403.5365, is not filed, new or existing electrical
4158 transmission or distribution lines with voltage less than 230
4159 kV, and substation facilities. Notwithstanding any other
4160 provision in this chapter or any other law of this state or
4161 political subdivision thereof, the department shall have
4162 exclusive jurisdiction in the regulation of electric and
4163 magnetic fields associated with all electrical transmission and
4164 distribution lines and substation facilities. However, nothing
4165 herein shall be construed as superseding or repealing the
4166 provisions of s. 403.523(1) and (10).

4167
4168 The department shall implement such programs in conjunction with
4169 its other powers and duties and shall place special emphasis on

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4170 reducing and eliminating contamination that presents a threat to
4171 humans, animals or plants, or to the environment.

4172 Section 69. Paragraph (a) of subsection (3) of section
4173 403.0876, Florida Statutes, is amended to read:

4174 403.0876 Permits; processing.--

4175 (3)(a) The department shall establish a special unit for
4176 permit coordination and processing to provide expeditious
4177 processing of department permits which the district offices are
4178 unable to process expeditiously and to provide accelerated
4179 processing of certain permits or renewals for economic and
4180 operating stability. The ability of the department to process
4181 applications under ~~pursuant to~~ this subsection in a more timely
4182 manner than allowed by subsections (1) and (2) is dependent upon
4183 the timely exchange of information between the applicant and the
4184 department and the intervention of outside parties as allowed by
4185 law. An applicant may request the processing of its permit
4186 application by the special unit if the application is from an
4187 area of high unemployment or low per capita income, is from a
4188 business or industry that is the primary employer within an
4189 area's labor market, or is in an industry with respect to which
4190 the complexities involved in the review of the application
4191 require special skills uniquely available in the headquarters
4192 office. The department may require the applicant to waive the
4193 90-day time limitation for department issuance or denial of the
4194 permit once for a period not to exceed 90 days. The department
4195 may require a special fee to cover the direct cost of processing
4196 special applications in addition to normal permit fees and
4197 costs. The special fee may not exceed \$10,000 per permit
4198 required. Applications for renewal permits, but not applications

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4199 for initial permits, required for facilities pursuant to the
4200 Electrical Power Plant Siting Act or the Florida Electric
4201 Transmission Line Siting Act may be processed under this
4202 subsection. Personnel staffing the special unit shall have
4203 lengthy experience in permit processing.

4204 Section 70. Paragraph (b) of subsection (3) of section
4205 403.809, Florida Statutes, is amended to read:

4206 403.809 Environmental districts; establishment; managers;
4207 functions.--

4208 (3)

4209 (b) The processing of all applications for permits,
4210 licenses, certificates, and exemptions shall be accomplished at
4211 the district center or the branch office, except for those
4212 applications specifically assigned elsewhere in the department
4213 under s. 403.805 or to the water management districts under s.
4214 403.812 and those applications assigned by interagency agreement
4215 as provided in this act. However, the secretary, as head of the
4216 department, may not delegate to district or subdistrict
4217 managers, water management districts, or any unit of local
4218 government the authority to act on the following types of permit
4219 applications:

4220 1. Permits issued under s. 403.0885, except such permit
4221 issuance may be delegated to district managers.

4222 2. Construction of major air pollution sources.

4223 3. Certifications under the Florida Electrical Power Plant
4224 Siting Act or the Florida Electric Transmission Line Siting Act
4225 and the associated permit issued under s. 403.0885, if
4226 applicable.

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4227 4. Permits issued under s. 403.0885 to steam electric
4228 generating facilities regulated pursuant to 40 C.F.R. part 423.

4229 5. Permits issued under s. 378.901.

4230 Section 71. Sections 403.5253 and 403.5369, Florida
4231 Statutes, are repealed.

4232 Section 72. By November 1, 2006, the Department of
4233 Environmental Protection shall provide to the Governor, the
4234 President of the Senate, and the Speaker of the House of
4235 Representatives a report detailing the state's leadership by
4236 example in energy conservation and energy efficiency. The report
4237 must include a description of state programs designed to achieve
4238 energy conservation and energy efficiency at state-owned
4239 facilities, such as the guaranteed energy performance savings
4240 contracting pursuant to s. 489.145, Florida Statutes, and the
4241 inclusion of alternative fuel vehicles in state fleets. The
4242 report must describe the costs of implementation, details of the
4243 programs, and current and projected energy and cost savings. The
4244 report must also set forth recommendations on a rebate program
4245 for purchases of energy-efficient appliances.

