

Bill No. SB 888

Barcode 800638

CHAMBER ACTION

Senate

House

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The Committee on Communications and Public Utilities  
(Constantine) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Florida Energy Commission.--

(1) The Florida Energy Commission is created and shall be located within the Office of Legislative Services for administrative purposes. The commission shall be comprised of a total of 17 members, of whom nine shall be voting members and eight shall be nonvoting members, as follows:

(a) The voting members shall be appointed as follows: three shall be appointed by the Governor, three shall be appointed by the President of the Senate, and three shall be appointed by the Speaker of the House of Representatives. Voting members shall be appointed to 4-year terms; however, in order to establish staggered terms, for the initial appointments each appointing official shall appoint one member to a 2-year term, one member to a 3-year term, and one member

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1 to a 4-year term. Voting members must meet the following  
2 qualifications and restrictions:

3 1. A voting member must be an expert in one or more of  
4 the following fields: energy, natural resource conservation,  
5 economics, engineering, finance, law, consumer protection,  
6 state energy policy, or another field substantially related to  
7 the duties and functions of the commission. The commission  
8 shall fairly represent the fields specified in this  
9 subparagraph.

10 2. A voting member may not, at the time of appointment  
11 or during his or her term of office:

12 a. Have any financial interest, other than ownership  
13 of shares in a mutual fund, in any business entity that,  
14 directly or indirectly, owns or controls, or is an affiliate  
15 or subsidiary of, any business entity that may profit by the  
16 policy recommendations developed by the commission.

17 b. Be employed by or engaged in any business activity  
18 with any business entity that, directly or indirectly, owns or  
19 controls, or is an affiliate or subsidiary of, any business  
20 entity that may profit by the policy recommendations developed  
21 by the commission.

22 (b) The nonvoting members shall include:

23 1. The chair of the Florida Public Service Commission;

24 2. The Public Counsel;

25 3. The Commissioner of Agriculture;

26 4. The Secretary of Environmental Protection;

27 5. The Secretary of Community Affairs;

28 6. The Secretary of Transportation;

29 7. The chair of the State Board of Education; and

30 8. The executive director of the Florida Solar Energy  
31 Center.

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1       (2) Voting members shall serve without compensation,  
 2 but are entitled to reimbursement for per diem and travel  
 3 expenses as provided by s. 112.061, Florida Statutes.  
 4 Nonvoting members shall serve at the expense of the entity  
 5 they represent.

6       (3) The Governor shall select the chair. Meetings of  
 7 the commission shall be held in various locations around the  
 8 state and at the call of the chair; however, the commission  
 9 must meet at least twice each year.

10       (4)(a) The commission may employ staff to assist in  
 11 the performance of its duties, including an executive  
 12 director, an attorney, a communications person, and an  
 13 executive assistant. The commission may also appoint technical  
 14 advisory committees to focus on specific topics within its  
 15 charge.

16       (b) Agencies whose heads serve as nonvoting members  
 17 shall supply staff and resources as necessary to provide  
 18 information needed by the commission.

19       (c) The commission may appoint focus groups to  
 20 consider specific issues.

21       (5) The commission shall develop recommendations for a  
 22 state energy policy and shall address the issues set forth in  
 23 subsections (7), (8), and (9). The recommendations of the  
 24 commission shall be based on the guiding principles of  
 25 reliability, efficiency, affordability, and diversity, and the  
 26 commission shall manage the state energy policy by continually  
 27 reviewing the implementation of its recommendations and shall  
 28 recommend to the Legislature any additional necessary changes  
 29 or improvements. The commission shall also perform other  
 30 duties as set forth in general law.

31       (6) The commission shall report by December 31 of each

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1 year to the Governor, the Cabinet, the President of the  
2 Senate, and the Speaker of the House of Representatives on its  
3 progress and recommendations, including draft legislation. The  
4 commission's initial report must identify incentives for  
5 research, development, or deployment projects involving the  
6 goals and issues set forth in this section; set forth  
7 recommendations for improvements to the electricity  
8 transmission and distribution system; set forth the  
9 appropriate test for the Florida Public Service Commission to  
10 use in determining which energy efficiency programs are  
11 cost-effective and should be implemented, together with the  
12 rationale in selecting the test; and set forth a plan of  
13 action, together with a timetable, for addressing the  
14 remaining issues.

15 (7) In developing its recommendations, the commission  
16 shall be guided by the principles of reliability, efficiency,  
17 affordability, and diversity, and more specifically as  
18 follows:

19 (a) The state should have a reliable electric supply,  
20 with adequate reserves.

21 (b) The transmission and delivery of electricity  
22 should be reliable.

23 (c) The generation, transmission, and delivery of  
24 electricity should be accomplished with the least detriment to  
25 the environment.

26 (d) The generation, transmission, and delivery of  
27 electricity should be accomplished compatibly with the goals  
28 for growth management.

29 (e) Electricity generation, transmission, and delivery  
30 facilities should be reasonably secure from damage, taking all  
31 factors into consideration, and recovery from damage should be

1 prompt.

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

5 (g) This state should have a reliable supply of motor  
6 vehicle fuels, both under normal circumstances and during  
7 hurricanes and other emergency situations.

8 (h) In-state research, development, and deployment of  
9 alternative energy technologies and alternative motor vehicle  
10 fuels should be encouraged.

11 (i) When possible, the resources of this state should  
12 be used in achieving these goals.

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

15  
16 In choosing between conflicting or competing goals, the  
17 commission shall balance the projected benefits of affordable,  
18 reliable energy supplies against detrimental cost and  
19 environmental impacts and recommend the best solution, with a  
20 complete and detailed explanation of the factors considered  
21 and the rationale for the decision.

22 (8) The commission shall develop policy  
23 recommendations concerning the following issues relating to  
24 electric energy:

25 (a) Are the current projections for growth in  
26 population and electricity demand and corresponding projected  
27 increases in capacity sufficient to meet needs?

28 (b) With respect to fossil fuels:

29 1. What are the projections for the availability and  
30 the cost of fossil fuels used to generate electricity?

31 2. Can and should this state reduce its reliance on

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1 domestic or foreign petroleum products?

2 3. What, if anything, should be done to improve fuel  
3 supplies during normal conditions and in emergencies?

4 4. What, if anything, should be done to encourage  
5 additional methods and routes of fuel delivery?

6 5. Should this state seek redundant natural gas  
7 pipelines in order to have a safety net?

8 6. What other improvements, if any, should be made to  
9 methods of fuel delivery?

10 7. What, if anything, should be done to increase  
11 in-state storage of coal and natural gas?

12 8. Would additional coal plants be beneficial, and if  
13 so, what should be done to encourage the construction of such  
14 plants?

15 (c) With respect to fuel diversity and alternative  
16 energy technology:

17 1. What role does fuel diversity play in maximizing  
18 reliability and minimizing costs?

19 2. Would additional nuclear plants be beneficial, and  
20 if so, what should be done to encourage the construction of  
21 such plants?

22 3. What alternative energy technologies are available  
23 and technically and economically feasible in this state and  
24 what, if anything, should be done to encourage the use of  
25 these resources?

26 (d) With respect to the environmental effects of  
27 fossil fuels, alternative fuels, and alternative technologies:

28 1. What types and levels of pollution are involved  
29 with each type of fuel and technology?

30 2. Can the pollution be avoided or reduced, and if so,  
31 what are the costs?

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1           3. Should the Legislature enact pollution standards,  
 2 and if so, should they be fuel-specific or a more general  
 3 pollution-portfolio standard that applies to all types of  
 4 fuels and technologies?

5           4. What, if anything, should the state do to reduce  
 6 carbon emissions, taking into consideration what the federal  
 7 government and other states are doing?

8           5. How do these issues affect fuel and generation  
 9 choices?

10           (e) With respect to demand-side management and  
 11 efficiency:

12           1. What role, if any, should demand-side management  
 13 and efficiency play in meeting electric needs?

14           2. What, if anything, should be done to improve  
 15 demand-side management and efficiency of electricity?

16           3. What state entity should be involved in encouraging  
 17 and monitoring demand-side management and efficiency?

18           4. What technology, if any, should be used to  
 19 encourage advanced metering systems and innovative price  
 20 signals?

21           5. What can the state do as a consumer of energy to  
 22 decrease its use of energy and to be more efficient in its use  
 23 of energy?

24           6. What is the appropriate test for the Florida Public  
 25 Service Commission to use in determining which energy  
 26 efficiency programs are cost-effective and should be  
 27 implemented?

28           (f) With respect to transmission and distribution  
 29 facilities:

30           1. What, if anything, should be done to generally  
 31 improve the siting of transmission and distribution lines?

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1           2. What technology, if any, should be used to make  
2 transmission and distribution more efficient?

3           3. Should multiple electric lines be located together  
4 to minimize the effect on property or located separately to  
5 increase reliability?

6           4. What are the projections for hurricanes?

7           5. What, if anything, should be done to strengthen or  
8 harden transmission facilities or otherwise improve their  
9 security and reliability?

10           6. How do fuel and technology choices affect planning  
11 for and recovering from hurricanes?

12           7. Should distributed generation be considered as part  
13 of the solution for reliability or for the purpose of avoiding  
14 additional transmission or generation?

15           8. What types of threats to the electric system, other  
16 than hurricanes, should be taken into consideration in this  
17 planning?

18           (g) With respect to energy and growth management:

19           1. How can the state best provide adequate energy  
20 facilities for existing populations?

21           2. How can the state best provide for compatible goals  
22 and laws for future energy and growth-management needs?

23           3. How should issues of restoring energy supplies  
24 after a hurricane or other emergency affect growth management  
25 and local government goals and laws?

26           4. What changes, if any, should be made to where  
27 energy generation, transmission, and distribution facilities  
28 are sited, and what changes, if any, should be made to how  
29 strategic or essential service facilities are sited relative  
30 to those energy supplies?

31           (h) In making all these choices, what, if anything,



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1 should be done to avoid or minimize price increases in base  
2 rates or recovery clauses for consumers?

3 (i) With respect to research, development, and  
4 deployment of new or alternative energy technologies:

5 1. What, if anything, should be done to encourage  
6 in-state energy research, both public and private?

7 2. If encouragement of research is appropriate, what  
8 types of research should be encouraged?

9 3. What, if anything, should be done to encourage  
10 universities, other state entities, and the private sector to  
11 work together in the research, development, and deployment of  
12 alternative energy technology, without creating an economic  
13 disincentive for any entity?

14 4. What, if anything, should be done in terms of  
15 recruiting companies operating in the energy fields to  
16 relocate to this state?

17 5. What, if anything, should be done to provide  
18 funding or assist in obtaining funding for research or for  
19 energy companies in order to further in-state research and the  
20 development of energy technologies?

21 6. What state entities should be involved in these  
22 functions?

23 7. What are the potential effects of these issues and  
24 choices on tourism, agriculture, small businesses, and  
25 industry in the state?

26 (9) The commission shall develop policy  
27 recommendations concerning the following issues relating to  
28 motor vehicle fuels:

29 (a) With respect to fossil fuels:

30 1. What are the projections for the availability and  
31 cost of motor vehicle fossil fuel?

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1           2. What, if anything, should be done to increase the  
2 availability of motor vehicle fossil fuels in this state  
3 during normal circumstances and during hurricanes or other  
4 emergencies?

5           3. What, if anything, should be done to improve the  
6 delivery of fuel into the state?

7           4. What, if anything, should be done relative to  
8 ports? What, if anything, should be done to improve port  
9 deliveries? What, if anything, should be done to improve the  
10 capacity and service at existing ports or to open more ports?

11           5. What, if anything, should be done to encourage  
12 pipelines?

13           6. What, if anything, should be done to improve the  
14 security of and access to in-state supplies?

15           7. What improvements, if any, should be made relating  
16 to the in-state storage of motor vehicle fuels?

17           8. What else, if anything, should be done to avoid or  
18 ameliorate shortages and price increases?

19           (b) With respect to alternatives to fossil fuels for  
20 motor vehicles:

21           1. What, if anything, should be done to encourage the  
22 use of alternative fuels?

23           2. What, if anything, should be done to produce fuels  
24 within this state and to maximize the state's resources?

25           3. What facilities for fuel distribution and sales  
26 would be necessary, and what, if anything, should be done to  
27 encourage the development of these facilities?

28           4. What effect would these alternatives have on the  
29 recovery from hurricanes or other emergencies?

30           5. What can the state do as a consumer of motor  
31 vehicle fuels to decrease its use of such fuels and to be more

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1 efficient in its use of fuels?

2 (c) What can be done to maximize the compatibility of  
3 any system changes and growth-management goals and laws?

4 (d) With respect to the research, development, and  
5 deployment of alternative fuels:

6 1. What, if anything, should be done to encourage  
7 in-state research, both public and private?

8 3. What, if anything, should be done to encourage  
9 universities to work together, with other state entities, and  
10 with the private sector in the research, development, and  
11 deployment of alternative fuels, without creating any  
12 disincentive for any entity?

13 4. What, if anything, should be done to recruit or  
14 encourage companies working with alternative fuels to locate  
15 in this state?

16 5. What, if anything, should be done to provide  
17 funding or assist in obtaining funding for universities, state  
18 entities, or the private sector in order to encourage in-state  
19 research and development of energy technologies relating to  
20 motor vehicles?

21 6. What state entities should be involved in these  
22 functions?

23 7. What are the potential effects of these issues and  
24 choices on tourism, agriculture, small business, and industry  
25 in the state?

26 Section 2. The state energy program, as authorized and  
27 governed by ss. 377.701 and 377.703, Florida Statutes,  
28 including all statutory powers, duties, functions, rules,  
29 records, personnel, property, and unexpended balances of  
30 appropriations, allocations, and other funds associated with  
31 the program, is transferred intact by a type two transfer, as

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1 defined in s. 20.06(2), Florida Statutes, from the Department  
2 of Environmental Protection to the Florida Energy Commission.

3       Section 3. Legislative findings and intent.--The  
4 Legislature finds that advancing the development of renewable  
5 energy technologies and energy efficiency is important for the  
6 state's future, its energy stability, and the protection of  
7 its citizens' public health and its environment. The  
8 Legislature finds that the development of renewable energy  
9 technologies and energy efficiency in the state will help to  
10 reduce demand for foreign fuels, promote energy diversity,  
11 enhance system reliability, reduce pollution, educate the  
12 public on the promise of renewable energy technologies, and  
13 promote economic growth. The Legislature finds that there is a  
14 need to assist in the development of market demand that will  
15 advance the commercialization and widespread application of  
16 renewable energy technologies. The Legislature further finds  
17 that the state is ideally positioned to stimulate economic  
18 development through such renewable energy technologies due to  
19 its ongoing and successful research and development track  
20 record in these areas, an abundance of natural and renewable  
21 energy sources, an ability to attract significant federal  
22 research and development funds, and the need to find and  
23 secure renewable energy technologies for the benefit of its  
24 citizens, visitors, and environment.

25       Section 4. Section 377.801, Florida Statutes, is  
26 created to read:

27       377.801 Short title.--Sections 377.801-377.806 may be  
28 cited as the "Florida Renewable Energy Technologies and Energy  
29 Efficiency Act."

30       Section 5. Section 377.802, Florida Statutes, is  
31 created to read:

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1           377.802 Purpose.--This act is intended to provide  
2 matching grants to stimulate capital investment in the state  
3 and to enhance the market for and promote the statewide  
4 utilization of renewable energy technologies. The targeted  
5 grants program is designed to advance the already growing  
6 establishment of renewable energy technologies in the state  
7 and encourage the use of other incentives such as tax  
8 exemptions and regulatory certainty to attract additional  
9 renewable energy technology producers, developers, and users  
10 to the state. This act is also intended to provide rebates for  
11 energy efficient appliances and for solar energy equipment  
12 installations for residential and commercial buildings.

13           Section 6. Section 377.803, Florida Statutes, is  
14 created to read:

15           377.803 Definitions.--As used in this act, the term:

16           (1) "Act" means the Florida Renewable Energy  
17 Technologies and Energy Efficiency Act.

18           (2) "Department" means the Department of Environmental  
19 Protection.

20           (3) "Energy Star qualified appliance" means a  
21 refrigerator, residential model clothes washer including a  
22 residential style coin operated clothes washer, or dishwasher  
23 that has been designated by the United States Environmental  
24 Protection Agency and the United States Department of Energy  
25 as meeting or exceeding the energy saving efficiency  
26 requirements under each agency's Energy Star program.

27           (4) "Person" means an individual, partnership, joint  
28 venture, private or public corporation, association, firm,  
29 public service company, or any other public or private entity.

30           (5) "Renewable energy" means renewable energy as  
31 defined in s. 366.91.

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1       (6) "Renewable energy technology" means any technology  
2 that generates or utilizes a renewable energy resource.

3       (7) "Solar energy system" means equipment that  
4 provides for the collection and use of incident solar energy  
5 for water heating, space heating or cooling, or other  
6 applications that require a conventional source of energy such  
7 as petroleum products, natural gas, or electricity and that  
8 performs primarily with solar energy. In other systems in  
9 which solar energy is used in a supplemental way, only those  
10 components which collect and transfer solar energy shall be  
11 included in this definition. The term "solar energy system"  
12 does not include a swimming pool heater.

13       (8) "Solar photovoltaic system" means a device that  
14 converts incident sunlight into electrical current.

15       (9) "Solar thermal system" means a device that traps  
16 heat from incident sunlight in order to heat water.

17       Section 7. Section 377.804, Florida Statutes, is  
18 created to read:

19       377.804 Renewable Energy Technologies Grants  
20 Program.--

21       (1) The Renewable Energy Technologies Grants Program  
22 is established within the department to provide renewable  
23 energy matching grants for demonstration, commercialization,  
24 research, and development projects relating to renewable  
25 energy technologies.

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

29       (a) Municipalities and county governments.

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

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1       (c) Universities and colleges.

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

3       (e) Not-for-profit organizations.

4       (f) Other qualified persons, as determined by the  
5 department.

6       (3) The department may adopt rules pursuant to ss.  
7 120.536(1) and 120.54 to administer the awarding of grants  
8 under this program.

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

11       (a) The degree to which the project stimulates  
12 in-state capital investment and economic development in  
13 metropolitan and rural areas, including the creation of jobs  
14 and the future development of a commercial market for  
15 renewable energy technologies.

16       (b) The extent to which the proposed project has been  
17 demonstrated to be technically feasible based on pilot project  
18 demonstrations, laboratory testing, scientific modeling, or  
19 engineering or chemical theory which supports the proposal.

20       (c) The degree to which the project incorporates an  
21 innovative new technology or an innovative application of an  
22 existing technology.

23       (d) The degree to which a project generates thermal,  
24 mechanical, or electrical energy by means of a renewable  
25 energy resource that has substantial long-term production  
26 potential.

27       (e) The degree to which a project demonstrates  
28 efficient use of energy and material resources.

29       (f) The degree to which the project fosters overall  
30 understanding and appreciation of renewable energy  
31 technologies.

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1       (g) The availability of matching funds from an  
2 applicant.

3       (h) Other in-kind contributions applied to the total  
4 project.

5       (i) The ability to administer a complete project.

6       (j) Project duration and timeline for expenditures.

7       (k) The geographic area in which the project is to be  
8 conducted in relation to other projects.

9       (l) The degree of public visibility and interaction.

10       Section 8. Section 377.805, Florida Statutes, is  
11 created to read:

12       377.805 Energy Efficient Appliance Rebate Program.--

13       (1) The Energy Efficient Appliances Rebate Program is  
14 established within the department to provide for financial  
15 incentives for the purchase of Energy Star qualified  
16 appliances as specified in this section.

17       (2) Any resident of the state who purchases a new  
18 Energy Star qualified appliance from July 1, 2006, through  
19 June 30, 2010, from a retail store in the state is eligible  
20 for a rebate of a portion of the purchase price of that Energy  
21 Star qualified appliance.

22       (3) The department shall adopt rules pursuant to ss.  
23 120.536(1) and 120.54 to designate rebate amounts and  
24 administer the issuance of rebates. The department's rules may  
25 include separate incentives for low-income families to  
26 purchase Energy Star qualified appliances.

27       (4) Application for a rebate must be made within 90  
28 days after the purchase of the Energy Star qualified  
29 appliance.

30       (5) A person is limited to one rebate per type of  
31 appliance per year.



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1       (6) The total dollar amount of all rebates issued by  
 2 the department is subject to the total amount of  
 3 appropriations in any fiscal year for this program. If funds  
 4 are insufficient during the current fiscal year, any requests  
 5 for rebates received during that fiscal year may be processed  
 6 during the following fiscal year.

7       (7) The department shall determine and publish on a  
 8 regular basis the amount of rebate funds remaining in each  
 9 fiscal year.

10       Section 9. Section 377.806, Florida Statutes, is  
 11 created to read:

12       377.806 Solar Energy System Rebate Program.--

13       (1) The Solar Energy System Rebate Program is  
 14 established within the department to provide for financial  
 15 incentives for the purchase of solar energy systems.

16       (2) Any person who is a resident of this state and who  
 17 purchases a new solar energy system from July 1, 2006, through  
 18 June 30, 2010, of 2 kilowatts or larger for a solar  
 19 photovoltaic system, or a solar energy system that provides at  
 20 least 50 percent of a building's hot water consumption for a  
 21 solar thermal system and has the system installed by a  
 22 certified solar contractor, is eligible for a rebate.

23       (3) The department shall adopt rules pursuant to ss.  
 24 120.536(1) and 120.54 to designate rebate amounts and  
 25 administer the issuance of rebates.

26       (4) Application for a rebate must be made within 90  
 27 days after the purchase of the solar energy equipment.

28       (5) Rebates are limited to two per person.

29       (6) The total dollar amount of all rebates issued by  
 30 the department is subject to the total amount of  
 31 appropriations in any fiscal year for this program. If funds

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1 are insufficient during the current fiscal year, any requests  
2 for rebates received during that fiscal year may be processed  
3 during the following fiscal year.

4 (7) The department shall determine and publish on a  
5 regular basis the amount of rebate funds remaining in each  
6 fiscal year.

7 Section 10. Paragraph (ccc) is added to subsection (7)  
8 of section 212.08, Florida Statutes, to read:

9 212.08 Sales, rental, use, consumption, distribution,  
10 and storage tax; specified exemptions.--The sale at retail,  
11 the rental, the use, the consumption, the distribution, and  
12 the storage to be used or consumed in this state of the  
13 following are hereby specifically exempt from the tax imposed  
14 by this chapter.

