

1 Energy Efficiency Act"; creating s. 377.802,
2 F.S.; stating the purpose of the act; creating
3 s. 377.803, F.S.; providing definitions;
4 creating s. 377.804, F.S.; creating the
5 Renewable Energy Technologies Grants Program;
6 providing program requirements and procedures,
7 including matching funds; creating s. 377.805,
8 F.S.; creating the Energy Efficient Appliance
9 Rebate Program; providing program requirements,
10 procedures, and limitations; creating s.
11 377.806, F.S.; creating the Solar Energy System
12 Incentives Program; providing definitions;
13 providing for solar development funding;
14 creating the solar photovoltaic incentive
15 program; providing eligibility requirements;
16 providing rebate amounts; creating the solar
17 thermal incentive program; providing for
18 eligibility; providing rebate amounts;
19 providing rulemaking authority to the Public
20 Service Commission; requiring the Florida Solar
21 Energy Center to certify the performance of
22 solar equipment sold and installed in the
23 state; amending s. 212.08, F.S.; providing
24 definitions for the terms "biodiesel" and
25 "ethanol"; providing tax exemptions for the
26 sale or use of certain energy efficient
27 products; providing eligibility requirements
28 and tax credit limits; directing the department
29 to adopt rules; directing the department to
30 determine and publish certain information
31 relating to such exemptions; amending s.

1 213.053, F.S.; authorizing the Department of
2 Revenue to share certain information with the
3 Department of Environmental Protection for
4 specified purposes; amending s. 220.02, F.S.;
5 providing the order of application of the
6 renewable energy technologies investment tax
7 credit; creating s. 220.192, F.S.; establishing
8 a corporate tax credit for certain costs
9 related to renewable energy technologies;
10 providing eligibility requirements and credit
11 limits; providing certain authority to the
12 Department of Environmental Protection and the
13 Department of Revenue; directing the Department
14 of Environmental Protection to determine and
15 publish certain information; creating ss.
16 220.193 and 212.099, F.S.; establishing
17 renewable energy production tax credits;
18 providing definitions; authorizing the
19 Department of Revenue to adopt rules for
20 claiming the tax credits; creating s. 220.194,
21 F.S.; establishing the renewable energy
22 production tax credit; providing definitions;
23 providing a tax credit for utilities against
24 sales of renewable Florida energy pursuant to
25 an approved renewable energy project or
26 contract; providing for the carryforward of
27 unused tax credits; authorizing the Department
28 of Revenue to adopt rules; amending s. 220.13,
29 F.S.; providing an addition to the definition
30 of "adjusted federal income"; amending s.
31 186.801, F.S.; revising the provisions of

1 electric utility 10-year site plans to include
2 the effect on fuel diversity; amending s.
3 366.04, F.S.; revising the safety standards for
4 public utilities; amending s. 366.05, F.S.;
5 authorizing the Public Service Commission to
6 adopt certain construction standards and make
7 certain determinations; amending s. 403.503,
8 F.S.; revising and providing definitions
9 applicable to the Florida Electrical Power
10 Plant Siting Act; amending s. 403.504, F.S.;
11 providing the Department of Environmental
12 Protection with additional powers and duties
13 relating to the Florida Electrical Power Plant
14 Siting Act; amending s. 403.5055, F.S.;
15 revising provisions for certain permits
16 associated with applications for electrical
17 power plant certification; amending s. 403.506,
18 F.S.; revising provisions relating to
19 applicability and certification of certain
20 power plants; amending s. 403.5064, F.S.;
21 revising provisions for distribution of
22 applications and schedules relating to
23 certification; amending s. 403.5065, F.S.;
24 revising provisions relating to the appointment
25 of administrative law judges; amending s.
26 403.5066, F.S.; revising provisions relating to
27 the determination of completeness for certain
28 applications; creating s. 403.50663, F.S.;
29 authorizing certain local governments and
30 regional planning councils to hold an
31 informational public meeting; providing

1 requirements and procedures therefor; creating
2 s. 403.50665, F.S.; requiring local governments
3 to file certain land use determinations;
4 providing requirements and procedures therefor;
5 repealing s. 403.5067, F.S.; relating to the
6 determination of sufficiency for certain
7 applications; amending s. 403.507, F.S.;
8 revising required statement provisions for
9 affected agencies; amending s. 403.508, F.S.;
10 revising provisions related to land use and
11 certification proceedings; requiring certain
12 notice; amending s. 403.509, F.S.; revising
13 provisions related to the final disposition of
14 certain applications; providing requirements
15 and provisions with respect thereto; amending
16 s. 403.511, F.S.; revising provisions related
17 to the effect of certification for the
18 construction and operation of proposed power
19 plants; providing that issuance of
20 certification meets certain consistency
21 requirements; creating s. 403.5112, F.S.;
22 requiring filing of notice for certified
23 corridor routes; providing requirements and
24 procedures with respect thereto; creating s.
25 403.5113, F.S.; authorizing postcertification
26 amendments for power plant site certification
27 applications; providing requirements and
28 procedures with respect thereto; amending s.
29 403.5115, F.S.; requiring certain public notice
30 for activities related to power plant site
31 application, certification, and land use