4246 Section 73. Section 403.885, Florida Statutes, is amended
4247 to read:

4248 403.885 Water Projects ~~Stormwater management; wastewater~~
4249 ~~management; and Water Restoration~~ Grant Program.--

4250 (1) The Department of Environmental Protection shall
4251 administer a grant program to use funds transferred pursuant to
4252 s. 212.20 to the Ecosystem Management and Restoration Trust Fund
4253 or other moneys as appropriated by the Legislature for water
4254 quality improvement, stormwater management, wastewater
4255 management, and water restoration and other water projects as
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4256 specifically appropriated by the Legislature ~~project grants.~~
4257 Eligible recipients of such grants include counties,
4258 municipalities, water management districts, and special
4259 districts that have legal responsibilities for water quality
4260 improvement, water management, stormwater management, wastewater
4261 management, lake and river water restoration projects, and
4262 ~~drinking water projects are not eligible for funding pursuant to~~
4263 ~~this section.~~

4264 (2) The grant program shall provide for the evaluation of
4265 annual grant proposals. The department shall evaluate such
4266 proposals to determine if they:

4267 (a) Protect public health or ~~and~~ the environment.

4268 (b) Implement plans developed pursuant to the Surface
4269 Water Improvement and Management Act created in part IV of
4270 chapter 373, other water restoration plans required by law,
4271 management plans prepared pursuant to s. 403.067, or other plans
4272 adopted by local government for water quality improvement and
4273 water restoration.

4274 ~~(3) In addition to meeting the criteria in subsection (2),~~
4275 ~~annual grant proposals must also meet the following~~
4276 ~~requirements:~~

4277 ~~(a) An application for a stormwater management project may~~
4278 ~~be funded only if the application is approved by the water~~
4279 ~~management district with jurisdiction in the project area.~~
4280 ~~District approval must be based on a determination that the~~
4281 ~~project provides a benefit to a priority water body.~~

4282 ~~(b) Except as provided in paragraph (c), an application~~
4283 ~~for a wastewater management project may be funded only if:~~

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4284 ~~1. The project has been funded previously through a line~~
4285 ~~item in the General Appropriations Act; and~~

4286 ~~2. The project is under construction.~~

4287 ~~(c) An application for a wastewater management project~~
4288 ~~that would qualify as a water pollution control project and~~
4289 ~~activity in s. 403.1838 may be funded only if the project~~
4290 ~~sponsor has submitted an application to the department for~~
4291 ~~funding pursuant to that section.~~

4292 ~~(4) All project applicants must provide local matching~~
4293 ~~funds as follows:~~

4294 ~~(a) An applicant for state funding of a stormwater~~
4295 ~~management project shall provide local matching funds equal to~~
4296 ~~at least 50 percent of the total cost of the project; and~~

4297 ~~(b) An applicant for state funding of a wastewater~~
4298 ~~management project shall provide matching funds equal to at~~
4299 ~~least 25 percent of the total cost of the project.~~

4300
4301 ~~The requirement for matching funds may be waived if the~~
4302 ~~applicant is a financially disadvantaged small local government~~
4303 ~~as defined in subsection (5).~~

4304 ~~(5) Each fiscal year, at least 20 percent of the funds~~
4305 ~~available pursuant to this section shall be used for projects to~~
4306 ~~assist financially disadvantaged small local governments. For~~
4307 ~~purposes of this section, the term "financially disadvantaged~~
4308 ~~small local government" means a municipality having a population~~
4309 ~~of 7,500 or less, a county having a population of 35,000 or~~
4310 ~~less, according to the latest decennial census and a per capita~~
4311 ~~annual income less than the state per capita annual income as~~
4312 ~~determined by the United States Department of Commerce, or a~~
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4313 ~~county in an area designated by the Governor as a rural area of~~
4314 ~~critical economic concern pursuant to s. 288.0656. Grants made~~
4315 ~~to these eligible local governments shall not require matching~~
4316 ~~local funds.~~

4317 ~~(6) Each year, stormwater management and wastewater~~
4318 ~~management projects submitted for funding through the~~
4319 ~~legislative process shall be submitted to the department by the~~
4320 ~~appropriate fiscal committees of the House of Representatives~~
4321 ~~and the Senate. The department shall review the projects and~~
4322 ~~must provide each fiscal committee with a list of projects that~~
4323 ~~appear to meet the eligibility requirements under this grant~~
4324 ~~program.~~

4325 Section 74. For the 2006-2007 fiscal year, the sum of
4326 \$61,379 is appropriated from the General Revenue Fund to the
4327 Department of Revenue for the purpose of administering the
4328 energy-efficient products sales tax holiday.