15 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to  
16 any entity by this chapter do not inure to any transaction  
17 that is otherwise taxable under this chapter when payment is  
18 made by a representative or employee of the entity by any  
19 means, including, but not limited to, cash, check, or credit  
20 card, even when that representative or employee is  
21 subsequently reimbursed by the entity. In addition, exemptions  
22 provided to any entity by this subsection do not inure to any  
23 transaction that is otherwise taxable under this chapter  
24 unless the entity has obtained a sales tax exemption  
25 certificate from the department or the entity obtains or  
26 provides other documentation as required by the department.  
27 Eligible purchases or leases made with such a certificate must  
28 be in strict compliance with this subsection and departmental  
29 rules, and any person who makes an exempt purchase with a  
30 certificate that is not in strict compliance with this  
31 subsection and the rules is liable for and shall pay the tax.

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1 The department may adopt rules to administer this subsection.

2 (ccc) Equipment, machinery, and other materials for  
3 renewable energy technologies.--

4 1. Definitions.--As used in this paragraph, the term:

5 a. "Biodiesel" means a fuel comprised of mono-alkyl  
6 esters of long-chain fatty acids derived from vegetable oils  
7 or animal fats meeting the requirements of American Society  
8 for Testing and Materials (ASTM) standard D6751. Biodiesel may  
9 refer to a blend of biodiesel fuel meeting the ASTM standard  
10 D6751 with petroleum-based diesel fuel, designated BXX, where  
11 XX represents the volume percentage of biodiesel fuel in the  
12 blend.

13 b. "Ethanol" means a high octane, liquid fuel produced  
14 by the fermentation of plant sugars meeting the requirements  
15 of ASTM standard D5798-99. Ethanol refers to a blend of  
16 ethanol fuel meeting ASTM standard D5798-99 with  
17 petroleum-based gasoline fuel, designated EXX, where XX  
18 represents the volume percentage of ethanol fuel in the blend.

19 c. "Hydrogen fuel cells" means equipment using  
20 hydrogen or a hydrogen rich fuel in an electrochemical process  
21 to generate energy, electricity, or the transfer of heat.

22 2. The sale or use of the following is exempt from the  
23 tax imposed by this chapter:

24 a. Hydrogen-powered vehicles, materials incorporated  
25 into hydrogen-powered vehicles, and hydrogen-fueling stations,  
26 up to \$2 million each fiscal year.

27 b. Commercial stationary hydrogen fuel cells, up to \$1  
28 million each fiscal year.

29 c. Materials used in the distribution of biodiesel  
30 (B10-B100) and ethanol (E10-E85), including fueling  
31 infrastructure, transportation, and storage, up to \$1 million

1 each fiscal year.

2 3. The Department of Environmental Protection shall  
3 provide to the department a list of items eligible for the  
4 exemption.

5 4.a. The exemption shall be available to a purchaser  
6 through a refund of previously paid taxes.

7 b. To be eligible to receive the exemption, a  
8 purchaser shall file an application with the Department of  
9 Environmental Protection. The application shall be developed  
10 by the Department of Environmental Protection, in consultation  
11 with the department, and shall require:

12 (I) The name and address of the person claiming the  
13 refund.

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

17 (III) The sales invoice or other proof of purchase  
18 showing the amount of sales tax paid, the date of purchase,  
19 and the name and address of the sales tax dealer from whom the  
20 property was purchased.

21 (IV) A sworn statement that the information provided  
22 is accurate.

23 c. Within 30 days after receipt of an application, the  
24 Department of Environmental Protection shall review the  
25 application and shall notify the applicant of any  
26 deficiencies. Upon receipt of a completed application, the  
27 Department of Environmental Protection shall evaluate the  
28 application for exemption and issue a written certification  
29 that the applicant is eligible for a refund or issue a written  
30 denial of such certification within 60 days. The Department of  
31 Environmental Protection shall provide the department with a

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1 copy of each certification issued upon approval of an  
2 application.

3 d. Each certified applicant shall be responsible for  
4 forwarding a certified copy of the application and copies of  
5 all required documentation to the department within 6 months  
6 after certification by the Department of Environmental  
7 Protection.

8 e. The provisions of s. 212.095 do not apply to any  
9 refund application made pursuant to this paragraph. A refund  
10 approved pursuant to this paragraph shall be made within 30  
11 days after formal approval by the department.

12 f. The department shall adopt rules governing the  
13 manner and form of refund applications and may establish  
14 guidelines as to the requisites for an affirmative showing of  
15 qualification for exemption under this paragraph.

16 g. The Department of Environmental Protection shall be  
17 responsible for ensuring that the exemptions do not exceed the  
18 limits provided in subparagraph 2.

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

22 6. This exemption is repealed July 1, 2010.

23 Section 11. Paragraph (y) is added to subsection (7)  
24 of section 213.053, Florida Statutes, to read:

25 213.053 Confidentiality and information sharing.--

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

28 (y) Information relative to ss. 212.08(7)(ccc) and  
29 220.192 to the Department of Environmental Protection for use  
30 in the conduct of its official business.

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1 Disclosure of information under this subsection shall be  
 2 pursuant to a written agreement between the executive director  
 3 and the agency. Such agencies, governmental or  
 4 nongovernmental, shall be bound by the same requirements of  
 5 confidentiality as the Department of Revenue. Breach of  
 6 confidentiality is a misdemeanor of the first degree,  
 7 punishable as provided by s. 775.082 or s. 775.083.

8 Section 12. Subsection (8) of section 220.02, Florida  
 9 Statutes, is amended to read:

10 220.02 Legislative intent.--

11 (8) It is the intent of the Legislature that credits  
 12 against either the corporate income tax or the franchise tax  
 13 be applied in the following order: those enumerated in s.  
 14 631.828, those enumerated in s. 220.191, those enumerated in  
 15 s. 220.181, those enumerated in s. 220.183, those enumerated  
 16 in s. 220.182, those enumerated in s. 220.1895, those  
 17 enumerated in s. 221.02, those enumerated in s. 220.184, those  
 18 enumerated in s. 220.186, those enumerated in s. 220.1845,  
 19 those enumerated in s. 220.19, those enumerated in s. 220.185,  
 20 ~~and~~ those enumerated in s. 220.187, and those enumerated in s.  
 21 220.192.

22 Section 13. Section 220.192, Florida Statutes, is  
 23 created to read:

24 220.192 Renewable energy technologies investment tax  
 25 credit.--

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

28 (a) "Biodiesel" means biodiesel as defined in s.  
 29 212.08(7)(ccc).

30 (b) "Eligible costs" means:

31 1. Seventy-five percent of all capital costs,

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1 operational and maintenance costs, and research and  
 2 development costs incurred between July 1, 2006, and June 30,  
 3 2010, up to \$3 million per fiscal year, in connection with an  
 4 investment in hydrogen powered vehicles and hydrogen vehicle  
 5 fueling stations including, but not limited to, the costs of  
 6 constructing, installing, and equipping such technologies in  
 7 the state.

8 2. Seventy-five percent of all capital costs,  
 9 operational and maintenance costs, and research and  
 10 development costs incurred between July 1, 2006, and June 30,  
 11 2010, up to a limit of \$1.5 million in connection with an  
 12 investment in commercial stationary hydrogen fuel cells  
 13 including, but not limited to, the costs of constructing,  
 14 installing, and equipping such technologies in the state.

15 3. Seventy-five percent of all capital costs,  
 16 operational and maintenance costs, and research and  
 17 development costs incurred between July 1, 2006, and June 30,  
 18 2010, up to a limit of \$6.5 million per fiscal year, in  
 19 connection with an investment in the production and  
 20 distribution of biodiesel (B10-B100) and ethanol (E10-E85)  
 21 including, the costs of constructing, installing, and  
 22 equipping such technologies in the state.

23 (c) "Ethanol" means ethanol as defined in s.  
 24 212.08(7)(ccc).

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

27 (2) TAX CREDIT.--For tax years beginning on or after  
 28 January 1, 2007, a credit against the tax imposed by this  
 29 chapter shall be granted in an amount equal to the eligible  
 30 costs. Credits may be used beginning January 1, 2007,  
 31 through December 31, 2013, after which the credit shall

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1 expire. If the credit is not fully used in any one tax year  
 2 because of insufficient tax liability on the part of the  
 3 corporation, the unused amount may be carried forward through  
 4 December 31, 2012, after which the credit carryover expires  
 5 and may not be used. A taxpayer that files a consolidated  
 6 return in this state as a member of an affiliated group under  
 7 s. 220.131(1) may be allowed the credit on a consolidated  
 8 return basis up to the amount of tax imposed upon the  
 9 consolidated group. Any eligible cost for which a credit is  
 10 claimed and which is deducted or otherwise reduces federal  
 11 taxable income shall be added back in computing adjusted  
 12 federal income under s. 220.13.

13 (3) APPLICATION PROCESS.--Any corporation wishing to  
 14 obtain tax credits available under this section must submit to  
 15 the Department of Environmental Protection an application for  
 16 tax credit that includes a complete description of all  
 17 eligible costs for which the corporation is seeking a credit  
 18 and a description of the total amount of credits sought. The  
 19 Department of Environmental Protection shall make a  
 20 determination on the eligibility of the applicant for the  
 21 credits sought and certify the determination to the applicant  
 22 and the Department of Revenue. The corporation must attach the  
 23 Department of Environmental Protection's certification to the  
 24 tax return on which the credit is claimed. The Department of  
 25 Environmental Protection is authorized to adopt the necessary  
 26 rules, guidelines, and application materials for the  
 27 application process.

28 (4) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF  
 29 CREDITS.--

30 (a) In addition to its existing audit and  
 31 investigation authority, the Department of Revenue may perform



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1 any additional financial and technical audits and  
 2 investigations, including examining the accounts, books, and  
 3 records of the tax credit applicant, that are necessary to  
 4 verify the eligible costs included in the tax credit return  
 5 and to ensure compliance with this section. The Department of  
 6 Environmental Protection shall provide technical assistance  
 7 when requested by the Department of Revenue on any technical  
 8 audits or examinations performed pursuant to this section.

9       (b) It is grounds for forfeiture of previously claimed  
 10 and received tax credits if the Department of Revenue  
 11 determines, as a result of either an audit or examination or  
 12 from information received from the Department of Environmental  
 13 Protection, that a taxpayer received tax credits pursuant to  
 14 this section to which the taxpayer was not entitled. The  
 15 taxpayer is responsible for returning forfeited tax credits to  
 16 the Department of Revenue, and such funds shall be paid into  
 17 the General Revenue Fund of the state.

18       (c) The Department of Environmental Protection may  
 19 revoke or modify any written decision granting eligibility for  
 20 tax credits under this section if it is discovered that the  
 21 tax credit applicant submitted any false statement,  
 22 representation, or certification in any application, record,  
 23 report, plan, or other document filed in an attempt to receive  
 24 tax credits under this section. The Department of  
 25 Environmental Protection shall immediately notify the  
 26 Department of Revenue of any revoked or modified orders  
 27 affecting previously granted tax credits. Additionally, the  
 28 taxpayer must notify the Department of Revenue of any change  
 29 in its tax credit claimed.

30       (d) The taxpayer shall file with the Department of  
 31 Revenue an amended return or such other report as the

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1 Department of Revenue prescribes by rule and shall pay any  
 2 required tax and interest within 60 days after the taxpayer  
 3 receives notification from the Department of Environmental  
 4 Protection that previously approved tax credits have been  
 5 revoked or modified. If the revocation or modification order  
 6 is contested, the taxpayer shall file as provided in this  
 7 paragraph within 60 days after a final order is issued  
 8 following proceedings.

9       (e) A notice of deficiency may be issued by the  
 10 Department of Revenue at any time within 3 years after the  
 11 taxpayer receives formal notification from the Department of  
 12 Environmental Protection that previously approved tax credits  
 13 have been revoked or modified. If a taxpayer fails to notify  
 14 the Department of Revenue of any changes to its tax credit  
 15 claimed, a notice of deficiency may be issued at any time.

16       (5) RULES.--The Department of Revenue shall have the  
 17 authority to adopt rules relating to the forms required to  
 18 claim a tax credit under this section, the requirements and  
 19 basis for establishing an entitlement to a credit, and the  
 20 examination and audit procedures required to administer this  
 21 section.

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

25       (7) REPEAL.--The provisions of this section, except  
 26 the credit carryover provisions provided in subsection (2),  
 27 are repealed on July 1, 2010.

28       Section 14. Paragraph (a) of subsection (1) of section  
 29 220.13, Florida Statutes, is amended to read:

30       220.13 "Adjusted federal income" defined.--

31       (1) The term "adjusted federal income" means an amount

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1 equal to the taxpayer's taxable income as defined in  
2 subsection (2), or such taxable income of more than one  
3 taxpayer as provided in s. 220.131, for the taxable year,  
4 adjusted as follows:

5 (a) Additions.--There shall be added to such taxable  
6 income:

7 1. The amount of any tax upon or measured by income,  
8 excluding taxes based on gross receipts or revenues, paid or  
9 accrued as a liability to the District of Columbia or any  
10 state of the United States which is deductible from gross  
11 income in the computation of taxable income for the taxable  
12 year.

13 2. The amount of interest which is excluded from  
14 taxable income under s. 103(a) of the Internal Revenue Code or  
15 any other federal law, less the associated expenses disallowed  
16 in the computation of taxable income under s. 265 of the  
17 Internal Revenue Code or any other law, excluding 60 percent  
18 of any amounts included in alternative minimum taxable income,  
19 as defined in s. 55(b)(2) of the Internal Revenue Code, if the  
20 taxpayer pays tax under s. 220.11(3).

21 3. In the case of a regulated investment company or  
22 real estate investment trust, an amount equal to the excess of  
23 the net long-term capital gain for the taxable year over the  
24 amount of the capital gain dividends attributable to the  
25 taxable year.

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

31 5. That portion of the ad valorem school taxes paid or

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1 incurred for the taxable year which is equal to the amount of  
 2 the credit allowable for the taxable year under s. 220.182.  
 3 The provisions of this subparagraph shall expire and be void  
 4 on June 30, 2005.

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

9           7. That portion of assessments to fund a guaranty  
 10 association incurred for the taxable year which is equal to  
 11 the amount of the credit allowable for the taxable year.

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

17           9. The amount taken as a credit for the taxable year  
 18 under s. 220.1895.

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

22           11. The amount taken as a credit for the taxable year  
 23 under s. 220.187.

24           12. The amount taken as a credit for the taxable year  
 25 under s. 220.192.

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

28           186.801 Ten-year site plans.--

29           (2) Within 9 months after the receipt of the proposed  
 30 plan, the commission shall make a preliminary study of such  
 31 plan and classify it as "suitable" or "unsuitable." The

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1 | commission may suggest alternatives to the plan. All findings  
 2 | of the commission shall be made available to the Department of  
 3 | Environmental Protection for its consideration at any  
 4 | subsequent electrical power plant site certification  
 5 | proceedings. It is recognized that 10-year site plans  
 6 | submitted by an electric utility are tentative information for  
 7 | planning purposes only and may be amended at any time at the  
 8 | discretion of the utility upon written notification to the  
 9 | commission. A complete application for certification of an  
 10 | electrical power plant site under chapter 403, when such site  
 11 | is not designated in the current 10-year site plan of the  
 12 | applicant, shall constitute an amendment to the 10-year site  
 13 | plan. In its preliminary study of each 10-year site plan, the  
 14 | commission shall consider such plan as a planning document and  
 15 | shall review:

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

18 |       **(b)** The effect on fuel diversity within the state.

19 |       **(c)**~~(b)~~ The anticipated environmental impact of each  
 20 | proposed electrical power plant site.

21 |       **(d)**~~(c)~~ Possible alternatives to the proposed plan.

22 |       **(e)**~~(d)~~ The views of appropriate local, state, and  
 23 | federal agencies, including the views of the appropriate water  
 24 | management district as to the availability of water and its  
 25 | recommendation as to the use by the proposed plant of salt  
 26 | water or fresh water for cooling purposes.

27 |       **(f)**~~(e)~~ The extent to which the plan is consistent with  
 28 | the state comprehensive plan.

29 |       **(g)**~~(f)~~ The plan with respect to the information of the  
 30 | state on energy availability and consumption.

31 |       Section 16. Subsection (6) of section 366.04, Florida

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1 Statutes, is amended to read:

2 366.04 Jurisdiction of commission.--

3 (6) The commission shall further have exclusive  
4 jurisdiction to prescribe and enforce safety standards for  
5 transmission and distribution facilities of all public  
6 electric utilities, cooperatives organized under the Rural  
7 Electric Cooperative Law, and electric utilities owned and  
8 operated by municipalities. In adopting safety standards, the  
9 commission shall, at a minimum:

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

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

14  
15 The standards prescribed by the current 1984 edition of the  
16 National Electrical Safety Code (ANSI C2) shall constitute  
17 acceptable and adequate requirements for the protection of the  
18 safety of the public, and compliance with the minimum  
19 requirements of that code shall constitute good engineering  
20 practice by the utilities. The administrative authority  
21 referred to in the 1984 edition of the National Electrical  
22 Safety Code is the commission. However, nothing herein shall  
23 be construed as superseding, repealing, or amending the  
24 provisions of s. 403.523(1) and (10).

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

27 366.05 Powers.--

28 (1) In the exercise of such jurisdiction, the  
29 commission shall have power to prescribe fair and reasonable  
30 rates and charges, classifications, standards of quality and  
31 measurements, including the ability to adopt construction

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1 standards that exceed the National Electrical Safety Code, for  
2 purposes of ensuring the reliable provision of service and  
3 service rules and regulations to be observed by each public  
4 utility; to require repairs, improvements, additions,  
5 replacements, and extensions to the plant and equipment of any  
6 public utility when reasonably necessary to promote the  
7 convenience and welfare of the public and secure adequate  
8 service or facilities for those reasonably entitled thereto;  
9 to employ and fix the compensation for such examiners and  
10 technical, legal, and clerical employees as it deems necessary  
11 to carry out the provisions of this chapter; and to adopt  
12 rules pursuant to ss. 120.536(1) and 120.54 to implement and  
13 enforce the provisions of this chapter.

14 (8) If the commission determines that there is  
15 probable cause to believe that inadequacies exist with respect  
16 to the energy grids developed by the electric utility  
17 industry, including inadequacies in fuel diversity or fuel  
18 supply reliability, it shall have the power, after proceedings  
19 as provided by law, and after a finding that mutual benefits  
20 will accrue to the electric utilities involved, to require  
21 installation or repair of necessary facilities, including  
22 generating plants, ~~and~~ transmission, and distribution  
23 facilities, with the costs to be distributed in proportion to  
24 the benefits received, and to take all necessary steps to  
25 ensure compliance. The electric utilities involved in any  
26 action taken or orders issued pursuant to this subsection  
27 shall have full power and authority, notwithstanding any  
28 general or special laws to the contrary, to jointly plan,  
29 finance, build, operate, or lease generating and transmission  
30 facilities and shall be further authorized to exercise the  
31 powers granted to corporations in chapter 361. This subsection

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1 shall not supersede or control any provision of the Florida  
2 Electrical Power Plant Siting Act, ss. 403.501-403.518.

3 Section 18. Subsections (5), (8), (9), (12), and (27)  
4 of section 403.503, Florida Statutes, are amended, subsections  
5 (16) through (28) are renumbered as (17) through (29),  
6 respectively, and new subsection (16) is added to that  
7 section, to read:

8 403.503 Definitions relating to Florida Electrical  
9 Power Plant Siting Act.--As used in this act:

10 (5) "Application" means the documents required by the  
11 department to be filed to initiate a certification review and  
12 evaluation, including the initial document filing, amendments,  
13 and responses to requests from the department for additional  
14 data and information ~~proceeding and shall include the~~  
15 ~~documents necessary for the department to render a decision on~~  
16 ~~any permit required pursuant to any federally delegated or~~  
17 ~~approved permit program.~~

18 (8) "Completeness" means that the application has  
19 addressed all applicable sections of the prescribed  
20 application format, and ~~but does not mean~~ that those sections  
21 are sufficient in comprehensiveness of data or in quality of  
22 information provided to allow the department to determine  
23 whether the application provides the reviewing agencies  
24 adequate information to prepare the reports required by s.  
25 403.507.

26 (9) "Corridor" means the proposed area within which an  
27 associated linear facility right-of-way is to be located. The  
28 width of the corridor proposed for certification as an  
29 associated facility, at the option of the licensee ~~applicant~~,  
30 may be the width of the right-of-way or a wider boundary, not  
31 to exceed a width of 1 mile. The area within the corridor in



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1 | which a right-of-way may be located may be further restricted  
 2 | by a condition of certification. After all property interests  
 3 | required for the right-of-way have been acquired by the  
 4 | licensee ~~applicant~~, the boundaries of the area certified shall  
 5 | narrow to only that land within the boundaries of the  
 6 | right-of-way.

7 |         (12) "Electrical power plant" means, for the purpose  
 8 | of certification, any steam or solar electrical generating  
 9 | facility using any process or fuel, including nuclear  
 10 | materials, except that this term does not include any steam or  
 11 | solar electric generating facility of less than 75 megawatts  
 12 | in capacity unless the applicant for such a facility elects to  
 13 | apply for certification under this act. This term ~~and~~ includes  
 14 | associated facilities which directly support the construction  
 15 | and operation of the electrical power plant such as fuel  
 16 | unloading facilities, pipelines necessary for transporting  
 17 | fuel for the operation of the facility or other fuel  
 18 | transportation facilities, water or wastewater transport  
 19 | pipelines, construction, maintenance and access roads, railway  
 20 | lines necessary for transport of construction equipment or  
 21 | fuel for the operation of the facility, and those associated  
 22 | transmission lines which connect the electrical power plant to  
 23 | an existing transmission network or rights-of-way to which the  
 24 | licensee ~~applicant~~ intends to connect, ~~except that this term~~  
 25 | ~~does not include any steam or solar electrical generating~~  
 26 | ~~facility of less than 75 megawatts in capacity unless the~~  
 27 | ~~applicant for such a facility elects to apply for~~  
 28 | ~~certification under this act.~~ An associated transmission line  
 29 | may include, at the licensee's ~~applicant's~~ option, any  
 30 | proposed terminal or intermediate substations or substation  
 31 | expansions connected to the associated transmission line.

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

3           ~~(28)(27)~~ "Ultimate site capacity" means the maximum  
4 generating capacity for a site as certified by the board.

5 ~~"Sufficiency" means that the application is not only complete~~  
6 ~~but that all sections are sufficient in the comprehensiveness~~  
7 ~~of data or in the quality of information provided to allow the~~  
8 ~~department to determine whether the application provides the~~  
9 ~~reviewing agencies adequate information to prepare the reports~~  
10 ~~required by s. 403.507.~~

11           Section 19. Subsections (1), (7), (9), and (10) of  
12 section 403.504, Florida Statutes, are amended, and new  
13 subsections (9), (10), (11), and (12) are added to that  
14 section, to read:

15           403.504 Department of Environmental Protection; powers  
16 and duties enumerated.--The department shall have the  
17 following powers and duties in relation to this act:

18           (1) To adopt rules pursuant to ss. 120.536(1) and  
19 120.54 to implement the provisions of this act, including  
20 rules setting forth environmental precautions to be followed  
21 in relation to the location, construction, and operation of  
22 electrical power plants.

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

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

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

29           (11) To administer and manage the terms and conditions  
30 of the certification order and supporting documents and  
31 records for the life of the facility.

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

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

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

8                Section 20. Section 403.5055, Florida Statutes, is  
9 amended to read:

10                403.5055 Application for permits pursuant to s.  
11 403.0885.--In processing applications for permits pursuant to  
12 s. 403.0885 that are associated with applications for  
13 electrical power plant certification:

14                (1) The procedural requirements set forth in 40 C.F.R.  
15 s. 123.25, including public notice, public comments, and  
16 public hearings, shall be closely coordinated with the  
17 certification process established under this part. In the  
18 event of a conflict between the certification process and  
19 federally required procedures for NPDES permit issuance, the  
20 applicable federal requirements shall control.

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

28                ~~(3) The department shall include in its written~~  
29 ~~analysis pursuant to s. 403.507(3) copies of the department's~~  
30 ~~proposed action pursuant to 40 C.F.R. s. 124.6 on any~~  
31 ~~application for a NPDES permit; any corresponding comments~~

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1 ~~received from the United States Environmental Protection~~  
2 ~~Agency, the applicant, or the general public; and the~~  
3 ~~department's response to those comments.~~

4       (2)(4) The department shall not issue or deny the  
5 permit pursuant to s. 403.0885 in advance of the issuance of  
6 the electric power plant certification under this part unless  
7 required to do so by the provisions of federal law. When  
8 possible, any hearing on a permit issued pursuant to s.  
9 403.0885, shall be conducted in conjunction with the  
10 certification hearing held pursuant to this act. The  
11 department's actions on an NPDES permit shall be based on the  
12 record and recommended order of the certification hearing, if  
13 the hearing on the NPDES was conducted in conjunction with the  
14 certification hearing, and of any other proceeding held in  
15 connection with the application for an NPDES permit, timely  
16 public comments received with respect to the application, and  
17 the provisions of federal law. The department's action on an  
18 NPDES permit, if issued, shall differ from the actions taken  
19 by the siting board regarding the certification order if  
20 federal laws and regulations require different action to be  
21 taken to ensure compliance with the Clean Water Act, as  
22 amended, and implementing regulations. Nothing in this part  
23 shall be construed to displace the department's authority as  
24 the final permitting entity under the federally approved state  
25 NPDES program. Nothing in this part shall be construed to  
26 authorize the issuance of a state NPDES permit which does not  
27 conform to the requirements of the federally approved state  
28 NPDES program. ~~The permit, if issued, shall be valid for no~~  
29 ~~more than 5 years.~~

30       (5) ~~The department's action on an NPDES permit~~  
31 ~~renewal, if issued, shall differ from the actions taken by the~~

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1 ~~siting board regarding the certification order if federal laws~~  
 2 ~~and regulations require different action to be taken to ensure~~  
 3 ~~compliance with the Clean Water Act, as amended, and~~  
 4 ~~implementing regulations.~~

5 Section 21. Section 403.506, Florida Statutes, is  
 6 amended to read:

7 403.506 Applicability and certification.--

8 (1) The provisions of this act shall apply to any  
 9 electrical power plant as defined herein, except that the  
 10 provisions of this act shall not apply to any electrical power  
 11 plant or steam generating plant of less than 75 megawatts in  
 12 capacity or to any substation to be constructed as part of an  
 13 associated transmission line unless the applicant has elected  
 14 to apply for certification of such plant or substation under  
 15 this act. No construction of any new electrical power plant or  
 16 expansion in steam generating capacity as measured by an  
 17 increase in the maximum normal generator nameplate rating of  
 18 any existing electrical power plant may be undertaken after  
 19 October 1, 1973, without first obtaining certification in the  
 20 manner as herein provided, except that this act shall not  
 21 apply to any such electrical power plant which is presently  
 22 operating or under construction or which has, upon the  
 23 effective date of chapter 73-33, Laws of Florida, applied for  
 24 a permit or certification under requirements in force prior to  
 25 the effective date of such act.

26 (2) Except as provided in the certification,  
 27 modification of nonnuclear fuels, internal related hardware,  
 28 including increases in steam turbine efficiency, or operating  
 29 conditions not in conflict with certification which increase  
 30 the electrical output of a unit to no greater capacity than  
 31 the maximum operating capacity of the existing generator shall

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1 not constitute an alteration or addition to generating  
2 capacity which requires certification pursuant to this act.

3 ~~(3) The application for any related department license~~  
4 ~~which is required pursuant to any federally delegated or~~  
5 ~~approved permit program shall be processed within the time~~  
6 ~~periods allowed by this act, in lieu of those specified in s.~~  
7 ~~120.60. However, permits issued pursuant to s. 403.0885 shall~~  
8 ~~be processed in accordance with 40 C.F.R. part 123.~~

9 Section 22. Section 403.5064, Florida Statutes, is  
10 amended to read:

11 403.5064 Distribution of application; schedules.--

12 (1) The formal date of certification application  
13 filing and commencement of the certification review process  
14 shall be when the applicant submits:

15 (a) Copies of the certification application as  
16 prescribed by rule to the department and other agencies  
17 identified in s. 403.507(2)(a).

18 (b) The application fee specified under s. 403.518 to  
19 the department.

20 (2)(1) Within 7 days after the filing of an  
21 application, the department shall provide to the applicant and  
22 the Division of Administrative Hearings the names and  
23 addresses of any additional those affected or other agencies  
24 or persons entitled to notice and copies of the application  
25 and any amendments.

26 (3) Any amendment to the application made prior to  
27 certification shall be disposed of as part of the original  
28 certification proceeding. Amendment of the application may be  
29 considered good cause for alteration of time limits pursuant  
30 to s. 403.5095.

31 (4)(2) Within 15 7 days after the application filing

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1 ~~completeness has been determined~~, the department shall prepare  
2 a proposed schedule of dates for determination of  
3 completeness, submission of statements of issues,  
4 ~~determination of sufficiency, and~~ submittal of final reports,  
5 ~~from affected and other agencies~~ and other significant dates  
6 to be followed during the certification process, including  
7 dates for filing notices of appearance to be a party pursuant  
8 to s. 403.508(3)(4). This schedule shall be timely provided by  
9 the department to the applicant, the administrative law judge,  
10 all agencies identified pursuant to subsection(2) (1), and  
11 all parties. Within 7 days after the filing of this proposed  
12 schedule, the administrative law judge shall issue an order  
13 establishing a schedule for the matters addressed in the  
14 department's proposed schedule and other appropriate matters,  
15 if any.

16 (5)(3) ~~Within 7 days after completeness has been~~  
17 ~~determined, the applicant shall distribute copies of the~~  
18 ~~application to all agencies identified by the department~~  
19 ~~pursuant to subsection (1).~~ Copies of changes and amendments  
20 to the application shall be timely distributed by the  
21 applicant to all ~~affected~~ agencies and parties who have  
22 received a copy of the application.

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

25 Section 23. Section 403.5065, Florida Statutes, is  
26 amended to read:

27 403.5065 Appointment of administrative law judge,  
28 powers and duties.--

29 (1) Within 7 days after receipt of an application,  
30 ~~whether complete or not,~~ the department shall request the  
31 Division of Administrative Hearings to designate an

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1 administrative law judge to conduct the hearings required by  
 2 this act. The division director shall designate an  
 3 administrative law judge within 7 days after receipt of the  
 4 request from the department. In designating an administrative  
 5 law judge for this purpose, the division director shall,  
 6 whenever practicable, assign an administrative law judge who  
 7 has had prior experience or training in electrical power plant  
 8 site certification proceedings. Upon being advised that an  
 9 administrative law judge has been appointed, the department  
 10 shall immediately file a copy of the application and all  
 11 supporting documents with the designated administrative law  
 12 judge, who shall docket the application.

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

16 Section 24. Section 403.5066, Florida Statutes, is  
 17 amended to read:

18 403.5066 Determination of completeness.--

19 (1)(a) Within 30 days after filing of an application,  
 20 the affected agencies shall file a statement with the  
 21 department containing each agency's recommendations on the  
 22 completeness of the application.

23 (b) Within 40 15 days after the filing receipt of an  
 24 application, the department shall file a statement with the  
 25 Division of Administrative Hearings, and with the applicant,  
 26 and with all parties declaring its position with regard to the  
 27 completeness, not the sufficiency, of the application. The  
 28 department's statement shall be based upon consultation with  
 29 the affected agencies.

30 (2)(1) If the department declares the application to  
 31 be incomplete, the applicant, within 15 days after the filing



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1 of the statement by the department, shall file with the  
 2 Division of Administrative Hearings, ~~and~~ with the department,  
 3 and all parties a statement:

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

6 (b) Additional information necessary to make the  
 7 application complete. If the department first determined that  
 8 the application is incomplete, the time schedules under this  
 9 act shall not be tolled if the applicant makes the application  
 10 complete within the 15-day time period. A subsequent finding  
 11 by the department that the application remains incomplete  
 12 tolls the time schedules under this act until the application  
 13 is determined complete; ~~Agreeing with the statement of the~~  
 14 ~~department and agreeing to amend the application without~~  
 15 ~~withdrawing it. The time schedules referencing a complete~~  
 16 ~~application under this act shall not commence until the~~  
 17 ~~application is determined complete; or~~

18 (c) A statement contesting the department's  
 19 determination of incompleteness; or ~~contesting the statement~~  
 20 ~~of the department.~~

21 (d) A statement agreeing with the department and  
 22 requesting additional time to provide the information  
 23 necessary to make the application complete. If the applicant  
 24 exercises this option, the time schedules under this act are  
 25 tolled until the application is determined complete.

26 ~~(3)(a)(2)~~ If the applicant contests the determination  
 27 by the department that an application is incomplete, the  
 28 administrative law judge shall schedule a hearing on the  
 29 statement of completeness. The hearing shall be held as  
 30 expeditiously as possible, but not later than 21 ~~30~~ days after  
 31 the filing of the statement by the department. The

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1 administrative law judge shall render a decision within 7 ~~10~~  
2 days after the hearing.

3 (b) Parties to a hearing on the issue of completeness  
4 shall include the applicant, the department, and any agency  
5 that has jurisdiction over the matter in dispute. Any  
6 substantially affected person who wishes to become a party to  
7 the completeness hearing must file a motion to intervene no  
8 later than 10 days prior to the date of the hearing.

9 (c)~~(a)~~ If the administrative law judge determines that  
10 the application was not complete ~~as filed~~, the applicant shall  
11 withdraw the application or make such additional submittals as  
12 necessary to complete it. The time schedules referencing a  
13 complete application under this act shall not commence until  
14 the application is determined complete.

15 (d)~~(b)~~ If the administrative law judge determines that  
16 the application was complete at the time it was declared  
17 incomplete ~~filed~~, the time schedules referencing a complete  
18 application under this act shall commence upon such  
19 determination.

20 (4) If the applicant provides additional information  
21 to address the issues identified in the determination of  
22 incompleteness, each affected agency may submit to the  
23 department, no later than 15 days after the applicant files  
24 the additional information, a recommendation on whether the  
25 agency believes the application is complete. Within 22 days  
26 after receipt of the additional information from the applicant  
27 submitted under paragraph (2)(b), paragraph (2)(d), or  
28 paragraph (3)(c), the department shall determine whether the  
29 additional information supplied by an applicant makes the  
30 application complete. If the department finds that the  
31 application is still incomplete, the applicant may exercise

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1 any of the options specified in subsection (2) as often as is  
2 necessary to resolve the dispute.

3 Section 25. Section 403.50663, Florida Statutes, is  
4 created to read:

5 403.50663 Informational public meetings.--

6 (1) Each local government or regional planning  
7 council, in the jurisdiction of which the power plant is  
8 proposed to be sited, may hold one informational public  
9 meeting in addition to the hearings specifically authorized by  
10 this act on any matter associated with the electric power  
11 plant proceeding. Such informational public meetings shall be  
12 held no later than 70 days after the application is filed. The  
13 purpose of an informational public meeting is for the local  
14 government or regional planning council to further inform the  
15 public about the proposed electric power plant or associated  
16 facilities, obtain comments from the public, and formulate its  
17 recommendation with respect to the proposed electric power  
18 plant.

19 (2) Informational public meetings shall be held solely  
20 at the option of each local government or regional planning  
21 council. It is the legislative intent that local governments  
22 or regional planning councils attempt to hold such public  
23 meetings. Parties to the proceedings under this act shall be  
24 encouraged to attend; however, no party other than the  
25 applicant and the department shall be required to attend such  
26 informational public meetings.

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

31 (4) The failure to hold an informational public

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1 meeting or the procedure used for the informational public  
 2 meeting are not for the alteration of any time limitation in  
 3 this act under s. 403.5095 or grounds to deny or condition  
 4 certification.

5 Section 26. Section 403.50665, Florida Statutes, is  
 6 created to read:

7 403.50665 Land use consistency determination.--

8 (1) Within 80 days after the application is filed,  
 9 each local government shall file a determination with the  
 10 department and the applicant on the consistency of the site or  
 11 any directly associated facilities within their jurisdiction  
 12 with existing land use plans and zoning ordinances which were  
 13 in effect on the date the application was filed. The applicant  
 14 shall publish notice of the determination in accordance with  
 15 the requirements of s. 403.5115. These dates may be altered  
 16 upon agreement between the applicant, the local government,  
 17 and the department pursuant to s. 403.5095.

18 (2) If any substantially affected person wishes to  
 19 dispute the local government's determination, he or she shall  
 20 file a petition with the department within 15 days of the  
 21 publication of notice of the local government's determination.  
 22 If a hearing is requested, the provisions of s. 403.508(1)  
 23 shall apply.

24 (3) If it is determined by the local government that  
 25 the proposed site or directly associated facility does conform  
 26 with existing land use plans and zoning ordinances in effect  
 27 as of the date of the application and no petition has been  
 28 filed, the responsible zoning or planning authority shall not  
 29 thereafter change such land use plans or zoning ordinances so  
 30 as to foreclose construction and operation of the proposed  
 31 site or directly associated facilities unless certification is

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1 subsequently denied or withdrawn.

2 Section 27. Section 403.5067, Florida Statutes, is  
3 repealed.

4 Section 28. Section 403.507, Florida Statutes, is  
5 amended to read:

6 403.507 Preliminary statements of issues, reports,  
7 project analyses, and studies.--

8 (1) Each affected agency identified in paragraph

9 (2)(a) shall submit a preliminary statement of issues to the  
10 department, ~~and the applicant, and all parties~~ no later than

11 40 ~~60~~ days after the certification application has been  
12 determined ~~distribution of the complete application.~~ The

13 failure to raise an issue in this statement shall not preclude  
14 the issue from being raised in the agency's report.

15 (2)(a) No later than 100 days after the certification  
16 application has been determined complete, the following

17 reports shall be submitted to the department and the applicant

18 ~~The following agencies shall prepare reports as provided below~~

19 ~~and shall submit them to the department and the applicant~~

20 ~~within 150 days after distribution of the complete~~

21 ~~application:~~

22 1. The Department of Community Affairs shall prepare a  
23 report containing recommendations which address the impact

24 upon the public of the proposed electrical power plant, based  
25 on the degree to which the electrical power plant is

26 consistent with the applicable portions of the state

27 comprehensive plan, emergency management, and other such

28 matters within its jurisdiction. The Department of Community

29 Affairs may also comment on the consistency of the proposed

30 electrical power plant with applicable strategic regional

31 policy plans or local comprehensive plans and land development

1 regulations.

2 ~~2. The Public Service Commission shall prepare a~~  
3 ~~report as to the present and future need for the electrical~~  
4 ~~generating capacity to be supplied by the proposed electrical~~  
5 ~~power plant. The report shall include the commission's~~  
6 ~~determination pursuant to s. 403.519 and may include the~~  
7 ~~commission's comments with respect to any other matters within~~  
8 ~~its jurisdiction.~~

9 2.3. The water management district shall prepare a  
10 report as to matters within its jurisdiction, including, but  
11 not limited to, impact on water resources, impact on regional  
12 water supply planning, and impact on district-owned lands and  
13 works.

14 3.4. Each local government in whose jurisdiction the  
15 proposed electrical power plant is to be located shall prepare  
16 a report as to the consistency of the proposed electrical  
17 power plant with all applicable local ordinances, regulations,  
18 standards, or criteria that apply to the proposed electrical  
19 power plant, including ~~adopted local comprehensive plans, land~~  
20 ~~development regulations, and any applicable local~~  
21 environmental regulations adopted pursuant to s. 403.182 or by  
22 other means.

23 4.5. The Fish and Wildlife Conservation Commission  
24 shall prepare a report as to matters within its jurisdiction.

25 5.6. Each ~~The~~ regional planning council shall prepare  
26 a report containing recommendations that address the impact  
27 upon the public of the proposed electrical power plant, based  
28 on the degree to which the electrical power plant is  
29 consistent with the applicable provisions of the strategic  
30 regional policy plan adopted pursuant to chapter 186 and other  
31 matters within its jurisdiction.

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1           6. The Department of Transportation shall address the  
 2 impact of the proposed transmission line or corridor on roads,  
 3 railroads, airports, aeronautics, seaports, and other matters  
 4 within its jurisdiction.

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

10           ~~(b) As needed to verify or supplement the studies made~~  
 11 ~~by the applicant in support of the application, it shall be~~  
 12 ~~the duty of the department to conduct, or contract for,~~  
 13 ~~studies of the proposed electrical power plant and site,~~  
 14 ~~including, but not limited to, the following, which shall be~~  
 15 ~~completed no later than 210 days after the complete~~  
 16 ~~application is filed with the department:~~

- 17           ~~1. Cooling system requirements.~~
- 18           ~~2. Construction and operational safeguards.~~
- 19           ~~3. Proximity to transportation systems.~~
- 20           ~~4. Soil and foundation conditions.~~
- 21           ~~5. Impact on suitable present and projected water~~  
 22 ~~supplies for this and other competing uses.~~
- 23           ~~6. Impact on surrounding land uses.~~
- 24           ~~7. Accessibility to transmission corridors.~~
- 25           ~~8. Environmental impacts.~~
- 26           ~~9. Requirements applicable under any federally~~  
 27 ~~delegated or approved permit program.~~

28           ~~(3)(c)~~ Each report described in subsection (2)  
 29 paragraphs (a) and (b) shall contain:

30           (a) A notice of any nonprocedural requirements not  
 31 specifically listed in the application from which a variance,

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1 ~~exemption, exception, all information on variances,~~  
 2 ~~exemptions, exceptions,~~ or other relief is necessary in order  
 3 for the proposed electric power plant to be certified. Failure  
 4 of such notification by an agency shall be treated as a waiver  
 5 from nonprocedural requirements of that agency. However, no  
 6 variance shall be granted from standards or regulations of the  
 7 department applicable under any federally delegated or  
 8 approved permit program, except as expressly allowed in such  
 9 program. ~~which may be required by s. 403.511(2) and~~

10       (b) A recommendation for approval or denial of the  
 11 application.

12       (c) Any proposed conditions of certification on  
 13 matters within the jurisdiction of such agency. For each  
 14 condition proposed by an agency in its report, the agency  
 15 shall list the specific statute, rule, or ordinance which  
 16 authorizes the proposed condition.

17       (d) The agencies shall initiate the activities  
 18 required by this section no later than 30 days after the  
 19 complete application is distributed. The agencies shall keep  
 20 the applicant and the department informed as to the progress  
 21 of the studies and any issues raised thereby.

22       ~~(3) No later than 60 days after the application for a~~  
 23 ~~federally required new source review or prevention of~~  
 24 ~~significant deterioration permit for the electrical power~~  
 25 ~~plant is complete and sufficient, the department shall issue~~  
 26 ~~its preliminary determination on such permit. Notice of such~~  
 27 ~~determination shall be published as required by the~~  
 28 ~~department's rules for notices of such permits. The department~~  
 29 ~~shall receive public comments and comments from the United~~  
 30 ~~States Environmental Protection Agency and other affected~~  
 31 ~~agencies on the preliminary determination as provided for in~~



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1 ~~the federally approved state implementation plan. The~~  
 2 ~~department shall maintain a record of all comments received~~  
 3 ~~and considered in taking action on such permits. If a petition~~  
 4 ~~for an administrative hearing on the department's preliminary~~  
 5 ~~determination is filed by a substantially affected person,~~  
 6 ~~that hearing shall be consolidated with the certification~~  
 7 ~~hearing.~~

8       (4)(a) No later than 150 days after the application is  
 9 filed, the Public Service Commission shall prepare a report as  
 10 to the present and future need for electric generating  
 11 capacity to be supplied by the proposed electrical power  
 12 plant. The report shall include the commission's determination  
 13 pursuant to s. 403.519 and may include the commission's  
 14 comments with respect to any other matters within its  
 15 jurisdiction.

16       (b) Receipt of an affirmative determination of need by  
 17 the submittal deadline under paragraph (a) and shall be  
 18 required for further processing of the application.

19       ~~(5)(4)~~ The department shall prepare a project ~~written~~  
 20 analysis, which shall be filed with the designated  
 21 administrative law judge and served on all parties no later  
 22 than 130 ~~240~~ days after the ~~complete~~ application is determined  
 23 complete ~~filed with the department, but no later than 60 days~~  
 24 ~~prior to the hearing~~, and which shall include:

25       (a) A statement indicating whether the proposed  
 26 electrical power plant and proposed ultimate site capacity  
 27 will be in compliance and consistent with matters within the  
 28 department's standard jurisdiction, including ~~with~~ the rules  
 29 of the department, as well as whether the proposed electrical  
 30 power plant and proposed ultimate site capacity will be in  
 31 compliance with the rules of the affected agencies.

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

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

5 (d) The recommendation of the department as to the  
6 disposition of the application, of variances, exemptions,  
7 exceptions, or other relief identified by any party, and of  
8 any proposed conditions of certification which the department  
9 believes should be imposed.

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

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

18 ~~(6)(5)~~ Except when good cause is shown, the failure of  
19 any agency to submit a preliminary statement of issues or a  
20 report, or to submit its preliminary statement of issues or  
21 report within the allowed time, shall not be grounds for the  
22 alteration of any time limitation in this act. Neither the  
23 failure to submit a preliminary statement of issues or a  
24 report nor the inadequacy of the preliminary statement of  
25 issues or report are ~~shall be~~ grounds to deny or condition  
26 certification.