4329 Section 75. For the 2006-2007 fiscal year, the sum of
4330 \$8,587,000 in nonrecurring funds is appropriated from the
4331 General Revenue Fund and \$6,413,000 in nonrecurring funds is
4332 appropriated from the Grants and Donations Trust Fund in the
4333 Department of Environmental Protection for the purpose of
4334 funding the Renewable Energy Technologies Grants program
4335 authorized in s. 377.804, Florida Statutes. From the General
4336 Revenue Funds, \$5,000,000 are contingent upon the coordination
4337 between the Department of Environmental Protection and the
4338 Department of Agriculture and Consumer Services pursuant to s.
4339 377.804(6), Florida Statutes.

4340 Section 76. For the 2006-2007 fiscal year, the sum of \$2.5
4341 million in nonrecurring funds is appropriated from the General
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4342 Revenue Fund to the Department of Environmental Protection for
4343 the purpose of funding commercial and consumer solar incentives
4344 authorized in s. 377.806, Florida Statutes.

4345 Section 77. Except as otherwise expressly provided in this
4346 act, this act shall take effect upon becoming a law.

4347

4348 ===== T I T L E A M E N D M E N T =====

4349 Remove the entire title and insert:

4350 A bill to be entitled

4351 An act relating to energy; providing legislative findings
4352 and intent; creating s. 377.801, F.S.; creating the
4353 "Florida Renewable Energy Technologies and Energy
4354 Efficiency Act"; creating s. 377.802, F.S.; stating the
4355 purpose of the act; creating s. 377.803, F.S.; providing
4356 definitions; creating s. 377.804, F.S.; creating the
4357 Renewable Energy Technologies Grants Program; providing
4358 program requirements and procedures, including matching
4359 funds; requiring the Department of Environmental
4360 Protection to adopt rules and coordinate with the
4361 Department of Agriculture and Consumer Services; requiring
4362 joint departmental approval for the funding of any
4363 project; specifying a period during which the sale of
4364 energy-efficient products is exempt from certain tax;
4365 providing a limitation; providing a definition;
4366 prohibiting purchase of products by certain payment
4367 methods; providing that certain purchases or attempts to
4368 purchase are unfair methods of competition and punishable
4369 as such; authorizing the Department of Revenue to adopt
4370 rules; creating s. 377.806, F.S.; creating the Solar

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4371 Energy System Incentives Program; providing program
4372 requirements, procedures, and limitations; requiring the
4373 Department of Environmental Protection to adopt rules;
4374 creating the Florida Energy Commission within the Office
4375 of Legislative Services; providing for appointment,
4376 qualifications, and terms of members; authorizing certain
4377 persons to attend meetings of and advise the commission;
4378 providing for reimbursement for travel expenses and per
4379 diem; providing for meetings; providing purposes and
4380 guiding principles of the commission; requiring
4381 recommendations and reports; providing legislative intent;
4382 providing rulemaking authority; amending s. 212.08, F.S.;
4383 providing definitions for the terms "biodiesel,"
4384 "ethanol," and "hydrogen fuel cells"; providing tax
4385 exemptions in the form of a rebate for the sale or use of
4386 certain equipment, machinery, and other materials for
4387 renewable energy technologies; providing eligibility
4388 requirements and tax credit limits; authorizing the
4389 Department of Revenue to adopt rules; directing the
4390 Department of Environmental Protection to determine and
4391 publish certain information relating to such exemptions;
4392 providing for expiration of the exemption; amending s.
4393 213.053, F.S.; authorizing the Department of Revenue to
4394 share certain information with the Department of
4395 Environmental Protection for specified purposes; amending
4396 s. 220.02, F.S.; providing the order of application of the
4397 renewable energy technologies investment tax credit;
4398 creating s. 220.192, F.S.; providing definitions;
4399 establishing a corporate tax credit for certain costs