27 Section 29. Section 403.508, Florida Statutes, is  
28 amended to read:

29 403.508 Land use and certification hearings  
30 ~~proceedings~~, parties, participants.--

31 (1)(a) If a petition for a hearing on land use has

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1 been filed pursuant to s. 403.50665, the designated  
 2 administrative law judge shall conduct a land use hearing in  
 3 the county of the proposed site or directly associated  
 4 facility, as applicable, within 30 90 days after the  
 5 department's receipt of the petition ~~a complete application~~  
 6 ~~for electrical power plant site certification by the~~  
 7 ~~department.~~ The place of such hearing shall be as close as  
 8 possible to the proposed site or directly associated facility.

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

11 (c)(2) The sole issue for determination at the land  
 12 use hearing shall be whether or not the proposed site is  
 13 consistent and in compliance with existing land use plans and  
 14 zoning ordinances.

15 (d) The designated administrative law judge's  
 16 recommended order shall be issued within 30 days after  
 17 completion of the hearing and shall be reviewed by the board  
 18 within 60 45 days after receipt of the recommended order by  
 19 the board.

20 (e) If it is determined by the board that the proposed  
 21 site does conform with existing land use plans and zoning  
 22 ordinances in effect as of the date of the application, the  
 23 responsible zoning or planning authority shall not thereafter  
 24 change such land use plans or zoning ordinances so as to  
 25 foreclose construction and operation of ~~affect~~ the proposed  
 26 site or directly associated facilities unless certification is  
 27 subsequently denied or withdrawn.

28 (f) If it is determined by the board that the proposed  
 29 site does not conform, ~~it shall be the responsibility of the~~  
 30 ~~applicant to make the necessary application for rezoning.~~  
 31 ~~Should the application for rezoning be denied, the applicant~~

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1 ~~may appeal this decision to the board, which may, if it~~  
 2 determines after notice and hearing that it is in the public  
 3 interest to authorize the use of the land as a site for an  
 4 electrical power plant, authorize a variance to the adopted  
 5 land use plan and zoning ordinances. In the event a variance  
 6 is denied, it shall be the responsibility of the applicant to  
 7 make the necessary application for rezoning. No further action  
 8 may be taken on the complete application ~~by the department~~  
 9 until the proposed site conforms to the adopted land use plan  
 10 or zoning ordinances or the board grants a variance.

11 ~~(2)(a)(3)~~ A certification hearing shall be held by the  
 12 designated administrative law judge no later than 250 ~~300~~ days  
 13 after the ~~complete~~ application is filed with the department~~r~~  
 14 however, ~~an affirmative determination of need by the Public~~  
 15 ~~Service Commission pursuant to s. 403.519 shall be a condition~~  
 16 ~~precedent to the conduct of the certification hearing.~~ The  
 17 certification hearing shall be held at a location in proximity  
 18 to the proposed site. ~~The certification hearing shall also~~  
 19 ~~constitute the sole hearing allowed by chapter 120 to~~  
 20 ~~determine the substantial interest of a party regarding any~~  
 21 ~~required agency license or any related permit required~~  
 22 ~~pursuant to any federally delegated or approved permit~~  
 23 ~~program. At the conclusion of the certification hearing, the~~  
 24 ~~designated administrative law judge shall, after consideration~~  
 25 ~~of all evidence of record, submit to the board a recommended~~  
 26 ~~order no later than 60 days after the filing of the hearing~~  
 27 ~~transcript. In the event the administrative law judge fails to~~  
 28 ~~issue a recommended order within 60 days after the filing of~~  
 29 ~~the hearing transcript, the administrative law judge shall~~  
 30 ~~submit a report to the board with a copy to all parties within~~  
 31 ~~60 days after the filing of the hearing transcript to advise~~

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1 ~~the board of the reason for the delay in the issuance of the~~  
2 ~~recommended order and of the date by which the recommended~~  
3 ~~order will be issued.~~

4 (b)(4)(a) Parties to the proceeding shall include:

- 5 1. The applicant.
- 6 2. The Public Service Commission.
- 7 3. The Department of Community Affairs.
- 8 4. The Fish and Wildlife Conservation Commission.
- 9 5. The water management district.
- 10 6. The department.
- 11 7. The regional planning council.
- 12 8. The local government.
- 13 9. The Department of Transportation.

14 (c)(b) Any party listed in paragraph (b)(a) other than  
15 the department or the applicant may waive its right to  
16 participate in these proceedings. If such listed party fails  
17 to file a notice of its intent to be a party on or before the  
18 90th day prior to the certification hearing, such party shall  
19 be deemed to have waived its right to be a party.

20 (d)(c) Notwithstanding the provisions of chapter 120  
21 to the contrary, upon the filing with the administrative law  
22 judge of a notice of intent to be a party no later than 30 ~~at~~  
23 ~~least 15~~ days prior to the date of the certification ~~land use~~  
24 hearing, the following shall also be parties to the  
25 proceeding:

- 26 1. Any agency not listed in paragraph (b) ~~(a)~~ as to  
27 matters within its jurisdiction.
- 28 2. Any domestic nonprofit corporation or association  
29 formed, in whole or in part, to promote conservation or  
30 natural beauty; to protect the environment, personal health,  
31 or other biological values; to preserve historical sites; to

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1 promote consumer interests; to represent labor, commercial, or  
 2 industrial groups; or to promote comprehensive planning or  
 3 orderly development of the area in which the proposed  
 4 electrical power plant is to be located.

5 ~~(e)(d)~~ Notwithstanding paragraph ~~(f)(e)~~, failure of an  
 6 agency described in subparagraph ~~(d)1.(c)1.~~ to file a notice  
 7 of intent to be a party within the time provided herein shall  
 8 constitute a waiver of the right of that agency to participate  
 9 as a party in the proceeding.

10 ~~(f)(e)~~ Other parties may include any person, including  
 11 those persons enumerated in paragraph ~~(d)~~ ~~(e)~~ who have failed  
 12 to timely file a notice of intent to be a party, whose  
 13 substantial interests are affected and being determined by the  
 14 proceeding and who timely file a motion to intervene pursuant  
 15 to chapter 120 and applicable rules. Intervention pursuant to  
 16 this paragraph may be granted at the discretion of the  
 17 designated administrative law judge and upon such conditions  
 18 as he or she may prescribe any time prior to 30 days before  
 19 the commencement of the certification hearing.

20 ~~(g)(f)~~ Any agency, including those whose properties or  
 21 works are being affected pursuant to s. 403.509(4), shall be  
 22 made a party upon the request of the department or the  
 23 applicant.

24 (3)(a) The order of presentation at the certification  
 25 hearing, unless otherwise changed by the administrative law  
 26 judge to ensure the orderly presentation of witnesses and  
 27 evidence, shall be:

- 28 1. The applicant.
- 29 2. The department.
- 30 3. State agencies.
- 31 4. Regional agencies, including regional planning

1 councils and water management districts.

2 5. Local governments.

3 6. Other parties.

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

10 (4) At the conclusion of the certification hearing,  
11 the designated administrative law judge shall, after  
12 consideration of all evidence of record, submit to the board a  
13 recommended order no later than 45 days after the filing of  
14 the hearing transcript.

15 (5)(a) No later than 25 days prior to the conduct of  
16 the certification hearing, the department or the applicant may  
17 request that the administrative law judge cancel the  
18 certification hearing and relinquish jurisdiction to the  
19 department if all parties to the proceeding stipulate that  
20 there are no disputed issues of fact to be raised at the  
21 certification hearing.

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

24 (c) If the administrative law judge grants the  
25 request, the department and the applicant shall publish  
26 notices of the cancellation of the certification hearing, in  
27 accordance with s. 403.5115.

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

31 2. Parties may submit proposed recommended orders to

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1 the department no later than 10 days after the administrative  
2 law judge issues an order relinquishing jurisdiction.

3       (6) The applicant shall pay those expenses and costs  
4 associated with the conduct of the hearings and the recording  
5 and transcription of the proceedings. ~~The designated~~  
6 ~~administrative law judge shall have all powers and duties~~  
7 ~~granted to administrative law judges by chapter 120 and this~~  
8 ~~chapter and by the rules of the department and the~~  
9 ~~Administration Commission, including the authority to resolve~~  
10 ~~disputes over the completeness and sufficiency of an~~  
11 ~~application for certification.~~

12       ~~(7) The order of presentation at the certification~~  
13 ~~hearing, unless otherwise changed by the administrative law~~  
14 ~~judge to ensure the orderly presentation of witnesses and~~  
15 ~~evidence, shall be:~~

16           ~~(a) The applicant.~~

17           ~~(b) The department.~~

18           ~~(c) State agencies.~~

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

21           ~~(e) Local governments.~~

22           ~~(f) Other parties.~~

23       ~~(7)(8)~~ In issuing permits under the federally approved  
24 new source review or prevention of significant deterioration  
25 permit program, the department shall observe the procedures  
26 specified under the federally approved state implementation  
27 plan, including public notice, public comment, public hearing,  
28 and notice of applications and amendments to federal, state,  
29 and local agencies, to assure that all such permits issued in  
30 coordination with the certification of a power plant under  
31 this act are federally enforceable and are issued after



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1 opportunity for informed public participation regarding the  
2 terms and conditions thereof. When possible, any hearing on a  
3 federally approved or delegated program permit such as new  
4 source review, prevention of significant deterioration permit,  
5 or NPDES permit shall be conducted in conjunction with the  
6 certification hearing held under this act. The department  
7 shall accept written comment with respect to an application  
8 for, or the department's preliminary determination on, a new  
9 source review or prevention of significant deterioration  
10 permit for a period of no less than 30 days from the date  
11 notice of such action is published. Upon request submitted  
12 within 30 days after published notice, the department shall  
13 hold a public meeting, in the area affected, for the purpose  
14 of receiving public comment on issues related to the new  
15 source review or prevention of significant deterioration  
16 permit. If requested following notice of the department's  
17 preliminary determination, the public meeting to receive  
18 public comment shall be held prior to the scheduled  
19 certification hearing. The department shall also solicit  
20 comments from the United States Environmental Protection  
21 Agency and other affected federal agencies regarding the  
22 department's preliminary determination for any federally  
23 required new source review or prevention of significant  
24 deterioration permit. It is the intent of the Legislature that  
25 the issuance of such permits be closely coordinated with the  
26 certification process established under this part. In the  
27 event of a conflict between the certification process and  
28 federally required procedures ~~contained in the state~~  
29 ~~implementation plan~~, the applicable federal requirements of  
30 the implementation plan shall control.

31 Section 30. Section 403.509, Florida Statutes, is

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1 amended to read:

2 403.509 Final disposition of application.--

3 (1)(a) If the administrative law judge has granted a  
4 request to cancel the certification hearing and has  
5 relinquished jurisdiction to the department under the  
6 provisions of s. 403.508(6), within 40 days thereafter, the  
7 secretary of the department shall act upon the application by  
8 written order in accordance with the terms of this act, and  
9 state the reasons for issuance or denial.

10 (b) If the administrative law judge has not granted a  
11 request to cancel the certification hearing under the  
12 provisions of s. 403.508(6), within 60 days after receipt of  
13 the designated administrative law judge's recommended order,  
14 the board shall act upon the application by written order,  
15 approving ~~certification~~ or denying certification ~~the issuance~~  
16 of a certificate, in accordance with the terms of this act,  
17 and stating the reasons for issuance or denial. If  
18 certification ~~the certificate~~ is denied, the board shall set  
19 forth in writing the action the applicant would have to take  
20 to secure the board's approval of the application.

21 (2) The issues that may be raised in any hearing  
22 before the board shall be limited to those matters raised in  
23 the certification proceeding before the administrative law  
24 judge or raised in the recommended order. All parties, or  
25 their representatives, or persons who appear before the board  
26 shall be subject to the provisions of s. 120.66.

27 (3) In determining whether an application should be  
28 approved in whole, approved with modifications or conditions,  
29 or denied, the board, or secretary when applicable, shall  
30 consider whether, and the extent to which, the location of  
31 electric power plant and directly associated facilities and

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1 their construction and operation will:

2       (a) Provide reasonable assurance that operational  
3 safeguards are technically sufficient for the public welfare  
4 and protection.

5       (b) Comply with applicable nonprocedural requirements  
6 of agencies.

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

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

11       (e) Provide a reasonable balance between the need for  
12 the facility as established pursuant to s. 403.519, and the  
13 impacts upon air and water quality, fish and wildlife, water  
14 resources, and other natural resources as a result of the  
15 construction and operation of the facility.

16       ~~(3) Within 30 days after issuance of the~~  
17 ~~certification, the department shall issue and forward to the~~  
18 ~~United States Environmental Protection Agency a proposed~~  
19 ~~operation permit for a major source of air pollution and must~~  
20 ~~issue or deny any other license required pursuant to any~~  
21 ~~federally delegated or approved permit program. The~~  
22 ~~department's action on the license and its action on the~~  
23 ~~proposed operation permit for a major source of air pollution~~  
24 ~~shall be based upon the record and recommended order of the~~  
25 ~~certification hearing. The department's actions on a federally~~  
26 ~~required new source review or prevention of significant~~  
27 ~~deterioration permit shall be based on the record and~~  
28 ~~recommended order of the certification hearing and of any~~  
29 ~~other proceeding held in connection with the application for a~~  
30 ~~new source review or prevention of significant deterioration~~  
31 ~~permit, on timely public comments received with respect to the~~

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1 ~~application or preliminary determination for such permit, and~~  
2 ~~on the provisions of the state implementation plan. The~~  
3 ~~department's action on a federally required new source review~~  
4 ~~or prevention of significant deterioration permit shall differ~~  
5 ~~from the actions taken by the siting board regarding the~~  
6 ~~certification if the federally approved state implementation~~  
7 ~~plan requires such a different action to be taken by the~~  
8 ~~department. Nothing in this part shall be construed to~~  
9 ~~displace the department's authority as the final permitting~~  
10 ~~entity under the federally approved permit program. Nothing in~~  
11 ~~this part shall be construed to authorize the issuance of a~~  
12 ~~new source review or prevention of significant deterioration~~  
13 ~~permit which does not conform to the requirements of the~~  
14 ~~federally approved state implementation plan. Any final~~  
15 ~~operation permit for a major source of air pollution must be~~  
16 ~~issued in accordance with the provisions of s. 403.0872.~~  
17 ~~Unless the federally delegated or approved permit program~~  
18 ~~provides otherwise, licenses issued by the department under~~  
19 ~~this subsection shall be effective for the term of the~~  
20 ~~certification issued by the board. If renewal of any license~~  
21 ~~issued by the department pursuant to a federally delegated or~~  
22 ~~approved permit program is required, such renewal shall not~~  
23 ~~affect the certification issued by the board, except as~~  
24 ~~necessary to resolve inconsistencies pursuant to s.~~  
25 ~~403.516(1)(a).~~

26 (4) In regard to the properties and works of any  
27 agency which is a party to the certification hearing, the  
28 board shall have the authority to decide issues relating to  
29 the use, the connection thereto, or the crossing thereof, for  
30 the electrical power plant and its directly associated  
31 facilities ~~site~~ and to direct any such agency to execute,

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1 within 30 days after the entry of certification, the necessary  
 2 license or easement for such use, connection, or crossing,  
 3 subject only to the conditions set forth in such  
 4 certification.

5 ~~(5) Except for the issuance of any operation permit  
 6 for a major source of air pollution pursuant to s. 403.0872,  
 7 the issuance or denial of the certification by the board and  
 8 the issuance or denial of any related department license  
 9 required pursuant to any federally delegated or approved  
 10 permit program shall be the final administrative action  
 11 required as to that application.~~

12 ~~(6) All certified electrical power plants must apply  
 13 for and obtain a major source air-operation permit pursuant to  
 14 s. 403.0872. Major source air-operation permit applications  
 15 for certified electrical power plants must be submitted  
 16 pursuant to a schedule developed by the department. To the  
 17 extent that any conflicting provision, limitation, or  
 18 restriction under any rule, regulation, or ordinance imposed  
 19 by any political subdivision of the state, or by any local  
 20 pollution control program, was superseded during the  
 21 certification process pursuant to s. 403.510(1), such rule,  
 22 regulation, or ordinance shall continue to be superseded for  
 23 purposes of the major source air-operation permit program  
 24 under s. 403.0872.~~

25 Section 31. Section 403.511, Florida Statutes, is  
 26 amended to read:

27 403.511 Effect of certification.--

28 (1) Subject to the conditions set forth therein, any  
 29 certification ~~signed by the Governor~~ shall constitute the sole  
 30 license of the state and any agency as to the approval of the  
 31 site and the construction and operation of the proposed

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1 | electrical power plant, except for the issuance of department  
 2 | licenses required under any federally delegated or approved  
 3 | permit program and except as otherwise provided in subsection  
 4 | (4).

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

11 |           (b)1. Except as provided in subsection (4), the  
 12 | certification may include conditions which constitute  
 13 | variances, exemptions, or exceptions from nonprocedural  
 14 | requirements of the department or any agency which were  
 15 | expressly considered during the proceeding unless waived by  
 16 | the agency as provided below and which otherwise would be  
 17 | applicable to the construction and operation of the proposed  
 18 | electrical power plant.

19 |           2. No variance, exemption, exception, or other relief  
 20 | shall be granted from a state statute or rule for the  
 21 | protection of endangered or threatened species, aquatic  
 22 | preserves, Outstanding National Resource Waters, or  
 23 | Outstanding Florida Waters or for the disposal of hazardous  
 24 | waste, except to the extent authorized by the applicable  
 25 | statute or rule or except upon a finding in the certification  
 26 | order ~~by the siting board~~ that the public interests set forth  
 27 | in s. 403.509(3) ~~403.502~~ in certifying the electrical power  
 28 | plant at the site proposed by the applicant overrides the  
 29 | public interest protected by the statute or rule from which  
 30 | relief is sought. ~~Each party shall notify the applicant and~~  
 31 | ~~other parties at least 60 days prior to the certification~~

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1 ~~hearing of any nonprocedural requirements not specifically~~  
2 ~~listed in the application from which a variance, exemption,~~  
3 ~~exception, or other relief is necessary in order for the board~~  
4 ~~to certify any electrical power plant proposed for~~  
5 ~~certification. Failure of such notification by an agency shall~~  
6 ~~be treated as a waiver from nonprocedural requirements of the~~  
7 ~~department or any other agency. However, no variance shall be~~  
8 ~~granted from standards or regulations of the department~~  
9 ~~applicable under any federally delegated or approved permit~~  
10 ~~program, except as expressly allowed in such program.~~

11 (3) The certification shall be in lieu of any license,  
12 permit, certificate, or similar document required by any  
13 state, regional, or local agency pursuant to, but not limited  
14 to, chapter 125, chapter 161, chapter 163, chapter 166,  
15 chapter 186, chapter 253, chapter 298, chapter 370, chapter  
16 373, chapter 376, chapter 380, chapter 381, chapter 387,  
17 chapter 403, except for permits issued pursuant to any  
18 federally delegated or approved permit program ~~s. 403.0885~~ and  
19 except as provided in ~~s. 403.509(3) and (6)~~, chapter 404 or,  
20 the Florida Transportation Code, ~~or 33 U.S.C. s. 1341.~~

21 (4) This act shall not affect in any way the  
22 ratemaking powers of the Public Service Commission under  
23 chapter 366; nor shall this act in any way affect the right of  
24 any local government to charge appropriate fees or require  
25 that construction be in compliance with applicable building  
26 construction codes.

27 (5)(a) An electrical power plant certified pursuant to  
28 this act shall comply with rules adopted by the department  
29 subsequent to the issuance of the certification which  
30 prescribe new or stricter criteria, to the extent that the  
31 rules are applicable to electrical power plants. Except when

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1 express variances, exceptions, exemptions, or other relief  
2 have been granted, subsequently adopted rules which prescribe  
3 new or stricter criteria shall operate as automatic  
4 modifications to certifications.

5 (b) Upon written notification to the department, any  
6 holder of a certification issued pursuant to this act may  
7 choose to operate the certified electrical power plant in  
8 compliance with any rule subsequently adopted by the  
9 department which prescribes criteria more lenient than the  
10 criteria required by the terms and conditions in the  
11 certification which are not site-specific.

12 (c) No term or condition of certification shall be  
13 interpreted to preclude the postcertification exercise by any  
14 party of whatever procedural rights it may have under chapter  
15 120, including those related to rulemaking proceedings. This  
16 subsection shall apply to previously issued certifications.

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

22 (7) No term or condition of a site certification shall  
23 be interpreted to supersede or control the provisions of a  
24 final operation permit for a major source of air pollution  
25 issued by the department pursuant to s. 403.0872, to a  
26 facility certified under this part.

27 (8) Pursuant to s. 380.23, electrical power plants are  
28 subject to the federal coastal consistency review program.  
29 Issuance of certification shall constitute the state's  
30 certification of coastal zone consistency.

31 Section 32. Section 403.5112, Florida Statutes, is



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1 created to read:

2 403.5112 Filing of notice of certified corridor  
3 route.--

4 (1) Within 60 days after certification of a directly  
5 associated linear facility pursuant to this act, the applicant  
6 shall file, in accordance with s. 28.222, with the department  
7 and the clerk of the circuit court for each county through  
8 which the corridor will pass, a notice of the certified route.

9 (2) The notice shall consist of maps or aerial  
10 photographs in the scale of 1:24,000 which clearly show the  
11 location of the certified route and shall state that the  
12 certification of the corridor will result in the acquisition  
13 of rights-of-way within the corridor. Each clerk shall record  
14 the filing in the official record of the county for the  
15 duration of the certification or until such time as the  
16 applicant certifies to the department and the clerk that all  
17 lands required for the transmission line rights-of-way within  
18 the corridor have been acquired within such county, whichever  
19 is sooner.

20 Section 33. Section 403.5113, Florida Statutes, is  
21 created to read:

22 403.5113 Postcertification amendments.--

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

31 (2) If the department concludes that the change would

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1 not require a modification of the conditions of certification,  
2 the department shall provide written notification of the  
3 approval of the proposed amendment to the licensee, all  
4 agencies, and all other interested parties.

5 (3) If the department concludes that the change would  
6 require a modification of the conditions of certification, the  
7 department shall provide written notification to the licensee  
8 that the proposed change to the application requires a request  
9 for modification pursuant to s. 403.516.

10 Section 34. Section 403.5115, Florida Statutes, is  
11 amended to read:

12 403.5115 Public notice; costs of proceeding.--

13 (1) The following notices are to be published by the  
14 applicant:

15 (a) Notice ~~A notice~~ of the filing of a notice of  
16 intent under s. 403.5063, which shall be published within 21  
17 days after the filing of the notice. The notice shall be  
18 published as specified by subsection (2), except that the  
19 newspaper notice shall be one-fourth page in size in a  
20 standard size newspaper or one-half page in size in a tabloid  
21 size newspaper.

22 (b) Notice ~~A notice~~ of filing of the application,  
23 which shall include a description of the proceedings required  
24 by this act, within 21 days after the date of the application  
25 filing ~~be published as specified in subsection (2), within 15~~  
26 ~~days after the application has been determined complete.~~ Such  
27 notice shall give notice of the provisions of s. 403.511(1)  
28 and (2) ~~and that the application constitutes a request for a~~  
29 ~~federally required new source review or prevention of~~  
30 ~~significant deterioration permit.~~

31 (c) Notice of the land use determination made pursuant

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1 to s. 403.50665(1) within 15 days after the determination is  
2 filed.

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

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

11 (f) Notice of the cancellation of the certification  
12 hearing, if applicable, no later than 7 days before the date  
13 of the originally scheduled certification hearing.

14 (g)~~(e)~~ Notice of modification when required by the  
15 department, based on whether the requested modification of  
16 certification will significantly increase impacts to the  
17 environment or the public. Such notice shall be published as  
18 specified under subsection (2):

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

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

27 (h)~~(f)~~ Notice of a supplemental application, which  
28 shall be published as specified in paragraph (1)(b) and  
29 subsection (2). ~~follows:~~

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

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

3           (i) Notice of existing site certification pursuant to  
4 s. 403.5175. Notices shall be published as specified in  
5 paragraph (1)(b) and subsection (2).

6           (2) Notices provided by the applicant shall be  
7 published in newspapers of general circulation within the  
8 county or counties in which the proposed electrical power  
9 plant will be located. The newspaper notices shall be at least  
10 one-half page in size in a standard size newspaper or a full  
11 page in a tabloid size newspaper ~~and published in a section of~~  
12 ~~the newspaper other than the legal notices section.~~ These  
13 notices shall include a map generally depicting the project  
14 and all associated facilities corridors. A newspaper of  
15 general circulation shall be the newspaper which has the  
16 largest daily circulation in that county and has its principal  
17 office in that county. If the newspaper with the largest daily  
18 circulation has its principal office outside the county, the  
19 notices shall appear in both the newspaper having the largest  
20 circulation in that county and in a newspaper authorized to  
21 publish legal notices in that county.

22           (3) All notices published by the applicant shall be  
23 paid for by the applicant and shall be in addition to the  
24 application fee.

25           (4) The department shall arrange for publication of  
26 the following notices in the manner specified by chapter 120  
27 and provide copies of those notices to any persons who have  
28 requested to be placed on the departmental mailing list for  
29 this purpose:

30           (a) ~~Notice Publish in the Florida Administrative~~  
31 ~~Weekly notices~~ of the filing of the notice of intent within 15

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1 days after receipt of the notice.†

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

4 (c) Notice of the land use hearing before the  
5 administrative law judge, if applicable, no later than 15 days  
6 before the hearing.†

7 (d) Notice of the land use hearing before the board,  
8 if applicable.

9 (e) Notice of the certification hearing at least 65  
10 days before the date set for the certification hearing.†

11 (f) Notice of the hearing before the board, if  
12 applicable.†

13 (h) Notice and of stipulations, proposed agency  
14 action, or petitions for modification.† and

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

18 ~~(5) The applicant shall pay those expenses and costs~~  
19 ~~associated with the conduct of the hearings and the recording~~  
20 ~~and transcription of the proceedings.~~

21 Section 35. Section 403.513, Florida Statutes, is  
22 amended to read:

23 403.513 Review.--Proceedings under this act shall be  
24 subject to judicial review as provided in chapter 120. When  
25 possible, separate appeals of the certification order issued  
26 by the board and of any department permit issued pursuant to a  
27 federally delegated or approved permit program may ~~shall~~ be  
28 consolidated for purposes of judicial review.

29 Section 36. Section 403.516, Florida Statutes, is  
30 amended to read:

31 403.516 Modification of certification.--

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

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

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

11 2. Such modification may be made without further  
12 notice if the matter has been previously noticed under the  
13 requirements for any federally delegated or approved permit  
14 program.

15 (c) The licensee may file a petition for modification  
16 with the department or the department may initiate the  
17 modification upon its own initiative.

18 1. A petition for modification must set forth:

19 a. The proposed modification.

20 b. The factual reasons asserted for the modification.

21 c. The anticipated environmental effects of the  
22 proposed modification.

23 (d)(b) The department may modify the terms and  
24 conditions of the certification if no party to the  
25 certification hearing objects in writing to such modification  
26 within 45 days after notice by mail to such party's last  
27 address of record, and if no other person whose substantial  
28 interests will be affected by the modification objects in  
29 writing within 30 days after issuance of public notice.

30 (e) If objections are raised or the department denies  
31 the request, the applicant or department may file a request

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1 ~~petition for a hearing on the modification with the~~  
2 ~~department. Such request shall be handled pursuant to chapter~~  
3 ~~120 paragraph (c).~~

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

- 6 ~~1. The proposed modification,~~
- 7 ~~2. The factual reasons asserted for the modification,~~
- 8 ~~and~~

9 ~~3. The anticipated effects of the proposed~~  
10 ~~modification on the applicant, the public, and the~~  
11 ~~environment.~~

12  
13 ~~The petition for modification shall be filed with the~~  
14 ~~department and the Division of Administrative Hearings.~~

15 ~~(f) Requests referred to the Division of~~  
16 ~~Administrative Hearings shall be disposed of in the same~~  
17 ~~manner as an application, but with time periods established by~~  
18 ~~the administrative law judge commensurate with the~~  
19 ~~significance of the modification requested.~~

20 ~~(g)(d) As required by s. 403.511(5).~~

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

26 ~~(2)(3) Any agreement or modification under this~~  
27 ~~section must be in accordance with the terms of this act. No~~  
28 ~~modification to a certification shall be granted that~~  
29 ~~constitutes a variance from standards or regulations of the~~  
30 ~~department applicable under any federally delegated or~~  
31 ~~approved permit program, except as expressly allowed in such~~

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1 program.

2 Section 37. Section 403.517, Florida Statutes, is  
3 amended to read:

4 403.517 Supplemental applications for sites certified  
5 for ultimate site capacity.--

6 (1)(a) Supplemental ~~The department shall adopt rules~~  
7 ~~governing the processing of supplemental applications may be~~  
8 submitted for certification of the construction and operation  
9 of electrical power plants to be located at sites which have  
10 been previously certified for an ultimate site capacity  
11 pursuant to this act. Supplemental applications shall be  
12 limited to electrical power plants using the fuel type  
13 previously certified for that site. Such applications shall  
14 include all new directly associated facilities that support  
15 the construction and operation of the electric power plant.  
16 ~~The rules adopted pursuant to this section shall include~~  
17 ~~provisions for:~~

18 1. ~~Prompt appointment of a designated administrative~~  
19 ~~law judge.~~

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

21 3. ~~Resolution of disputes as to the completeness and~~  
22 ~~sufficiency of supplemental applications by the designated~~  
23 ~~administrative law judge.~~

24 4. ~~Public notice of the filing of the supplemental~~  
25 ~~applications.~~

26 5. ~~Time limits for prompt processing of supplemental~~  
27 ~~applications.~~

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

30 (b) The time limits for processing of a complete  
31 supplemental application shall be designated by the department



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1 commensurate with the scope of the supplemental application,  
 2 but shall not exceed any time limitation governing the review  
 3 of initial applications for site certification pursuant to  
 4 this act, it being the legislative intent to provide shorter  
 5 time limitations for the processing of supplemental  
 6 applications for electrical power plants to be constructed and  
 7 operated at sites which have been previously certified for an  
 8 ultimate site capacity.

9 (c) Any time limitation in this section or in rules  
 10 adopted pursuant to this section may be altered pursuant to s.  
 11 403.5095 ~~by the designated administrative law judge upon~~  
 12 ~~stipulation between the department and the applicant, unless~~  
 13 ~~objected to by any party within 5 days after notice, or for~~  
 14 ~~good cause shown by any party. The parties to the proceeding~~  
 15 ~~shall adhere to the provisions of chapter 120 and this act in~~  
 16 ~~considering and processing such supplemental applications .~~

17 (2) ~~Supplemental applications shall be reviewed as~~  
 18 ~~provided in ss. 403.507-403.511, except that the time limits~~  
 19 ~~provided in this section shall apply to such supplemental~~  
 20 ~~applications.~~

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

25 (a) The previously certified ultimate site capacity is  
 26 not exceeded; and

27 (b) The lands required for the construction or  
 28 operation of the electrical power plant which is the subject  
 29 of the supplemental application are within the boundaries of  
 30 the previously certified site.

31 (4) ~~For the purposes of this act, the term "ultimate~~

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1 ~~site capacity" means the maximum generating capacity for a~~  
2 ~~site as certified by the board.~~

3 Section 38. Section 403.5175, Florida Statutes, is  
4 amended to read:

5 403.5175 Existing electrical power plant site  
6 certification.--

7 (1) An electric utility that owns or operates an  
8 existing electrical power plant as defined in s. 403.503(12)  
9 may apply for certification of an existing power plant and its  
10 site in order to obtain all agency licenses necessary to  
11 assure compliance with federal or state environmental laws and  
12 regulation using the centrally coordinated, one-stop licensing  
13 process established by this part. An application for site  
14 certification under this section must be in the form  
15 prescribed by department rule. Applications must be reviewed  
16 and processed using the same procedural steps and notices as  
17 for an application for a new facility ~~in accordance with ss.~~  
18 ~~403.5064-403.5115~~, except that a determination of need by the  
19 Public Service Commission is not required.

20 (2) An application for certification under this  
21 section must include:

22 (a) A description of the site and existing power plant  
23 installations;

24 (b) A description of all proposed changes or  
25 alterations to the site or electrical power plant, including  
26 all new associated facilities that are the subject of the  
27 application;

28 (c) A description of the environmental and other  
29 impacts caused by the existing utilization of the site and  
30 directly associated facilities, and the operation of the  
31 electrical power plant that is the subject of the application,

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1 and of the environmental and other benefits, if any, to be  
 2 realized as a result of the proposed changes or alterations if  
 3 certification is approved and such other information as is  
 4 necessary for the reviewing agencies to evaluate the proposed  
 5 changes and the expected impacts;

6 (d) The justification for the proposed changes or  
 7 alterations;

8 (e) Copies of all existing permits, licenses, and  
 9 compliance plans authorizing utilization of the site and  
 10 directly associated facilities or operation of the electrical  
 11 power plant that is the subject of the application.

12 (3) The land use and zoning determination ~~hearing~~  
 13 requirements of s. 403.50665 ~~s. 403.508(1) and (2)~~ do not  
 14 apply to an application under this section if the applicant  
 15 does not propose to expand the boundaries of the existing  
 16 site. If the applicant proposes to expand the boundaries of  
 17 the existing site to accommodate portions of the plant or  
 18 associated facilities, a land use and zoning determination  
 19 shall be made ~~hearing must be held~~ as specified in s.  
 20 403.50665 ~~s. 403.508(1) and (2)~~; provided, however, that the  
 21 sole issue for determination ~~through the land use hearing~~ is  
 22 whether the proposed site expansion is consistent and in  
 23 compliance with the existing land use plans and zoning  
 24 ordinances.

25 (4) In considering whether an application submitted  
 26 under this section should be approved in whole, approved with  
 27 appropriate conditions, or denied, the board shall consider  
 28 whether, and to the extent to which the proposed changes to  
 29 the electrical power plant and its continued operation under  
 30 certification will:

31 (a) Comply with the provisions of s. 403.509(3).

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1 ~~applicable nonprocedural requirements of agencies;~~

2 (b) Result in environmental or other benefits compared  
3 to current utilization of the site and operations of the  
4 electrical power plant if the proposed changes or alterations  
5 are undertaken.

6 ~~(c) Minimize, through the use of reasonable and  
7 available methods, the adverse effects on human health, the  
8 environment, and the ecology of the land and its wildlife and  
9 the ecology of state waters and their aquatic life; and~~

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

12 (5) An applicant's failure to receive approval for  
13 certification of an existing site or an electrical power plant  
14 under this section is without prejudice to continued operation  
15 of the electrical power plant or site under existing agency  
16 licenses.

17 Section 39. Section 403.518, Florida Statutes, is  
18 amended to read:

19 403.518 Fees; disposition.--

20 (1) The department shall charge the applicant the  
21 following fees, as appropriate, which, unless otherwise  
22 specified, shall be paid into the Florida Permit Fee Trust  
23 Fund:

24 (a) A fee for a notice of intent pursuant to s.  
25 403.5063, in the amount of \$2,500, to be submitted to the  
26 department at the time of filing of a notice of intent. The  
27 notice-of-intent fee shall be used and disbursed in the same  
28 manner as the application fee.

29 (b) An application fee, which shall not exceed  
30 \$200,000. The fee shall be fixed by rule on a sliding scale  
31 related to the size, type, ultimate site capacity, or increase

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1 in electric generating capacity proposed by the application~~7~~  
 2 ~~or the number and size of local governments in whose~~  
 3 ~~jurisdiction the electrical power plant is located.~~

4 1. Sixty percent of the fee shall go to the department  
 5 to cover any costs associated with coordinating the review  
 6 ~~reviewing~~ and acting upon the application, to cover any field  
 7 services associated with monitoring construction and operation  
 8 of the facility, and to cover the costs of the public notices  
 9 published by the department.

10 2. The following percentages ~~Twenty percent of the fee~~  
 11 ~~or \$25,000, whichever is greater,~~ shall be transferred to the  
 12 Administrative Trust Fund of the Division of Administrative  
 13 Hearings of the Department of Management Services:-

14 a. Five percent to compensate expenses from the  
 15 initial exercise of duties associated with the filing of an  
 16 application.

17 b. An additional 5 percent if a land use hearing is  
 18 held pursuant to s. 403.508.

19 c. An additional 10 percent if a certification hearing  
 20 is held pursuant to s. 403.508.

21 3.a. Upon written request with proper itemized  
 22 accounting within 90 days after final agency action by the  
 23 board or withdrawal of the application, the agencies that  
 24 prepared reports pursuant to s. 403.507 or participated in a  
 25 hearing pursuant to s. 403.508, may submit a written request  
 26 to the department for reimbursement of expenses incurred  
 27 during the certification proceedings. The request shall  
 28 contain an accounting of expenses incurred which may include  
 29 time spent reviewing the application, ~~the department shall~~  
 30 ~~reimburse the Department of Community Affairs, the Fish and~~  
 31 ~~Wildlife Conservation Commission, and any water management~~

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1 ~~district created pursuant to chapter 373, regional planning~~  
2 ~~council, and local government in the jurisdiction of which the~~  
3 ~~proposed electrical power plant is to be located, and any~~  
4 ~~other agency from which the department requests special~~  
5 ~~studies pursuant to s. 403.507(2)(a)7. Such reimbursement~~  
6 ~~shall be authorized for the preparation of any studies~~  
7 ~~required of the agencies by this act, and for agency travel~~  
8 ~~and per diem to attend any hearing held pursuant to this act,~~  
9 ~~and for local government's or regional planning council's~~  
10 ~~provision of additional notice of the informational public~~  
11 ~~meetings governments to participate in the proceedings. The~~  
12 ~~department shall review the request and verify that the~~  
13 ~~expenses are valid. Valid expenses shall be reimbursed;~~  
14 ~~however, in the event the amount of funds available for~~  
15 ~~reimbursement allocation is insufficient to provide for full~~  
16 ~~compensation ~~complete reimbursement~~ to the agencies requesting~~  
17 ~~reimbursement, reimbursement shall be on a prorated basis.~~

18 b. If the application review is held in abeyance for  
19 more than 1 year, the agencies may submit a request for  
20 reimbursement.

21 4. If any sums are remaining, the department shall  
22 retain them for its use in the same manner as is otherwise  
23 authorized by this act; provided, however, that if the  
24 certification application is withdrawn, the remaining sums  
25 shall be refunded to the applicant within 90 days after  
26 withdrawal.

27 (c)1. A certification modification fee, which shall  
28 not exceed \$30,000. The department shall establish rules for  
29 determining such a fee based on the equipment redesign, change  
30 in site size, type, increase in generating capacity proposed,  
31 or change in an associated linear facility location.

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1           2. The fee shall be submitted to the department with a  
 2 ~~formal~~ petition for modification ~~to the department~~ pursuant to  
 3 s. 403.516. This fee shall be established, disbursed, and  
 4 processed in the same manner as the application fee in  
 5 paragraph (b), except that the Division of Administrative  
 6 Hearings shall not receive a portion of the fee unless the  
 7 petition for certification modification is referred to the  
 8 Division of Administrative Hearings for hearing. If the  
 9 petition is so referred, only \$10,000 of the fee shall be  
 10 transferred to the Administrative Trust Fund of the Division  
 11 of Administrative Hearings of the Department of Management  
 12 Services. ~~The fee for a modification by agreement filed~~  
 13 ~~pursuant to s. 403.516(1)(b) shall be \$10,000 to be paid upon~~  
 14 ~~the filing of the request for modification. Any sums remaining~~  
 15 ~~after payment of authorized costs shall be refunded to the~~  
 16 ~~applicant within 90 days of issuance or denial of the~~  
 17 ~~modification or withdrawal of the request for modification.~~

18           (d) A supplemental application fee, not to exceed  
 19 \$75,000, to cover all reasonable expenses and costs of the  
 20 review, processing, and proceedings of a supplemental  
 21 application. This fee shall be established, disbursed, and  
 22 processed in the same manner as the certification application  
 23 fee in paragraph (b), ~~except that only \$20,000 of the fee~~  
 24 ~~shall be transferred to the Administrative Trust Fund of the~~  
 25 ~~Division of Administrative Hearings of the Department of~~  
 26 ~~Management Services.~~

27           (e) An existing site certification application fee,  
 28 not to exceed \$200,000, to cover all reasonable costs and  
 29 expenses of the review processing and proceedings for  
 30 certification of an existing power plant site under s.  
 31 403.5175. This fee must be established, disbursed, and

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1 processed in the same manner as the certification application  
2 fee in paragraph (b).

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

8 Section 40. Section 403.519, Florida Statutes, is  
9 amended to read:

10 403.519 Exclusive forum for determination of need.--

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

15 (2) The applicant ~~commission~~ shall publish a notice of  
16 the proceeding in a newspaper of general circulation in each  
17 county in which the proposed electrical power plant will be  
18 located. The notice shall be at least one-quarter of a page  
19 and published at least 21 ~~45~~ days prior to the scheduled date  
20 for the proceeding. The commission shall publish notice of the  
21 proceeding in the manner specified by chapter 120 at least 21  
22 days prior to the scheduled date for the proceeding.

23 (3) The commission shall be the sole forum for the  
24 determination of this matter, which accordingly shall not be  
25 raised in any other forum or in the review of proceedings in  
26 such other forum. In making its determination, the commission  
27 shall take into account the need for electric system  
28 reliability and integrity, the need for adequate electricity  
29 at a reasonable cost, the need for fuel diversity and supply  
30 reliability, and whether the proposed plant is the most  
31 cost-effective alternative available. The commission shall



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1 also expressly consider the conservation measures taken by or  
 2 reasonably available to the applicant or its members which  
 3 might mitigate the need for the proposed plant and other  
 4 matters within its jurisdiction which it deems relevant. The  
 5 commission's determination of need for an electrical power  
 6 plant shall create a presumption of public need and necessity  
 7 and shall serve as the commission's report required by s.  
 8 403.407(2)(b) ~~403.507(2)(a)2~~. An order entered pursuant to  
 9 this section constitutes final agency action.

10       (4) Rule 25-22.082, Florida Administrative Code, does  
 11 not apply to an electrical power plant using nuclear materials  
 12 for fuel and an applicant for such a power plant is not  
 13 required to secure competitive proposals for a power supply  
 14 before applying for a certificate and filing a petition for  
 15 determination of need.

16       Section 41. Section 403.52, Florida Statutes, is  
 17 amended to read:

18       403.52 Short title.--Sections 403.52-403.5365 may be  
 19 cited as the "Florida Electric Transmission Line Siting Act."

20       Section 42. Section 403.521, Florida Statutes, is  
 21 amended to read:

22       403.521 Legislative intent.--The legislative intent of  
 23 this act is to establish a centralized and coordinated  
 24 licensing ~~permitting~~ process for the location of electric  
 25 transmission line corridors and the construction, operation,  
 26 and maintenance of electric transmission lines, which are  
 27 critical infrastructure facilities. This necessarily involves  
 28 several broad interests of the public addressed through the  
 29 subject matter jurisdiction of several agencies. The  
 30 Legislature recognizes that electric transmission lines will  
 31 have an effect upon the reliability of the electric power

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1 system, the environment, land use, and the welfare of the  
2 population. Recognizing the need to ensure electric power  
3 system reliability and integrity, and in order to meet  
4 electric ~~electrical~~ energy needs in an orderly and timely  
5 fashion, the centralized and coordinated licensing ~~permitting~~  
6 process established by this act is intended to further the  
7 legislative goal of ensuring through available and reasonable  
8 methods that the location of transmission line corridors and  
9 the construction, operation, and maintenance of electric  
10 transmission lines produce minimal adverse effects on the  
11 environment and public health, safety, and welfare ~~while not~~  
12 ~~unduly conflicting with the goals established by the~~  
13 ~~applicable local comprehensive plan.~~ It is the intent of this  
14 act to fully balance the need for transmission lines with the  
15 broad interests of the public in order to effect a reasonable  
16 balance between the need for the facility as a means of  
17 providing reliable, economical, and efficient electric  
18 ~~abundant low-cost electrical~~ energy and the impact on the  
19 public and the environment resulting from the location of the  
20 transmission line corridor and the construction, operation,  
21 and maintenance of the transmission lines. The Legislature  
22 intends that the provisions of chapter 120 apply to this act  
23 and to proceedings under ~~pursuant to~~ it except as otherwise  
24 expressly exempted by other provisions of this act.

25 Section 43. Section 403.522, Florida Statutes, is  
26 amended to read:

27 403.522 Definitions relating to the Florida Electric  
28 Transmission Line Siting Act.--As used in this act:

29 (1) "Act" means the Florida Electric Transmission Line  
30 Siting Act.

31 (2) "Agency," as the context requires, means an

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1 official, officer, commission, authority, council, committee,  
2 department, division, bureau, board, section, or other unit or  
3 entity of government, including a county, municipality, or  
4 other regional or local governmental entity.

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

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

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

18 (6) "Board" means the Governor and Cabinet sitting as  
19 the siting board.

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

27 (8) "Commission" means the Florida Public Service  
28 Commission.