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4400 related to renewable energy technologies; providing
4401 eligibility requirements and credit limits; providing
4402 certain authority to the Department of Environmental
4403 Protection and the Department of Revenue; directing the
4404 Department of Environmental Protection to determine and
4405 publish certain information; providing for expiration of
4406 the tax credit; creating s. 220.193, F.S.; creating the
4407 Florida renewable energy production credit; providing
4408 definitions; providing a tax credit for the production and
4409 sale of renewable Florida energy; providing for the use
4410 and transfer of the tax credit; authorizing the Department
4411 of Revenue to adopt rules concerning the tax credit;
4412 amending s. 220.13, F.S.; providing additions to the
4413 definition of "adjusted federal income"; amending s.
4414 186.801, F.S.; revising the provisions of electric utility
4415 10-year site plans to include the effect on fuel
4416 diversity; amending s. 366.04, F.S.; revising the safety
4417 standards for public utilities; amending s. 366.05, F.S.;
4418 authorizing the Public Service Commission to adopt certain
4419 construction standards and make certain determinations;
4420 directing the commission to conduct a study and provide a
4421 report by a certain date; creating s. 366.92, F.S.;
4422 relating to the Florida renewable energy policy; providing
4423 intent; providing definitions; authorizing the Florida
4424 Public Service Commission to adopt goals for increasing
4425 the use of Florida renewable energy resources; authorizing
4426 the commission to adopt rules; requiring the commission to
4427 conduct a study and review; providing criteria for such
4428 study and a review; requiring the commission to provide a

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4429 review and recommendations to the Governor and Legislature
4430 by a certain date; amending s. 403.503, F.S.; revising and
4431 providing definitions applicable to the Florida Electrical
4432 Power Plant Siting Act; amending s. 403.504, F.S. ;
4433 providing the Department of Environmental Protection with
4434 additional powers and duties relating to the Florida
4435 Electrical Power Plant Siting Act; amending s. 403.5055,
4436 F.S.; revising provisions for certain permits associated
4437 with applications for electrical power plant
4438 certification; amending s. 403.506, F.S.; revising
4439 provisions relating to applicability and certification of
4440 certain power plants; amending s. 403.5064, F.S.; revising
4441 provisions for distribution of applications and schedules
4442 relating to certification; amending s. 403.5065, F.S. ;
4443 revising provisions relating to the appointment of
4444 administrative law judges and specifying their powers and
4445 duties; amending s. 403.5066, F.S.; revising provisions
4446 relating to the determination of completeness for certain
4447 applications; creating s. 403.50663, F.S.; authorizing
4448 certain local governments and regional planning councils
4449 to hold an informational public meeting about a proposed
4450 electrical power plant or associated facilities; providing
4451 requirements and procedures therefor; creating s.
4452 403.50665, F.S.; requiring local governments to file
4453 certain land use determinations; providing requirements
4454 and procedures therefor; repealing s. 403.5067, F.S.,
4455 relating to the determination of sufficiency for certain
4456 applications; amending s. 403.507, F.S.; revising required
4457 preliminary statement provisions for affected agencies;

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4458 requiring a report as a condition precedent to the project
4459 analysis and certification hearing; amending s. 403.508,
4460 F.S.; revising provisions relating to land use and
4461 certification hearings, including cancellation and
4462 responsibility for payment of expenses and costs;
4463 requiring certain notice; amending s. 403.509, F.S.;
4464 revising provisions relating to the final disposition of
4465 certain applications; providing requirements and
4466 provisions with respect thereto; amending s. 403.511,
4467 F.S.; revising provisions relating to the effect of
4468 certification for the construction and operation of
4469 proposed electrical power plants; providing that issuance
4470 of certification meets certain coastal zone consistency
4471 requirements; creating s. 403.5112, F.S.; requiring filing
4472 of notice for certified corridor routes; providing
4473 requirements and procedures with respect thereto; creating
4474 s. 403.5113, F.S.; authorizing postcertification
4475 amendments for power plant site certification
4476 applications; providing requirements and procedures with
4477 respect thereto; amending s. 403.5115, F.S.; requiring
4478 certain public notice for activities relating to
4479 electrical power plant site application, certification,
4480 and land use determination; providing requirements and
4481 procedures with respect thereto; directing the Department
4482 of Environmental Protection to maintain certain lists and
4483 provide copies of certain publications; amending s.
4484 403.513, F.S.; revising provisions for judicial review of
4485 appeals relating to electrical power plant site
4486 certification; amending s. 403.516, F.S.; revising