29 (9) "Completeness" means that the application has  
30 addressed all applicable sections of the prescribed  
31 application format and, ~~but does not mean~~ that those sections

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1 are sufficient in comprehensiveness of data or in quality of  
2 information provided to allow the department to determine  
3 whether the application provides the reviewing agencies  
4 adequate information to prepare the reports required by s.  
5 403.526.

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

26 (11) "Department" means the Department of  
27 Environmental Protection.

28 (12) "Electric utility" means cities and towns,  
29 counties, public utility districts, regulated electric  
30 companies, electric cooperatives, regional transmission  
31 organizations, operators of independent transmission systems,

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1 or other transmission organizations approved by the Federal  
 2 Energy Regulatory Commission or the commission for the  
 3 operation of transmission facilities, and joint operating  
 4 agencies, or combinations thereof, engaged in, or authorized  
 5 to engage in, the business of generating, transmitting, or  
 6 distributing electric energy.

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

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

16           ~~(15)(14)~~ "Local government" means a municipality or  
 17 county in the jurisdiction of which the project is proposed to  
 18 be located.

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

25           ~~(17)(15)~~ "Modification" means any change in the  
 26 certification order after issuance, including a change in the  
 27 conditions of certification.

28           ~~(18)(16)~~ "Nonprocedural requirements of agencies"  
 29 means any agency's regulatory requirements established by  
 30 statute, rule, ordinance, or comprehensive plan, excluding any  
 31 provisions prescribing forms, fees, procedures, or time limits

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1 for the review or processing of information submitted to  
2 demonstrate compliance with such regulatory requirements.

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

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

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

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

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

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

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

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

21 Section 44. Section 403.523, Florida Statutes, is  
 22 amended to read:

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

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

30 (2) To prescribe the form and content of the public  
 31 notices and the form, content, and necessary supporting

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1 documentation, and any required studies, for certification  
2 applications. All ~~such~~ data and studies shall be related to  
3 the jurisdiction of the agencies relevant to the application.

4 (3) To receive applications for transmission line and  
5 corridor certifications and initially determine the  
6 completeness ~~and sufficiency~~ thereof.

7 (4) To make or contract for studies of certification  
8 applications. All ~~such~~ studies shall be related to the  
9 jurisdiction of the agencies relevant to the application. For  
10 studies in areas outside the jurisdiction of the department  
11 and in the jurisdiction of another agency, the department may  
12 initiate such studies, but only with the consent of the ~~such~~  
13 agency.

14 (5) To administer the processing of applications for  
15 certification and ensure that the applications, including  
16 postcertification reviews, are processed on an expeditious and  
17 priority basis ~~as expeditiously as possible~~.

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

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

22 (8) To prescribe the means for monitoring the effects  
23 arising from the location of the transmission line corridor  
24 and the construction, operation, and maintenance of the  
25 transmission lines to assure continued compliance with the  
26 terms of the certification.

27 (9) To make a determination of acceptability of any  
28 alternate corridor proposed for consideration under ~~pursuant~~  
29 ~~to~~ s. 403.5271.

30 (10) To set requirements that reasonably protect the  
31 public health and welfare from the electric and magnetic



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1 fields of transmission lines for which an application is filed  
2 under ~~after the effective date of~~ this act.

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

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

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

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

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

14 Section 45. Section 403.524, Florida Statutes, is  
15 amended to read:

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

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

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

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

27 (b) Transmission lines that ~~which~~ have been exempted  
28 by a binding letter of interpretation issued under s.  
29 380.06(4), or in which the Department of Community Affairs or  
30 its predecessor agency has determined the utility to have  
31 vested development rights within the meaning of s. 380.05(18)

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1 or s. 380.06(20).

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

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

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

30 (4) An electric ~~A~~ utility shall notify the department  
31 in writing, before ~~prior to~~ the start of construction, of its

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

9 Section 46. Section 403.525, Florida Statutes, is  
10 amended to read:

11 403.525 ~~Appointment of~~ Administrative law judge;  
12 appointment; powers and duties.--

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

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

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

30 (2) The administrative law judge has all powers and  
31 duties granted to administrative law judges under chapter 120

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1 and by the laws and rules of the department.

2 Section 47. Section 403.5251, Florida Statutes, is  
3 amended to read:

4 403.5251 ~~Distribution of Application; schedules.--~~

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

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

13 2. The application fee as specified under s. 403.5365  
14 to the department.

15  
16 The department shall provide to the applicant and the Division  
17 of Administrative Hearings the names and addresses of any  
18 additional agencies or persons entitled to notice and copies  
19 of the application and amendments, if any, within 7 days after  
20 receiving the application for certification and the  
21 application fees.

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

29 (2) Within 15 7 days after the formal date of the  
30 application filing ~~completeness has been determined,~~ the  
31 department shall prepare a proposed schedule of dates for

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

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

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

23 Section 48. Section 403.5252, Florida Statutes, is  
 24 amended to read:

25 403.5252 Determination of completeness.--

26 (1)(a) Within 30 days after distribution of an  
 27 application, the affected agencies shall file a statement with  
 28 the department containing the recommendations of each agency  
 29 concerning the completeness of the application for  
 30 certification.

31 (b) Within 7 15 days after receipt of the completeness

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1 statements of each agency ~~an application~~, the department shall  
 2 file a statement with the Division of Administrative Hearings,  
 3 ~~and~~ with the applicant, and with all parties declaring its  
 4 position with regard to the completeness, ~~not the sufficiency~~,  
 5 of the application. The statement of the department shall be  
 6 based upon its consultation with the affected agencies.

7 ~~(2)(1)~~ If the department declares the application to  
 8 be incomplete, the applicant, within 14 ~~15~~ days after the  
 9 filing of the statement by the department, shall file with the  
 10 Division of Administrative Hearings, with all parties, and  
 11 with the department ~~a statement~~:

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

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

26 (c) A statement contesting the department's  
 27 determination of incompleteness; or ~~statement of the~~  
 28 ~~department.~~

29 (d) A statement agreeing with the department and  
 30 requesting additional time to provide the information  
 31 necessary to make the application complete. If the applicant

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1 exercises this option, the time schedules under this act are  
2 tolled until the application is determined complete.

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

11 (b) Parties to a hearing on the issue of completeness  
12 shall include the applicant, the department, and any agency  
13 that has jurisdiction over the matter in dispute. Any  
14 substantially affected person who wishes to become a party to  
15 the hearing on the issue of completeness must file a motion no  
16 later than 10 days before the date of the hearing.

17 (c)(a) If the administrative law judge determines that  
18 the application was not complete ~~as filed~~, the applicant shall  
19 withdraw the application or make such additional submittals as  
20 necessary to complete it. The time schedules referencing a  
21 complete application under this act do ~~shall~~ not commence  
22 until the application is determined complete.

23 (d)(b) If the administrative law judge determines that  
24 the application was complete at the time it was declared  
25 incomplete ~~filed~~, the time schedules referencing a complete  
26 application under this act shall commence upon such  
27 determination.

28 (4) If the applicant provides additional information  
29 to address the issues identified in the determination of  
30 incompleteness, each affected agency may submit to the  
31 department, no later than 14 days after the applicant files

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1 the additional information, a recommendation on whether the  
 2 agency believes the application is complete. Within 21 days  
 3 after receipt of the additional information from the applicant  
 4 submitted under paragraphs (2)(b), (2)(d), or (3)(c) and  
 5 considering the recommendations of the affected agencies, the  
 6 department shall determine whether the additional information  
 7 supplied by an applicant makes the application complete. If  
 8 the department finds that the application is still incomplete,  
 9 the applicant may exercise any of the options specified in  
 10 subsection (2) as often as is necessary to resolve the  
 11 dispute.

12 Section 49. Section 403.526, Florida Statutes, is  
 13 amended to read:

14 403.526 Preliminary statements of issues, reports, and  
 15 project analyses; and studies.--

16 (1) Each affected agency that is required to file a  
 17 report which received an application in accordance with this  
 18 section s. 403.5251(3) shall submit a preliminary statement of  
 19 issues to the department and all parties ~~the applicant~~ no  
 20 later than 50 ~~60~~ days after the filing ~~distribution~~ of the  
 21 ~~complete~~ application. Such statements of issues shall be made  
 22 available to each local government for use as information for  
 23 public meetings held under ~~pursuant to~~ s. 403.5272. The  
 24 failure to raise an issue in this preliminary statement of  
 25 issues does ~~shall~~ not preclude the issue from being raised in  
 26 the agency's report.

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

31 1. The department shall prepare a report as to the



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1 impact of each proposed transmission line or corridor as it  
2 relates to matters within its jurisdiction.

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

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

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

22           5. Each local government shall prepare a report as to  
23 the impact of each proposed transmission line or corridor on  
24 matters within its jurisdiction, including the consistency of  
25 the proposed transmission line or corridor with all applicable  
26 local ordinances, regulations, standards, or criteria that  
27 apply to the proposed transmission line or corridor, including  
28 local comprehensive plans, zoning regulations, land  
29 development regulations, and any applicable local  
30 environmental regulations adopted pursuant to s. 403.182 or by  
31 other means. A ~~No~~ change by the responsible local government

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1 or local agency in local comprehensive plans, zoning  
 2 ordinances, or other regulations made after the date required  
 3 for the filing of the local government's report required by  
 4 this section is not ~~shall be~~ applicable to the certification  
 5 of the proposed transmission line or corridor unless the  
 6 certification is denied or the application is withdrawn.

7           6. Each regional planning council shall present a  
 8 report containing recommendations that address the impact upon  
 9 the public of the proposed transmission line or corridor based  
 10 on the degree to which the transmission line or corridor is  
 11 consistent with the applicable provisions of the strategic  
 12 regional policy plan adopted under ~~pursuant to~~ chapter 186 and  
 13 other impacts of each proposed transmission line or corridor  
 14 on matters within its jurisdiction.

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

19           8. The commission shall prepare a report containing  
 20 its determination under s. 403.537 and the report may include  
 21 the comments from the commission with respect to any other  
 22 subject within its jurisdiction.

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

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

28           1. A notice of any nonprocedural requirements not  
 29 specifically listed in the application from which a variance,  
 30 exemption, exception, or other relief is necessary in order  
 31 for the proposed corridor to be certified. Failure to include

1 the notice shall be treated as a waiver from the nonprocedural  
2 requirements of that agency.

3 2. A recommendation for approval or denial of the  
4 application.

5 3. The ~~information on variances required by s.~~  
6 ~~403.531(2)~~ and proposed conditions of certification on matters  
7 within the jurisdiction of each agency. For each condition  
8 proposed by an agency, the agency shall list the specific  
9 statute, rule, or ordinance, as applicable, which authorizes  
10 the proposed condition.

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

16 (d) Receipt of an affirmative determination of need  
17 from the commission by the submittal deadline for agency  
18 reports under paragraph (a) is a condition precedent to  
19 further processing of the application.

20 (3) The department shall prepare a project ~~written~~  
21 analysis containing ~~which contains~~ a compilation of agency  
22 reports and summaries of the material contained therein which  
23 shall be filed with the administrative law judge and served on  
24 all parties no later than 115 ~~135~~ days after the application  
25 is filed ~~complete application has been distributed to the~~  
26 ~~affected agencies~~, and which shall include:

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

30 (b)(a) The studies and reports required by this  
31 section and s. 403.537.

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

3           ~~(d)(e)~~ The recommendation of the department as to the  
4 disposition of the application, of variances, exemptions,  
5 exceptions, or other relief identified by any party, and of  
6 any proposed conditions of certification which the department  
7 believes should be imposed.

8           (4) The failure of any agency to submit a preliminary  
9 statement of issues or a report, or to submit its preliminary  
10 statement of issues or report within the allowed time, is  
11 ~~shall not be~~ grounds for the alteration of any time limitation  
12 in this act under ~~pursuant to~~ s. 403.528. ~~Neither~~ The failure  
13 to submit a preliminary statement of issues or a report, or  
14 ~~nor~~ the inadequacy of the preliminary statement of issues or  
15 report, are not ~~shall be~~ grounds to deny or condition  
16 certification.

17           Section 50. Section 403.527, Florida Statutes, is  
18 amended to read:

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

21           403.527 Certification hearing, parties,  
22 participants.--

23           (1)(a) No later than 145 days after the application is  
24 filed, the administrative law judge shall conduct a  
25 certification hearing pursuant to ss. 120.569 and 120.57 at a  
26 central location in proximity to the proposed transmission  
27 line or corridor.

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

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

2            1. The applicant.

3            2. The department.

4            3. The commission.

5            4. The Department of Community Affairs.

6            5. The Fish and Wildlife Conservation Commission.

7            6. The Department of Transportation.

8            7. Each water management district in the jurisdiction

9 of which the proposed transmission line or corridor is to be  
10 located.

11           8. The local government.

12           9. The regional planning council.

13        (b) Any party listed in paragraph (a), other than the  
14 department or the applicant, may waive its right to  
15 participate in these proceedings. If any listed party fails to  
16 file a notice of its intent to be a party on or before the  
17 30th day before the certification hearing, the party is deemed  
18 to have waived its right to be a party unless its  
19 participation would not prejudice the rights of any party to  
20 the proceeding.

21        (c) Notwithstanding the provisions of chapter 120 to  
22 the contrary, upon the filing with the administrative law  
23 judge of a notice of intent to be a party by an agency,  
24 corporation, or association described in subparagraphs 1. and  
25 2. or a petition for intervention by a person described in  
26 subparagraph 3. no later than 30 days before the date set for  
27 the certification hearing, the following shall also be parties  
28 to the proceeding:

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

31           2. Any domestic nonprofit corporation or association

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1 formed, in whole or in part, to promote conservation of  
2 natural beauty; to protect the environment, personal health,  
3 or other biological values; to preserve historical sites; to  
4 promote consumer interests; to represent labor, commercial, or  
5 industrial groups; or to promote comprehensive planning or  
6 orderly development of the area in which the proposed  
7 transmission line or corridor is to be located.

8 3. Any person whose substantial interests are affected  
9 and being determined by the proceeding.

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

13 (3)(a) The order of presentation at the certification  
14 hearing, unless otherwise changed by the administrative law  
15 judge to ensure the orderly presentation of witnesses and  
16 evidence, shall be:

- 17 1. The applicant.
- 18 2. The department.
- 19 3. State agencies.
- 20 4. Regional agencies, including regional planning  
21 councils and water management districts.
- 22 5. Local governments.
- 23 6. Other parties.

24 (b) When appropriate, any person may be given an  
25 opportunity to present oral or written communications to the  
26 administrative law judge. If the administrative law judge  
27 proposes to consider such communications, all parties shall be  
28 given an opportunity to cross-examine, challenge, or rebut the  
29 communications.

30 (4) One public hearing where members of the public who  
31 are not parties to the certification hearing may testify shall

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1 be held within the boundaries of each county, at the option of  
2 any local government.

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

16 (b) Within 5 days after notification, the  
17 administrative law judge shall determine the date of the  
18 public hearing, which shall be held before or during the  
19 certification hearing. If two or more local governments within  
20 one county request a public hearing, the hearing shall be  
21 consolidated so that only one public hearing is held in any  
22 county. The location of a consolidated hearing shall be  
23 determined by the administrative law judge.

24 (c) If a local government does not request a public  
25 hearing within 21 days after the application has been  
26 determined complete, persons residing within the jurisdiction  
27 of the local government may testify during that portion of the  
28 certification hearing at which public testimony is heard.

29 (5) At the conclusion of the certification hearing,  
30 the administrative law judge shall, after consideration of all  
31 evidence of record, issue a recommended order disposing of the

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1 application no later than 45 days after the transcript of the  
2 certification hearing and the public hearings is filed with  
3 the Division of Administrative Hearings.

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

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

12 (c) If the administrative law judge grants the  
13 request, the department and the applicant shall publish  
14 notices of the cancellation of the certification hearing in  
15 accordance with s. 403.5363.

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

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

22 (7) The applicant shall pay those expenses and costs  
23 associated with the conduct of the hearing and the recording  
24 and transcription of the proceedings.

25 Section 51. Section 403.5271, Florida Statutes, is  
26 amended to read:

27 403.5271 Alternate corridors.--

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



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1           (a) A notice of a ~~any such~~ proposed alternate corridor  
2 ~~must shall~~ be filed with the administrative law judge, all  
3 parties, and any local governments in whose jurisdiction the  
4 alternate corridor is proposed. ~~The Such~~ filing ~~must shall~~  
5 include the most recent United States Geological Survey  
6 1:24,000 quadrangle maps specifically delineating the corridor  
7 boundaries, a description of the proposed corridor, and a  
8 statement of the reasons the proposed alternate corridor  
9 should be certified.

10           (b)1. Within 7 days after receipt of ~~the such~~ notice,  
11 the applicant and the department shall file with the  
12 administrative law judge and all parties a notice of  
13 acceptance or rejection of a proposed alternate corridor for  
14 consideration. If the alternate corridor is rejected ~~either~~ by  
15 the applicant or the department, the certification hearing and  
16 the public hearings shall be held as scheduled. If both the  
17 applicant and the department accept a proposed alternate  
18 corridor for consideration, the certification hearing and the  
19 public hearings shall be rescheduled, if necessary.

20           2. If rescheduled, the certification hearing shall be  
21 held no more than 90 days after the previously scheduled  
22 certification hearing, unless the data submitted under  
23 paragraph (d) is determined to be incomplete, in which case  
24 the rescheduled certification hearing shall be held no more  
25 than 105 days after the previously scheduled certification  
26 hearing. If additional time is needed due to the alternate  
27 corridor crossing a local government jurisdiction that was not  
28 previously affected, ~~in which case~~ the remainder of the  
29 schedule listed below shall be appropriately adjusted by the  
30 administrative law judge to allow that local government to  
31 prepare a report pursuant to s. 403.526(2)(a)5.

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

7           (d) Within 21 ~~25~~ days after acceptance of an alternate  
8 corridor by the department and the applicant, the party  
9 proposing an alternate corridor shall have the burden of  
10 providing all ~~additional~~ data to the agencies listed in s.  
11 403.526(2) and newly affected agencies ~~s. 403.526~~ necessary  
12 for the preparation of a supplementary report on the proposed  
13 alternate corridor.

14           (e)1. Reviewing agencies shall advise the department  
15 of any issues concerning completeness no later than 15 days  
16 after the submittal of the data required by paragraph (d).  
17 Within 22 days after receipt of the data, the department shall  
18 issue a determination of completeness.

19           2. If the department determines that the data required  
20 by paragraph (d) is not complete, the party proposing the  
21 alternate corridor must file such additional data to correct  
22 the incompleteness. This additional data must be submitted  
23 within 14 days after the determination by the department.

24           3. If the department, within 14 days after receiving  
25 the additional data, determines that the data remains  
26 incomplete, the incompleteness of the data is deemed a  
27 withdrawal of the proposed alternate corridor. The department  
28 may make its determination based on recommendations made by  
29 other affected agencies. ~~If the department determines within~~  
30 ~~15 days that this additional data is insufficient, the party~~  
31 ~~proposing the alternate corridor shall file such additional~~

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1 ~~data that corrects the insufficiency within 15 days after the~~  
 2 ~~filing of the department's determination. If such additional~~  
 3 ~~data is determined insufficient, such insufficiency of data~~  
 4 ~~shall be deemed a withdrawal of the proposed alternate~~  
 5 ~~corridor. The party proposing an alternate corridor shall have~~  
 6 ~~the burden of proof on the certifiability of the alternate~~  
 7 ~~corridor at the certification hearing pursuant to s.~~  
 8 ~~403.529(4). Nothing in this act shall be construed as~~  
 9 ~~requiring the applicant or agencies not proposing the~~  
 10 ~~alternate corridor to submit data in support of such alternate~~  
 11 ~~corridor.~~

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

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

22 (h) The department shall file with the administrative  
 23 law judge, the applicant, and all parties a project ~~prepare a~~  
 24 ~~written~~ analysis consistent with s. 403.526(3) no more than 16  
 25 at least 29 days ~~after submittal of agency reports on~~ ~~prior to~~  
 26 ~~the rescheduled certification hearing addressing the proposed~~  
 27 ~~alternate corridor.~~

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

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1 | corridor. However, an amendment to the application which  
2 | changes the alignment of the applicant's proposed corridor  
3 | shall require rescheduling of the certification hearing, if  
4 | necessary, so as to allow time for a party to file alternate  
5 | corridors to the realigned proposed corridor for which the  
6 | application has been amended. Any ~~such~~ alternate corridor  
7 | proposal shall have the same starting and ending points as the  
8 | realigned portion of the corridor proposed by the applicant's  
9 | amendment, provided that the administrative law judge for good  
10 | cause shown may authorize another starting or ending point in  
11 | the area of the applicant's amended corridor.

12 |       (3)(a) Notwithstanding the rejection of a proposed  
13 | alternate corridor by the applicant or the department, any  
14 | party may present evidence at the certification hearing to  
15 | show that a corridor proper for certification does not satisfy  
16 | the criteria listed in s. 403.529 or that a rejected alternate  
17 | corridor would meet the criteria set forth in s. 403.529. ~~No~~  
18 | Evidence may not ~~shall~~ be admitted at the certification  
19 | hearing on any alternate corridor, unless the alternate  
20 | corridor was proposed by the filing of a notice at least 45 ~~50~~  
21 | days before ~~prior to~~ the originally scheduled certification  
22 | hearing pursuant to this section. Rejected alternate corridors  
23 | shall be considered by the board as provided in s. 403.529(4)  
24 | and (5).

25 |       (b) The party proposing an alternate corridor has the  
26 | burden to prove that the alternate corridor can be certified  
27 | at the certification hearing. This act does not require an  
28 | applicant or agency that is not proposing the alternate  
29 | corridor to submit data in support of the alternate corridor.

30 |       (4) If an alternate corridor is accepted by the  
31 | applicant and the department pursuant to a notice of

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1 acceptance as provided in this subsection and ~~the such~~  
 2 corridor is ultimately determined to be the corridor that  
 3 would meet the criteria set forth in s. 403.529(4) and (5),  
 4 the board shall certify that corridor.

5 Section 52. Section 403.5272, Florida Statutes, is  
 6 amended to read:

7 403.5272 ~~Local governments;~~ Informational public  
 8 meetings.--

9 (1) A local government whose jurisdiction is to be  
 10 crossed by a proposed corridor governments may hold one  
 11 informational public meeting ~~meetings~~ in addition to the  
 12 hearings specifically authorized by this act on any matter  
 13 associated with the transmission line proceeding. ~~The Such~~  
 14 informational public meeting may be conducted by the local  
 15 government or the regional planning council and shall meetings  
 16 ~~should~~ be held no later than 55 ~~80~~ days after the application  
 17 is filed. The purpose of an informational public meeting is  
 18 for the local government or regional planning council to  
 19 further inform the ~~general~~ public about the transmission line  
 20 proposed, obtain comments from the public, and formulate its  
 21 recommendation with respect to the proposed transmission line.

22 (2) Informational public meetings shall be held solely  
 23 at the option of each local government or regional planning  
 24 council. It is the legislative intent that local governments  
 25 or regional planning councils attempt to hold such public  
 26 meetings. Parties to the proceedings under this act shall be  
 27 encouraged to attend; however, a no party other than the  
 28 applicant and the department is not shall be required to  
 29 attend ~~the such~~ informational public meetings ~~hearings~~.

30 (3) A local government or regional planning council  
 31 that intends to conduct an informational public meeting must

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1 provide notice of the meeting, with notice sent to all parties  
2 listed in s. 403.527(2)(a), not less than 5 days before the  
3 meeting.

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

9           Section 53. Section 403.5275, Florida Statutes, is  
10 amended to read:

11           403.5275 Amendment to the application.--

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

15           (2) Any amendment to the application made before ~~prior~~  
16 ~~to~~ certification shall be disposed of as part of the original  
17 certification proceeding. Amendment of the application may be  
18 considered "good cause" for alteration of time limits pursuant  
19 to s. 403.528.

20           Section 54. Section 403.528, Florida Statutes, is  
21 amended to read:

22           403.528 Alteration of time limits.--

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

28           (2) A comprehensive application encompassing more than  
29 one proposed transmission line may be good cause for  
30 alternation of time limits.

31           Section 55. Section 403.529, Florida Statutes, is

1 amended to read:

2 403.529 Final disposition of application.--

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

10 (b) If the administrative law judge does not grant a  
11 request to cancel the certification hearing under the  
12 provisions of s. 403.527(6) within 60 30 days after receipt of  
13 the administrative law judge's recommended order, the board  
14 shall act upon the application by written order, approving in  
15 whole, approving with such conditions as the board deems  
16 appropriate, or denying the certification and stating the  
17 reasons for issuance or denial.

18 (2) The issues that may be raised in any hearing  
19 before the board shall be limited to matters raised in the  
20 certification proceeding before the administrative law judge  
21 or raised in the recommended order of the administrative law  
22 judge. All parties, or their representatives, or persons who  
23 appear before the board shall be subject to ~~the provisions of~~  
24 s. 120.66.

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

29 (4) In determining whether an application should be  
30 approved in whole, approved with modifications or conditions,  
31 or denied, the board, or secretary when applicable, shall

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1 consider whether, and the extent to which, the location of the  
2 transmission line corridor and the construction, operation,  
3 and maintenance of the transmission line will:

4 (a) Ensure electric power system reliability and  
5 integrity;

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

8 (c) Comply with applicable nonprocedural requirements  
9 of agencies;

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

12 (e) Effect a reasonable balance between the need for  
13 the transmission line as a means of providing reliable,  
14 economically efficient electric energy, as determined by the  
15 commission, under s. 403.537, ~~abundant low-cost electrical~~  
16 ~~energy~~ and the impact upon the public and the environment  
17 resulting from the location of the transmission line corridor  
18 and the construction, operation, and maintenance of the  
19 transmission lines.

20 (5)(a) Any transmission line corridor certified by the  
21 board, or secretary if applicable, shall meet the criteria of  
22 this section. When more than one transmission line corridor is  
23 proper for certification under ~~pursuant to~~ s. 403.522(10) and  
24 meets the criteria of this section, the board, or secretary if  
25 applicable, shall certify the transmission line corridor that  
26 has the least adverse impact regarding the criteria in  
27 subsection (4), including costs.

28 (b) If the board, or secretary if applicable, finds  
29 that an alternate corridor rejected pursuant to s. 403.5271  
30 meets the criteria of subsection (4) and has the least adverse  
31 impact regarding the criteria in subsection (4), including



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1 cost, of all corridors that meet the criteria of subsection  
 2 (4), ~~then~~ the board, or secretary if applicable, shall deny  
 3 certification or shall allow the applicant to submit an  
 4 amended application to include the ~~such~~ corridor.

5 (c) If the board, or secretary if applicable, finds  
 6 that two or more of the corridors that comply with ~~the~~  
 7 ~~provisions of~~ subsection (4) have the least adverse impacts  
 8 regarding the criteria in subsection (4), including costs, and  
 9 that the ~~such~~ corridors are substantially equal in adverse  
 10 impacts regarding the criteria in subsection (4), including  
 11 costs, ~~then~~ the board, or secretary if applicable, shall  
 12 certify the corridor preferred by the applicant if the  
 13 corridor is one proper for certification under ~~pursuant to~~ s.  
 14 403.522(10).

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

18 Section 56. Section 403.531, Florida Statutes, is  
 19 amended to read:

20 403.531 Effect of certification.--

21 (1) Subject to the conditions set forth therein,  
 22 certification shall constitute the sole license of the state  
 23 and any agency as to the approval of the location of  
 24 transmission line corridors and the construction, operation,  
 25 and maintenance of transmission lines. The certification is  
 26 ~~shall be~~ valid for the life of the transmission line, if  
 27 ~~provided that~~ construction on, or condemnation or acquisition  
 28 of, the right-of-way is commenced within 5 years after ~~of~~ the  
 29 date of certification or such later date as may be authorized  
 30 by the board.

31 (2)(a) The certification authorizes ~~shall authorize~~

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1 the licensee ~~applicant~~ to locate the transmission line  
2 corridor and to construct and maintain the transmission lines  
3 subject only to the conditions of certification set forth in  
4 the ~~such~~ certification.

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

22 (3)(a) The certification shall be in lieu of any  
23 license, permit, certificate, or similar document required by  
24 any state, regional, or local agency under ~~pursuant to~~, but  
25 not limited to, chapter 125, chapter 161, chapter 163, chapter  
26 166, chapter 186, chapter 253, chapter 258, chapter 298,  
27 chapter 370, chapter 372, chapter 373, chapter 376, chapter  
28 380, chapter 381, ~~chapter 387~~, chapter 403, chapter 404, the  
29 Florida Transportation Code, or 33 U.S.C. s. 1341.

30 (b) On certification, any license, easement, or other  
31 interest in state lands, except those the title of which is

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1 vested in the Board of Trustees of the Internal Improvement  
 2 Trust Fund, shall be issued by the appropriate agency as a  
 3 ministerial act. The applicant shall ~~be required to~~ seek any  
 4 necessary interest in state lands the title to which is vested  
 5 in the Board of Trustees of the Internal Improvement Trust  
 6 Fund from the board of trustees before, during, or after the  
 7 certification proceeding, and certification may be made  
 8 contingent upon issuance of the appropriate interest in  
 9 realty. However, ~~neither~~ the applicant and ~~nor~~ any party to  
 10 the certification proceeding may not directly or indirectly  
 11 raise or relitigate any matter that ~~which~~ was or could have  
 12 been an issue in the certification proceeding in any  
 13 proceeding before the Board of Trustees of the Internal  
 14 Improvement Trust Fund wherein the applicant is seeking a  
 15 necessary interest in state lands, but the information  
 16 presented in the certification proceeding shall be available  
 17 for review by the board of trustees and its staff.

18 (4) This act does ~~shall~~ not in any way affect the  
 19 ratemaking powers of the commission under chapter 366. This  
 20 act does ~~shall also~~ not in any way affect the right of any  
 21 local government to charge appropriate fees or require that  
 22 construction be in compliance with the National Electrical  
 23 Safety Code, as prescribed by the commission.

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

29 Section 57. Section 403.5312, Florida Statutes, is  
 30 amended to read:

31 403.5312 Filing ~~Recording~~ of notice of certified

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1 | corridor route.--

2 |       (1) Within 60 days after certification of a directly  
3 | associated transmission line under ~~pursuant to~~ ss.  
4 | 403.501-403.518 or a transmission line corridor under ~~pursuant~~  
5 | ~~to~~ ss. 403.52-403.5365, the applicant shall file with the  
6 | department and, in accordance with s. 28.222, with the clerk  
7 | of the circuit court for each county through which the  
8 | corridor will pass, a notice of the certified route.

9 |       (2) The notice must ~~shall~~ consist of maps or aerial  
10 | photographs in the scale of 1:24,000 which clearly show the  
11 | location of the certified route and must ~~shall~~ state that the  
12 | certification of the corridor will result in the acquisition  
13 | of rights-of-way within the corridor. Each clerk shall record  
14 | the filing in the official record of the county for the  
15 | duration of the certification or until such time as the  
16 | applicant certifies to the department and the clerk that all  
17 | lands required for the transmission line rights-of-way within  
18 | the corridor have been acquired within the ~~such~~ county,  
19 | whichever is sooner.

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

22 |       Section 58. Section 403.5315, Florida Statutes, is  
23 | amended to read:

24 |       403.5315 Modification of certification.--A  
25 | certification may be modified after issuance in any one of the  
26 | following ways:

27 |       (1) The board may delegate to the department the  
28 | authority to modify specific conditions in the certification.

29 |       (2) The licensee may file a petition for modification  
30 | with the department or the department may initiate the  
31 | modification upon its own initiative.

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

2            1. The proposed modification;

3            2. The factual reasons asserted for the modification;

4        and

5            3. The anticipated additional environmental effects of  
6        the proposed modification.

7            ~~(b)(2)~~ The department may modify the terms and  
8 conditions of the certification if no party objects in writing  
9 to the ~~such~~ modification within 45 days after notice by mail  
10 to the last address of record in the certification proceeding,  
11 and if no other person whose substantial interests will be  
12 affected by the modification objects in writing within 30 days  
13 after issuance of public notice.

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

18            (d) A request for hearing referred to the Division of  
19 Administrative Hearings shall be disposed of in the same  
20 manner as an application but with time periods established by  
21 the administrative law judge commensurate with the  
22 significance of the modification requested. ~~If objections are~~  
23 raised, the applicant may file a petition for modification  
24 pursuant to subsection (3).

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

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

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

30        ~~and~~

31            ~~(c) The anticipated additional environmental effects~~

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1 ~~of the proposed modification.~~

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

7 Section 59. Section 403.5317, Florida Statutes, is  
8 created to read:

9 403.5317 Postcertification activities.--

10 (1)(a) If, subsequent to certification, a licensee  
11 proposes any material change to the application or prior  
12 amendments, the licensee shall submit to the department a  
13 written request for amendment and description of the proposed  
14 change to the application. The department shall, within 30  
15 days after the receipt of the request for the amendment,  
16 determine whether the proposed change to the application  
17 requires a modification of the conditions of certification.

18 (b) If the department concludes that the change would  
19 not require a modification of the conditions of certification,  
20 the department shall notify, in writing, the licensee, all  
21 agencies, and all parties of the approval of the amendment.

22 (c) If the department concludes that the change would  
23 require a modification of the conditions of certification, the  
24 department shall notify the licensee that the proposed change  
25 to the application requires a request for modification under  
26 s. 403.5315.

27 (2) Postcertification submittals filed by a licensee  
28 with one or more agencies are for the purpose of monitoring  
29 for compliance with the issued certification. Each submittal  
30 must be reviewed by each agency on an expedited and priority  
31 basis because each facility certified under this act is a

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1 critical infrastructure facility. Postcertification review may  
2 not be completed more than 90 days after complete information  
3 for a segment of the certified transmission line is submitted  
4 to the reviewing agencies.

5 Section 60. Section 403.5363, Florida Statutes, is  
6 created to read:

7 403.5363 Public notices; requirements.--

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

10 1. The notices shall be published in newspapers of  
11 general circulation within counties crossed by the  
12 transmission line corridors proper for certification. The  
13 required newspaper notices for filing of an application and  
14 for the certification hearing shall be one-half page in size  
15 in a standard-size newspaper or a full page in a tabloid-size  
16 newspaper and published in a section of the newspaper other  
17 than the section for legal notices. These two notices must  
18 include a map generally depicting all transmission corridors  
19 proper for certification. A newspaper of general circulation  
20 shall be the newspaper within a county crossed by a  
21 transmission line corridor proper for certification which  
22 newspaper has the largest daily circulation in that county and  
23 has its principal office in that county. If the newspaper  
24 having the largest daily circulation has its principal office  
25 outside the county, the notices must appear in both the  
26 newspaper having the largest circulation in that county and in  
27 a newspaper authorized to publish legal notices in that  
28 county.

29 2. The department shall adopt rules specifying the  
30 content of the newspaper notices.

31 3. All notices published by the applicant shall be

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1 paid by the applicant and shall be in addition to the  
2 application fee.

3 (b) Public notices that must be published under this  
4 section include:

5 1. The notice of the filing of an application, which  
6 must include a description of the proceedings required by this  
7 act. The notice must describe the provisions of s. 403.531(1)  
8 and (2) and give the date by which notice of intent to be a  
9 party or a petition to intervene in accordance with s.  
10 403.527(2) must be filed. This notice must be published no  
11 more than 21 days after the application is filed.

12 2. The notice of the certification hearing and any  
13 other public hearing permitted under s. 403.527. The notice  
14 must include the date by which a person wishing to appear as a  
15 party must file the notice to do so. The notice of the  
16 certification hearing must be published at least 65 days  
17 before the date set for the certification hearing.

18 3. The notice of the cancellation of the certification  
19 hearing, if applicable. The notice must be published at least  
20 3 days before the date of the originally scheduled  
21 certification hearing.

22 4. The notice of the filing of a proposal to modify  
23 the certification submitted under s. 403.5315, if the  
24 department determines that the modification would require  
25 relocation or expansion of the transmission line right-of-way  
26 or a certified substation.

27 (2) The proponent of an alternate corridor shall  
28 arrange for the publication of the filing of the proposal for  
29 an alternate corridor, the revised time schedules, the date by  
30 which newly affected persons or agencies may file the notice  
31 of intent to become a party, and the date of the rescheduled



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1 hearing. A notice listed in this subsection must be published  
 2 in a newspaper of general circulation within the county or  
 3 counties crossed by the proposed alternate corridor and comply  
 4 with the content requirements set forth in paragraph (1)(a).  
 5 The notice must be published not less than 50 days before the  
 6 rescheduled certification hearing.

7 (3) The department shall arrange for the publication  
 8 of the following notices in the manner specified by chapter  
 9 120:

10 (a) The notice of the filing of an application and the  
 11 date by which a person intending to become a party must file  
 12 the notice of intent. The notice must be published no later  
 13 than 21 days after the application has been filed.

14 (b) The notice of any administrative hearing for  
 15 certification, if applicable. The notice must be published not  
 16 less than 65 days before the date set for a hearing, except  
 17 that notice for a rescheduled certification hearing after  
 18 acceptance of an alternative corridor must be published not  
 19 less than 50 days before the date set for the hearing.

20 (c) The notice of the cancellation of a certification  
 21 hearing, if applicable. The notice must be published not later  
 22 than 7 days before the date of the originally scheduled  
 23 certification hearing.

24 (d) The notice of the hearing before the siting board,  
 25 if applicable.

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

28 Section 61. Section 403.5365, Florida Statutes, is  
 29 amended to read:

30 403.5365 Fees; disposition.--The department shall  
 31 charge the applicant the following fees, as appropriate,

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1 which, unless otherwise specified, shall be paid into the  
2 Florida Permit Fee Trust Fund:

3 (1) An application fee.

4 (a) The application fee shall be of \$100,000, plus  
5 \$750 per mile for each mile of corridor in which the  
6 transmission line right-of-way is proposed to be located  
7 within an existing electric ~~electrical~~ transmission line  
8 right-of-way or within any existing right-of-way for any road,  
9 highway, railroad, or other aboveground linear facility, or  
10 \$1,000 per mile for each mile of electric transmission line  
11 corridor proposed to be located outside the ~~such~~ existing  
12 right-of-way.

13 (b)~~(a)~~ Sixty percent of the fee shall go to the  
14 department to cover any costs associated with coordinating the  
15 review of ~~reviewing~~ and acting upon the application and any  
16 costs for field services associated with monitoring  
17 construction and operation of the electric transmission line  
18 facility.

19 (c)~~(b)~~ The following percentage ~~Twenty percent of the~~  
20 ~~fees specified under this section, except postcertification~~  
21 ~~fees,~~ shall be transferred to the Administrative Trust Fund of  
22 the Division of Administrative Hearings of the Department of  
23 Management Services:-

24 1. Five percent to compensate for expenses from the  
25 initial exercise of duties associated with the filing of an  
26 application.

27 2. An additional 10 percent if an administrative  
28 hearing under s. 403.527 is held.

29 (d)1.~~(c)~~ Upon written request with proper itemized  
30 accounting within 90 days after final agency action by the  
31 siting board or the department or the withdrawal of the

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1 application, the agencies that prepared reports under s.  
2 403.526 or s. 403.5271 or participated in a hearing under s.  
3 403.527 or s. 403.5271 may submit a written request to the  
4 department for reimbursement of expenses incurred during the  
5 certification proceedings. The request must contain an  
6 accounting of expenses incurred, which may include time spent  
7 reviewing the application, department shall reimburse the  
8 ~~expenses and costs of the Department of Community Affairs, the~~  
9 ~~Fish and Wildlife Conservation Commission, the water~~  
10 ~~management district, regional planning council, and local~~  
11 ~~government in the jurisdiction of which the transmission line~~  
12 ~~is to be located. Such reimbursement shall be authorized for~~  
13 ~~the preparation of any studies required of the agencies by~~  
14 ~~this act, and for agency travel and per diem to attend any~~  
15 ~~hearing held under pursuant to this act, and for the local~~  
16 ~~government or regional planning council providing additional~~  
17 ~~notice of the informational public meeting. The department~~  
18 ~~shall review the request and verify whether a claimed expense~~  
19 ~~is valid. Valid expenses shall be reimbursed; however, if to~~  
20 ~~participate in the proceedings. In the event the amount of~~  
21 ~~funds available for reimbursement allocation is insufficient~~  
22 ~~to provide for full compensation complete reimbursement to the~~  
23 agencies, reimbursement shall be on a prorated basis.

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

27 (e)(d) If any sums are remaining, the department shall  
28 retain them for its use in the same manner as is otherwise  
29 authorized by this section; ~~provided~~, however, ~~that~~ if the  
30 certification application is withdrawn, the remaining sums  
31 shall be refunded to the applicant within 90 days after

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1 withdrawal.

2 (2) An amendment fee.

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

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

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

13 (3) A certification modification fee.

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

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

22 Section 62. Subsection (1) of section 403.537, Florida  
23 Statutes, is amended to read:

24 403.537 Determination of need for transmission line;  
25 powers and duties.--

26 (1)(a) Upon request by an applicant or upon its own  
27 motion, the Florida Public Service Commission shall schedule a  
28 public hearing, after notice, to determine the need for a  
29 transmission line regulated by the Florida Electric  
30 Transmission Line Siting Act, ss. 403.52-403.5365. The ~~Such~~  
31 notice shall be published at least 21 ~~45~~ days before the date

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1 set for the hearing and shall be published by the applicant in  
 2 at least one-quarter page size notice in newspapers of general  
 3 circulation, and by the commission in the manner specified in  
 4 chapter 120 in the Florida Administrative Weekly, by giving  
 5 notice to counties and regional planning councils in whose  
 6 jurisdiction the transmission line could be placed, and by  
 7 giving notice to any persons who have requested to be placed  
 8 on the mailing list of the commission for this purpose. Within  
 9 21 days after receipt of a request for determination by an  
 10 applicant, the commission shall set a date for the hearing.  
 11 The hearing shall be held pursuant to s. 350.01 within 45 days  
 12 after the filing of the request, and a decision shall be  
 13 rendered within 60 days after such filing.

14 (b) The commission shall be the sole forum in which to  
 15 determine the need for a transmission line. The need for a  
 16 transmission line may not be raised or be the subject of  
 17 review in another proceeding.

18 (c)(b) In the determination of need, the commission  
 19 shall take into account the need for electric system  
 20 reliability and integrity, the need for abundant, low-cost  
 21 electrical energy to assure the economic well-being of the  
 22 residents ~~citizens~~ of this state, the appropriate starting and  
 23 ending point of the line, and other matters within its  
 24 jurisdiction deemed relevant to the determination of need. The  
 25 appropriate starting and ending points of the electric  
 26 transmission line must be verified by the commission in its  
 27 determination of need.

28 (d)(c) The determination by the commission of the need  
 29 for the transmission line, as defined in s. 403.522(22) ~~s.~~  
 30 ~~403.522(21)~~, is binding on all parties to any certification  
 31 proceeding under ~~pursuant to~~ the Florida Electric Transmission

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1 Line Siting Act and is a condition precedent to the conduct of  
2 the certification hearing prescribed therein. An order entered  
3 pursuant to this section constitutes final agency action.

4 Section 63. Subsection (3) of section 373.441, Florida  
5 Statutes, is amended to read:

6 373.441 Role of counties, municipalities, and local  
7 pollution control programs in permit processing.--

8 (3) The department shall review environmental resource  
9 permit applications for electrical distribution and  
10 transmission lines and other facilities related to the  
11 production, transmission, and distribution of electricity  
12 which are not certified under ss. 403.52-403.5365, the Florida  
13 Electric Transmission Line Siting Act, regulated under this  
14 part.

15 Section 64. Subsection (30) of section 403.061,  
16 Florida Statutes, is amended to read:

17 403.061 Department; powers and duties.--The department  
18 shall have the power and the duty to control and prohibit  
19 pollution of air and water in accordance with the law and  
20 rules adopted and promulgated by it and, for this purpose, to:

21 (30) Establish requirements by rule that reasonably  
22 protect the public health and welfare from electric and  
23 magnetic fields associated with existing 230 kV or greater  
24 electrical transmission lines, new 230 kV and greater  
25 electrical transmission lines for which an application for  
26 certification under the Florida Electric Transmission Line  
27 Siting Act, ss. 403.52-403.5365, is not filed, new or existing  
28 electrical transmission or distribution lines with voltage  
29 less than 230 kV, and substation facilities. Notwithstanding  
30 any other provision in this chapter or any other law of this  
31 state or political subdivision thereof, the department shall

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1 have exclusive jurisdiction in the regulation of electric and  
 2 magnetic fields associated with all electrical transmission  
 3 and distribution lines and substation facilities. However,  
 4 nothing herein shall be construed as superseding or repealing  
 5 the provisions of s. 403.523(1) and (10).

6  
 7 The department shall implement such programs in conjunction  
 8 with its other powers and duties and shall place special  
 9 emphasis on reducing and eliminating contamination that  
 10 presents a threat to humans, animals or plants, or to the  
 11 environment.