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4487 provisions relating to modification of certification for
4488 electrical power plant sites; amending s. 403.517, F.S.;
4489 revising provisions relating to supplemental applications
4490 for sites certified for ultimate site capacity; amending
4491 s. 403.5175, F.S.; revising provisions relating to
4492 existing electrical power plant site certification;
4493 revising the procedure for reviewing and processing
4494 applications; requiring additional information to be
4495 included in certain applications; amending s. 403.518,
4496 F.S.; revising the allocation of proceeds from certain
4497 fees collected; providing for reimbursement of certain
4498 expenses; directing the Department of Environmental
4499 Protection to establish rules for determination of certain
4500 fees; eliminating certain operational license fees;
4501 providing for the application, processing, approval, and
4502 cancellation of electrical power plant certification;
4503 amending s. 403.519, F.S.; directing the Public Service
4504 Commission to consider fuel diversity and reliability in
4505 certain determinations; providing requirements and
4506 procedures for determination of need for certain power
4507 plants; providing an exemption from purchased power supply
4508 bid rules under certain circumstances; creating s. 366.93,
4509 F.S.; providing definitions; requiring the Public Service
4510 Commission to implement rules related to nuclear power
4511 plant cost recovery; requiring a report; amending s.
4512 403.52, F.S.; changing the short title to the "Florida
4513 Electric Transmission Line Siting Act"; amending s.
4514 403.521, F.S.; revising legislative intent; amending s.
4515 403.522, F.S.; revising definitions; defining the terms

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4516 "licensee" and "maintenance and access roads"; amending s.
4517 403.523, F.S.; revising powers and duties of the
4518 Department of Environmental Protection; requiring the
4519 department to collect and process fees, to prepare a
4520 project analysis, to act as clerk for the siting board,
4521 and to administer and manage the terms and conditions of
4522 the certification order and supporting documents and
4523 records; amending s. 403.524, F.S.; revising provisions
4524 for applicability, certification, and exemptions under the
4525 act; revising provisions for notice by an electric utility
4526 of its intent to construct an exempt transmission line;
4527 amending s. 403.525, F.S.; providing for powers and duties
4528 of the administrative law judge designated by the Division
4529 of Administrative Hearings to conduct the required
4530 hearings; amending s. 403.5251, F.S.; revising application
4531 procedures and schedules; providing for the formal date of
4532 filing an application for certification and commencement
4533 of the certification review process; requiring the
4534 department to prepare a proposed schedule of dates for
4535 determination of completeness and other significant dates
4536 to be followed during the certification process; providing
4537 for the formal date of application distribution; requiring
4538 the applicant to provide notice of filing the application;
4539 amending s. 403.5252, F.S.; revising timeframes and
4540 procedures for determination of completeness of the
4541 application; requiring the department to consult with
4542 affected agencies; revising requirements for the
4543 department to file a statement of its determination of
4544 completeness with the Division of Administrative Hearings,

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4545 the applicant, and all parties within a certain time after
4546 distribution of the application; revising requirements for
4547 the applicant to file a statement with the department, the
4548 division, and all parties, if the department determines
4549 the application is not complete; providing for the
4550 statement to notify the department whether the information
4551 will be provided; revising timeframes and procedures for
4552 contests of the determination by the department; providing
4553 for parties to a hearing on the issue of completeness;
4554 amending s. 403.526, F.S.; revising criteria and
4555 procedures for preliminary statements of issues, reports,
4556 and studies; revising timeframes; requiring that the
4557 preliminary statement of issues from each affected agency
4558 be submitted to the department and the applicant; revising
4559 criteria for the Department of Community Affairs' report;
4560 requiring the Department of Transportation, the Public
4561 Service Commission, and any other affected agency to
4562 prepare a project report; revising required content of the
4563 report; providing for notice of any nonprocedural
4564 requirements not listed in the application; providing for
4565 failure to provide such notification; providing for a
4566 recommendation for approval or denial of the application;
4567 providing that receipt of an affirmative determination of
4568 need is a condition precedent to further processing of the
4569 application; requiring that the department prepare a
4570 project analysis to be filed with the administrative law
4571 judge and served on all parties within a certain time;
4572 amending s. 403.527, F.S.; revising procedures and
4573 timeframes for the certification hearing conducted by the