12 Section 65. Paragraph (a) of subsection (3) of section  
 13 403.0876, Florida Statutes, is amended to read:

14 403.0876 Permits; processing.--

15 (3)(a) The department shall establish a special unit  
 16 for permit coordination and processing to provide expeditious  
 17 processing of department permits which the district offices  
 18 are unable to process expeditiously and to provide accelerated  
 19 processing of certain permits or renewals for economic and  
 20 operating stability. The ability of the department to process  
 21 applications under ~~pursuant to~~ this subsection in a more  
 22 timely manner than allowed by subsections (1) and (2) is  
 23 dependent upon the timely exchange of information between the  
 24 applicant and the department and the intervention of outside  
 25 parties as allowed by law. An applicant may request the  
 26 processing of its permit application by the special unit if  
 27 the application is from an area of high unemployment or low  
 28 per capita income, is from a business or industry that is the  
 29 primary employer within an area's labor market, or is in an  
 30 industry with respect to which the complexities involved in  
 31 the review of the application require special skills uniquely

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1 available in the headquarters office. The department may  
 2 require the applicant to waive the 90-day time limitation for  
 3 department issuance or denial of the permit once for a period  
 4 not to exceed 90 days. The department may require a special  
 5 fee to cover the direct cost of processing special  
 6 applications in addition to normal permit fees and costs. The  
 7 special fee may not exceed \$10,000 per permit required.  
 8 Applications for renewal permits, but not applications for  
 9 initial permits, required for facilities pursuant to the  
 10 Electrical Power Plant Siting Act or the Florida Electric  
 11 Transmission Line Siting Act may be processed under this  
 12 subsection. Personnel staffing the special unit shall have  
 13 lengthy experience in permit processing.

14 Section 66. Paragraph (b) of subsection (3) of section  
 15 403.809, Florida Statutes, is amended to read:

16 403.809 Environmental districts; establishment;  
 17 managers; functions.--

18 (3)

19 (b) The processing of all applications for permits,  
 20 licenses, certificates, and exemptions shall be accomplished  
 21 at the district center or the branch office, except for those  
 22 applications specifically assigned elsewhere in the department  
 23 under s. 403.805 or to the water management districts under s.  
 24 403.812 and those applications assigned by interagency  
 25 agreement as provided in this act. However, the secretary, as  
 26 head of the department, may not delegate to district or  
 27 subdistrict managers, water management districts, or any unit  
 28 of local government the authority to act on the following  
 29 types of permit applications:

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



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1           2. Construction of major air pollution sources.

2           3. Certifications under the Florida Electrical Power  
3 Plant Siting Act or the Florida Electric Transmission Line  
4 Siting Act and the associated permit issued under s. 403.0885,  
5 if applicable.

6           4. Permits issued under s. 403.0885 to steam electric  
7 generating facilities regulated pursuant to 40 C.F.R. part  
8 423.

9           5. Permits issued under s. 378.901.

10           Section 67. Sections 403.5253 and 403.5369, Florida  
11 Statutes, are repealed.

12           Section 68. Section 570.954, Florida Statutes, is  
13 created to read:

14           570.954 Farm to fuel.--

15           (1) This section may be cited as the "Florida Farm to  
16 Fuel Act."

17           (2) The Legislature finds that:

18           (a) Utilization of Florida crops and biomass for  
19 production of bioenergy is important for the state's future  
20 energy stability, protection of its environment, and continued  
21 viability of its agriculture industry.

22           (b) Development of bioenergy will help to reduce  
23 demand for foreign fuels, reduce pollution, and promote  
24 economic growth.

25           (c) Assistance in the production and distribution of  
26 bioenergy in the state is needed.

27           (d) Production of bioenergy in the state is ideal due  
28 to the state's vast amount of farm acreage and mild climate,  
29 which permit crops to be grown virtually year round, and the  
30 availability of other biomass.

31           (3) This section is intended to provide grants to:

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1       (a) Stimulate capital investment in the state and  
2 enhance the market for and promote the production and  
3 distribution of bioenergy.

4       (b) Advance the already growing establishment of  
5 bioenergy technologies in the state and attract additional  
6 bioenergy production to the state.

7       (c) Demonstrate technologies or processes that convert  
8 Florida-grown crops, agricultural wastes and residues, and  
9 other biomass into bioenergy.

10       (4) As used in this section, the term:

11       (a) "Biomass" means a power source that is comprised  
12 of, but not limited to, combustible residues or gases from  
13 forest products manufacturing, agricultural and orchard crops,  
14 waste products from livestock and poultry operations and food  
15 processing, urban wood waste, municipal solid waste, municipal  
16 liquid waste treatment operations, and landfills.

17       (b) "Department" means the Department of Agriculture  
18 and Consumer Services.

19       (c) "Person" means an individual, partnership, joint  
20 venture, private or public corporation, association, firm,  
21 public service company, or any other entity, public or  
22 private, however organized.

23       (5) The Farm to Fuel Grants Program is established  
24 within the department to provide grants for research,  
25 development, and demonstration of commercial applications of  
26 bioenergy technology.

27       (a) Grants made under this section for bioenergy  
28 projects may be made to any person who meets the criteria in  
29 this section.

30       (b) Factors the department may consider in awarding  
31 grants include, but are not limited to, the degree to which:

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1           1. The project stimulates in-state capital investment  
 2 and economic development in metropolitan and rural areas,  
 3 including the creation of jobs and the future development of a  
 4 commercial market for bioenergy.

5           2. The project produces bioenergy from Florida-grown  
 6 crops or biomass.

7           3. The project demonstrates efficient use of energy  
 8 and material resources.

9           4. The project fosters overall understanding and  
 10 appreciation of bioenergy technologies.

11           5. Matching funds and in-kind contributions from an  
 12 applicant are available.

13           6. The project duration and the timeline for  
 14 expenditures are acceptable.

15           7. The project has a reasonable assurance of enhancing  
 16 the value of agricultural products or will expand agribusiness  
 17 in the state.

18           8. Preliminary market and feasibility research has  
 19 been conducted by the applicant or others and shows there is a  
 20 reasonable assurance of a potential market.

21           (c) The department may conduct a statewide  
 22 comprehensive information and education program aimed at  
 23 informing the business sector of the availability of the  
 24 grants while also educating the general public about the  
 25 benefits of renewable energy and the use of alternative fuels.

26           (6) Pursuant to s. 570.0705, the Commissioner of  
 27 Agriculture and Consumer Services may appoint a Florida Farm  
 28 to Fuel Advisory Council consisting of a diverse group of  
 29 stakeholders that includes, but is not limited to,  
 30 representatives of the agriculture industry, researchers, fuel  
 31 suppliers, technology manufacturers, and environmental

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1 interests. The council shall provide advice and counsel to the  
2 Commissioner of Agriculture and Consumer Services on the  
3 production of bioenergy in the state.

4 (7) The department may adopt rules pursuant to ss.  
5 120.536(1) and 120.54 to administer the provisions of this  
6 section.

7 Section 69. The sum of \$5.5 million is appropriated  
8 from the General Revenue Fund to the Department of Agriculture  
9 and Consumer Services for the purpose of implementing s.  
10 570.954(5), Florida Statutes.

11 Section 70. Section 220.192, Florida Statutes, is  
12 created to read:

13 220.192 Farm to fuel production tax credit.--

14 (1) For tax years beginning on or after January 1,  
15 2007, a credit against the tax imposed under this chapter  
16 shall be granted in an amount to be determined as follows:

17 (a) A taxpayer who produces ethanol at a facility  
18 located in this state is entitled to a credit against the  
19 taxpayer's state tax liability equal to the product of 20  
20 cents multiplied by the number of gallons of ethanol produced  
21 at the facility using Florida-grown commodities.

22 (b) A taxpayer who produces biodiesel at a facility  
23 located in this state is entitled to a credit against the  
24 taxpayer's state tax liability equal to the product of 20  
25 cents multiplied by the number of gallons of biodiesel  
26 produced at the facility using Florida-grown commodities.

27 (2) The department shall adopt rules relating to the  
28 forms required to claim a tax credit under this section, the  
29 requirements and basis for establishing an entitlement to a  
30 credit, and the examination and audit procedures required to  
31 administer this section.

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1        (3) This section is repealed July 1, 2010.

2            Section 71. This act shall take effect July 1, 2006.

3  
4

5 ===== T I T L E    A M E N D M E N T =====

6 And the title is amended as follows:

7            Delete everything before the enacting clause

8

9 and insert:

10                                    A bill to be entitled

11            An act relating to energy; creating the Florida  
12            Energy Commission, which is located within the  
13            Office of Legislative Services for  
14            administrative purposes; providing for the  
15            membership of the commission; providing for  
16            appointment, terms of office, and  
17            qualifications of members; providing for voting  
18            members to be reimbursed for per diem and  
19            travel expenses; providing for meetings of the  
20            commission; authorizing the commission to  
21            employ staff; requiring that the commission  
22            develop policy recommendations concerning  
23            specified issues which are based on specified  
24            guidelines; requiring an annual report to the  
25            Governor, Cabinet, and Legislature;  
26            transferring all powers, functions, records,  
27            personnel, property, and unexpended balances of  
28            appropriations of the state energy program  
29            within the Department of Environmental  
30            Protection to the Florida Energy Commission;  
31            providing legislative findings and intent;

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1 creating s. 377.801, F.S.; creating the  
2 "Florida Renewable Energy Technologies and  
3 Energy Efficiency Act"; creating s. 377.802,  
4 F.S.; stating the purpose of the act; creating  
5 s. 377.803, F.S.; providing definitions;  
6 creating s. 377.804, F.S.; creating the  
7 Renewable Energy Technologies Grants Program;  
8 providing program requirements and procedures,  
9 including matching funds; creating s. 377.805,  
10 F.S.; creating the Energy Efficient Appliance  
11 Rebate Program; providing program requirements,  
12 procedures, and limitations; creating s.  
13 377.806, F.S.; creating the Solar Energy System  
14 Rebate Program; providing program requirements,  
15 procedures, and limitations; amending s.  
16 212.08, F.S.; providing definitions for the  
17 terms "biodiesel" and "ethanol"; providing tax  
18 exemptions for the sale or use of certain  
19 energy efficient products; providing  
20 eligibility requirements and tax credit limits;  
21 directing the department to adopt rules;  
22 directing the department to determine and  
23 publish certain information relating to such  
24 exemptions; amending s. 213.053, F.S.;

25 authorizing the Department of Revenue to share  
26 certain information with the Department of  
27 Environmental Protection for specified  
28 purposes; amending s. 220.02, F.S.; providing  
29 the order of application of the renewable  
30 energy technologies investment tax credit;  
31 creating s. 220.192, F.S.; establishing a

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1 corporate tax credit for certain costs related  
2 to renewable energy technologies; providing  
3 eligibility requirements and credit limits;  
4 providing certain authority to the Department  
5 of Environmental Protection and the Department  
6 of Revenue; directing the Department of  
7 Environmental Protection to determine and  
8 publish certain information; providing for  
9 repeal of the tax credit; amending s. 220.13,  
10 F.S.; providing an addition to the definition  
11 of "adjusted federal income"; amending s.  
12 186.801, F.S.; revising the provisions of  
13 electric utility 10-year site plans to include  
14 the effect on fuel diversity; amending s.  
15 366.04, F.S.; revising the safety standards for  
16 public utilities; amending s. 366.05, F.S.;  
17 authorizing the Public Service Commission to  
18 adopt certain construction standards and make  
19 certain determinations; amending s. 403.503,  
20 F.S.; revising and providing definitions  
21 applicable to the Florida Electrical Power  
22 Plant Siting Act; amending s. 403.504, F.S.;  
23 providing the Department of Environmental  
24 Protection with additional powers and duties  
25 relating to the Florida Electrical Power Plant  
26 Siting Act; amending s. 403.5055, F.S.;  
27 revising provisions for certain permits  
28 associated with applications for electrical  
29 power plant certification; amending s. 403.506,  
30 F.S.; revising provisions relating to  
31 applicability and certification of certain

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1 power plants; amending s. 403.5064, F.S.;

2 revising provisions for distribution of

3 applications and schedules relating to

4 certification; amending s. 403.5065, F.S.;

5 revising provisions relating to the appointment

6 of administrative law judges; amending s.

7 403.5066, F.S.; revising provisions relating to

8 the determination of completeness for certain

9 applications; creating s. 403.50663, F.S.;

10 authorizing certain local governments and

11 regional planning councils to hold an

12 informational public meeting; providing

13 requirements and procedures therefor; creating

14 s. 403.50665, F.S.; requiring local governments

15 to file certain land use determinations;

16 providing requirements and procedures therefor;

17 repealing s. 403.5067, F.S.; relating to the

18 determination of sufficiency for certain

19 applications; amending s. 403.507, F.S.;

20 revising required statement provisions for

21 affected agencies; amending s. 403.508, F.S.;

22 revising provisions related to land use and

23 certification proceedings; requiring certain

24 notice; amending s. 403.509, F.S.; revising

25 provisions related to the final disposition of

26 certain applications; providing requirements

27 and provisions with respect thereto; amending

28 s. 403.511, F.S.; revising provisions related

29 to the effect of certification for the

30 construction and operation of proposed power

31 plants; providing that issuance of



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1 certification meets certain consistency  
2 requirements; creating s. 403.5112, F.S.;  
3 requiring filing of notice for certified  
4 corridor routes; providing requirements and  
5 procedures with respect thereto; creating s.  
6 403.5113, F.S.; authorizing postcertification  
7 amendments for power plant site certification  
8 applications; providing requirements and  
9 procedures with respect thereto; amending s.  
10 403.5115, F.S.; requiring certain public notice  
11 for activities related to power plant site  
12 application, certification, and land use  
13 determination; providing requirements and  
14 procedures with respect thereto; directing the  
15 Department of Environmental Protection to  
16 maintain certain lists and provide copies to of  
17 certain publications; amending s. 403.513,  
18 F.S.; revising provisions for judicial review  
19 of appeals related to power plant site  
20 certification; amending s. 403.516, F.S.;  
21 revising provisions relating to modification of  
22 certification for power plant sites; amending  
23 s. 403.517, F.S.; revising the provisions  
24 relating to supplemental applications for  
25 certain power plant sites; amending s.  
26 403.5175, F.S.; revising provisions relating to  
27 existing power plant site certification;  
28 revising the procedure for reviewing and  
29 processing applications; requiring additional  
30 information to be included in certain  
31 applications; amending s. 403.518, F.S.;

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1           revising the allocation of proceeds from  
2           certain fees collected; providing for  
3           reimbursement of certain expenses; directing  
4           the Department of Environmental Protection to  
5           establish rules for determination of certain  
6           fees; eliminating certain operational license  
7           fees; amending s. 403.519, F.S.; directing the  
8           Public Service Commission to consider fuel  
9           diversity and reliability in certain  
10          determinations; amending s. 403.52, F.S.;  
11          changing the short title to the "Florida  
12          Electric Transmission Line Siting Act";  
13          amending s. 403.521, F.S.; revising legislative  
14          intent; amending s. 403.522, F.S.; revising  
15          definitions; defining the terms "licensee" and  
16          "maintenance and access roads"; amending s.  
17          403.523, F.S.; revising powers and duties of  
18          the Department of Environmental Protection;  
19          requiring the department to collect and process  
20          fees, to prepare a project analysis, to act as  
21          clerk for the siting board, and to administer  
22          and manage the terms and conditions of the  
23          certification order and supporting documents  
24          and records; amending s. 403.524, F.S.;  
25          revising provisions for applicability,  
26          certification, and exemptions under the act;  
27          revising provisions for notice by an electric  
28          utility of its intent to construct an exempt  
29          transmission line; amending s. 403.525, F.S.;  
30          providing for powers and duties of the  
31          administrative law judge designated by the

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1 Division of Administrative Hearings to conduct  
2 the required hearings; amending s. 403.5251,  
3 F.S.; revising application procedures and  
4 schedules; providing for the formal date of  
5 filing an application for certification and  
6 commencement of the certification review  
7 process; requiring the department to prepare a  
8 proposed schedule of dates for determination of  
9 completeness and other significant dates to be  
10 followed during the certification process;  
11 providing for the formal date of application  
12 distribution; requiring the applicant to  
13 provide notice of filing the application;  
14 amending s. 403.5252, F.S.; revising timeframes  
15 and procedures for determination of  
16 completeness of the application; requiring the  
17 department to consult with affected agencies;  
18 revising requirements for the department to  
19 file a statement of its determination of  
20 completeness with the Division of  
21 Administrative Hearings, the applicant, and all  
22 parties within a certain time after  
23 distribution of the application; revising  
24 requirements for the applicant to file a  
25 statement with the department, the division,  
26 and all parties, if the department determines  
27 the application is not complete; providing for  
28 the statement to notify the department whether  
29 the information will be provided; revising  
30 timeframes and procedures for contests of the  
31 determination by the department; providing for

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1 parties to a hearing on the issue of  
2 completeness; amending s. 403.526, F.S.;  
3 revising criteria and procedures for  
4 preliminary statements of issues, reports, and  
5 studies; revising timeframes; requiring that  
6 the preliminary statement of issues from each  
7 affected agency be submitted to the department  
8 and the applicant; revising criteria for the  
9 Department of Community Affairs' report;  
10 requiring the Department of Transportation, the  
11 Public Service Commission, and any other  
12 affected agency to prepare a project report;  
13 revising required content of the report;  
14 providing for notice of any nonprocedural  
15 requirements not listed in the application;  
16 providing for failure to provide such  
17 notification; providing for a recommendation  
18 for approval or denial of the application;  
19 providing that receipt of an affirmative  
20 determination of need is a condition precedent  
21 to further processing of the application;  
22 requiring that the department prepare a project  
23 analysis to be filed with the administrative  
24 law judge and served on all parties within a  
25 certain time; amending s. 403.527, F.S.;  
26 revising procedures and timeframes for the  
27 certification hearing conducted by the  
28 administrative law judge; revising provisions  
29 for notices and publication of notices, public  
30 hearings held by local governments, testimony  
31 at the public-hearing portion of the

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1 certification hearing, the order of  
2 presentations at the hearing, and consideration  
3 of certain communications by the administrative  
4 law judge; requiring the applicant to pay  
5 certain expenses and costs; requiring the  
6 administrative law judge to issue a recommended  
7 order disposing of the application; requiring  
8 that certain notices be made in accordance with  
9 specified requirements and within a certain  
10 time; requiring the Department of  
11 Transportation to be a party to the  
12 proceedings; providing for the administrative  
13 law judge to cancel the certification hearing  
14 and relinquish jurisdiction to the Department  
15 of Environmental Protection upon request by the  
16 applicant or the department; requiring the  
17 department and the applicant to publish notice  
18 of such cancellation; providing for parties to  
19 submit proposed recommended orders to the  
20 department when the certification hearing has  
21 been canceled; providing that the department  
22 prepare a recommended order for final action by  
23 the siting board when the hearing has been  
24 canceled; amending s. 403.5271, F.S.; revising  
25 procedures and timeframes for consideration of  
26 proposed alternate corridors; revising notice  
27 requirements; providing for notice of the  
28 filing of the alternate corridor and revised  
29 time schedules; providing for notice to  
30 agencies newly affected by the proposed  
31 alternate corridor; requiring the person

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1 proposing the alternate corridor to provide all  
2 data to the agencies within a certain time;  
3 providing for a determination by the department  
4 that the data is not complete; providing for  
5 withdrawal of the proposed alternate corridor  
6 upon such determination; requiring that  
7 agencies file reports with the applicant and  
8 the department which address the proposed  
9 alternate corridor; requiring that the  
10 department file with the administrative law  
11 judge, the applicant, and all parties a project  
12 analysis of the proposed alternate corridor;  
13 providing that the party proposing an alternate  
14 corridor has the burden of proof concerning the  
15 certifiability of the alternate corridor;  
16 amending s. 403.5272, F.S.; revising procedures  
17 for informational public meetings; providing  
18 for informational public meetings held by  
19 regional planning councils; revising  
20 timeframes; amending s. 403.5275, F.S.;  
21 revising provisions for amendment to the  
22 application prior to certification; amending s.  
23 403.528, F.S.; providing that a comprehensive  
24 application encompassing more than one proposed  
25 transmission line may be good cause for  
26 altering established time limits; amending s.  
27 403.529, F.S.; revising provisions for final  
28 disposition of the application by the siting  
29 board; providing for the administrative law  
30 judge's or department's recommended order;  
31 amending s. 403.531, F.S.; revising provisions

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1 for conditions of certification; amending s.  
2 403.5312, F.S.; requiring the applicant to file  
3 notice of a certified corridor route with the  
4 department; amending s. 403.5315, F.S.;  
5 revising the circumstances under which a  
6 certification may be modified after the  
7 certification has been issued; providing for  
8 procedures if objections are raised to the  
9 proposed modification; creating s. 403.5317,  
10 F.S.; providing procedures for changes proposed  
11 by the licensee after certification; requiring  
12 the department to determine within a certain  
13 time if the proposed change requires  
14 modification of the conditions of  
15 certification; requiring notice to the  
16 licensee, all agencies, and all parties of  
17 changes that are approved as not requiring  
18 modification of the conditions of  
19 certification; creating s. 403.5363, F.S.;  
20 requiring publication of certain notices by the  
21 applicant, the proponent of an alternate  
22 corridor, and the department; requiring the  
23 department to adopt rules specifying the  
24 content of such notices; amending s. 403.5365,  
25 F.S.; revising application fees and the  
26 distribution of fees collected; revising  
27 procedures for reimbursement of local  
28 governments and regional planning  
29 organizations; amending s. 403.537, F.S.;  
30 revising the schedule for notice of a public  
31 hearing by the Public Service Commission in

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1 order to determine the need for a transmission  
2 line; providing that the commission is the sole  
3 forum in which to determine the need for a  
4 transmission line; amending ss. 373.441,  
5 403.061, 403.0876, and 403.809, F.S.;  
6 conforming terminology to changes made by the  
7 act; repealing ss. 403.5253 and 403.5369, F.S.,  
8 relating to determination of sufficiency of  
9 application or amendment to the application and  
10 the application of the act to applications  
11 filed before a certain date; creating s.  
12 570.954, F.S.; providing a short title;  
13 providing legislative findings; providing  
14 purposes; providing definitions; establishing  
15 the Farm to Fuel Grants Program; providing  
16 criteria for distribution of grants;  
17 authorizing appointment of an advisory council;  
18 providing purposes; providing membership;  
19 authorizing the department to adopt rules;  
20 providing an appropriation; creating s.  
21 220.192, F.S.; providing certain tax credits  
22 for certain producers of ethanol and biodiesel;  
23 authorizing the Department of Revenue to adopt  
24 certain rules relating to the tax credits;  
25 providing for future repeal of the tax credits;  
26 providing an effective date.

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