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4574 administrative law judge; revising provisions for notices
4575 and publication of notices, public hearings held by local
4576 governments, testimony at the public-hearing portion of
4577 the certification hearing, the order of presentations at
4578 the hearing, and consideration of certain communications
4579 by the administrative law judge; requiring the applicant
4580 to pay certain expenses and costs; requiring the
4581 administrative law judge to issue a recommended order
4582 disposing of the application; requiring that certain
4583 notices be made in accordance with specified requirements
4584 and within a certain time; requiring the Department of
4585 Transportation to be a party to the proceedings; providing
4586 for the administrative law judge to cancel the
4587 certification hearing and relinquish jurisdiction to the
4588 Department of Environmental Protection upon request by the
4589 applicant or the department; requiring the department and
4590 the applicant to publish notice of such cancellation;
4591 providing for parties to submit proposed recommended
4592 orders to the department when the certification hearing
4593 has been canceled; providing that the department prepare a
4594 recommended order for final action by the siting board
4595 when the hearing has been canceled; amending s. 403.5271,
4596 F.S.; revising procedures and timeframes for consideration
4597 of proposed alternate corridors; revising notice
4598 requirements; providing for notice of the filing of the
4599 alternate corridor and revised time schedules; providing
4600 for notice to agencies newly affected by the proposed
4601 alternate corridor; requiring the person proposing the
4602 alternate corridor to provide all data to the agencies

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4603 within a certain time; providing for a determination by
4604 the department that the data is not complete; providing
4605 for withdrawal of the proposed alternate corridor upon
4606 such determination; requiring that agencies file reports
4607 with the applicant and the department which address the
4608 proposed alternate corridor; requiring that the department
4609 file with the administrative law judge, the applicant, and
4610 all parties a project analysis of the proposed alternate
4611 corridor; providing that the party proposing an alternate
4612 corridor has the burden of proof concerning the
4613 certifiability of the alternate corridor; amending s.
4614 403.5272, F.S.; revising procedures for informational
4615 public meetings; providing for informational public
4616 meetings held by regional planning councils; revising
4617 timeframes; amending s. 403.5275, F.S.; revising
4618 provisions for amendment to the application prior to
4619 certification; amending s. 403.528, F.S.; providing that a
4620 comprehensive application encompassing more than one
4621 proposed transmission line may be good cause for altering
4622 established time limits; amending s. 403.529, F.S.;
4623 revising provisions for final disposition of the
4624 application by the siting board; providing for the
4625 administrative law judge's or department's recommended
4626 order; amending s. 403.531, F.S.; revising provisions for
4627 conditions of certification; amending s. 403.5312, F.S.;
4628 requiring the applicant to file notice of a certified
4629 corridor route with the department; amending s. 403.5315,
4630 F.S.; revising the circumstances under which a
4631 certification may be modified after the certification has

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4632 | been issued; providing for procedures if objections are
4633 | raised to the proposed modification; creating s. 403.5317,
4634 | F.S.; providing procedures for changes proposed by the
4635 | licensee after certification; requiring the department to
4636 | determine within a certain time if the proposed change
4637 | requires modification of the conditions of certification;
4638 | requiring notice to the licensee, all agencies, and all
4639 | parties of changes that are approved as not requiring
4640 | modification of the conditions of certification; creating
4641 | s. 403.5363, F.S.; requiring publication of certain
4642 | notices by the applicant, the proponent of an alternate
4643 | corridor, and the department; requiring the department to
4644 | adopt rules specifying the content of such notices;
4645 | amending s. 403.5365, F.S.; revising application fees and
4646 | the distribution of fees collected; revising procedures
4647 | for reimbursement of local governments and regional
4648 | planning organizations; amending s. 403.537, F.S.;
4649 | revising the schedule for notice of a public hearing by
4650 | the Public Service Commission in order to determine the
4651 | need for a transmission line; providing that the
4652 | commission is the sole forum in which to determine the
4653 | need for a transmission line; amending ss. 373.441,
4654 | 403.061, 403.0876, and 403.809, F.S.; conforming
4655 | terminology to changes made by the act; repealing ss.
4656 | 403.5253 and 403.5369, F.S., relating to determination of
4657 | sufficiency of application or amendment to the application
4658 | and the application of the act to applications filed
4659 | before a certain date; requiring the Department of
4660 | Environmental Protection to provide a report to the

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4661 Governor and Legislature by a certain date; providing
4662 requirements for such report; amending 403.885, F.S.;
4663 revising provisions and requirements relating to the
4664 stormwater management, wastewater management, and water
4665 restoration grants program; providing for appropriations;
4666 providing effective dates.