1 determination; providing requirements and
2 procedures with respect thereto; directing the
3 Department of Environmental Protection to
4 maintain certain lists and provide copies to of
5 certain publications; amending s. 403.513,
6 F.S.; revising provisions for judicial review
7 of appeals related to power plant site
8 certification; amending s. 403.516, F.S.;
9 revising provisions relating to modification of
10 certification for power plant sites; amending
11 s. 403.517, F.S.; revising the provisions
12 relating to supplemental applications for
13 certain power plant sites; amending s.
14 403.5175, F.S.; revising provisions relating to
15 existing power plant site certification;
16 revising the procedure for reviewing and
17 processing applications; requiring additional
18 information to be included in certain
19 applications; amending s. 403.518, F.S.;
20 revising the allocation of proceeds from
21 certain fees collected; providing for
22 reimbursement of certain expenses; directing
23 the Department of Environmental Protection to
24 establish rules for determination of certain
25 fees; eliminating certain operational license
26 fees; providing that applications for power
27 plant certification be processed under laws
28 applicable at the time the application is
29 filed; providing exceptions; amending s.
30 403.519, F.S.; directing the Public Service
31 Commission to consider fuel diversity and

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

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

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

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

1 department file with the administrative law
2 judge, the applicant, and all parties a project
3 analysis of the proposed alternate corridor;
4 providing that the party proposing an alternate
5 corridor has the burden of proof concerning the
6 certifiability of the alternate corridor;
7 amending s. 403.5272, F.S.; revising procedures
8 for informational public meetings; providing
9 for informational public meetings held by
10 regional planning councils; revising
11 timeframes; amending s. 403.5275, F.S.;;
12 revising provisions for amendment to the
13 application prior to certification; amending s.
14 403.528, F.S.; providing that a comprehensive
15 application encompassing more than one proposed
16 transmission line may be good cause for
17 altering established time limits; amending s.
18 403.529, F.S.; revising provisions for final
19 disposition of the application by the siting
20 board; providing for the administrative law
21 judge's or department's recommended order;
22 amending s. 403.531, F.S.; revising provisions
23 for conditions of certification; amending s.
24 403.5312, F.S.; requiring the applicant to file
25 notice of a certified corridor route with the
26 department; amending s. 403.5315, F.S.;;
27 revising the circumstances under which a
28 certification may be modified after the
29 certification has been issued; providing for
30 procedures if objections are raised to the
31 proposed modification; creating s. 403.5317,

1 F.S.; providing procedures for changes proposed
2 by the licensee after certification; requiring
3 the department to determine within a certain
4 time if the proposed change requires
5 modification of the conditions of
6 certification; requiring notice to the
7 licensee, all agencies, and all parties of
8 changes that are approved as not requiring
9 modification of the conditions of
10 certification; creating s. 403.5363, F.S.;
11 requiring publication of certain notices by the
12 applicant, the proponent of an alternate
13 corridor, and the department; requiring the
14 department to adopt rules specifying the
15 content of such notices; amending s. 403.5365,
16 F.S.; revising application fees and the
17 distribution of fees collected; revising
18 procedures for reimbursement of local
19 governments and regional planning
20 organizations; amending s. 403.537, F.S.;
21 revising the schedule for notice of a public
22 hearing by the Public Service Commission in
23 order to determine the need for a transmission
24 line; providing that the commission is the sole
25 forum in which to determine the need for a
26 transmission line; amending ss. 373.441,
27 403.061, 403.0876, and 403.809, F.S.;
28 conforming terminology to changes made by the
29 act; repealing ss. 403.5253 and 403.5369, F.S.,
30 relating to determination of sufficiency of
31 application or amendment to the application and

1 the application of the act to applications
2 filed before a certain date; creating s.
3 570.954, F.S.; providing a short title;
4 providing legislative findings; providing
5 purposes; providing definitions; establishing
6 the Farm to Fuel Grants Program; providing
7 criteria for distribution of grants;
8 authorizing appointment of an advisory council;
9 providing purposes; providing membership;
10 authorizing the department to adopt rules;
11 providing an appropriation; creating s.
12 220.195, F.S.; providing certain tax credits
13 for certain producers of ethanol and biodiesel;
14 authorizing the Department of Revenue to adopt
15 certain rules relating to the tax credits;
16 providing for future repeal of the tax credits;
17 requiring a report to the Governor and
18 Legislature; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Florida Energy Commission.--

23 (1) The Florida Energy Commission is created and shall
24 be located within the Office of Legislative Services for
25 administrative purposes. The commission shall be comprised of
26 a total of 19 members, of whom nine shall be voting members
27 and ten shall be nonvoting members, as follows:

28 (a) The voting members shall be appointed as follows:
29 three shall be appointed by the Governor, three shall be
30 appointed by the President of the Senate in consultation with
31 the minority leader, and three shall be appointed by the

1 Speaker of the House of Representatives in consultation with
2 the minority leader. Voting members shall be appointed to
3 4-year terms; however, in order to establish staggered terms,
4 for the initial appointments each appointing official shall
5 appoint one member to a 2-year term, one member to a 3-year
6 term, and one member to a 4-year term. Voting members must
7 meet the following qualifications and restrictions:

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

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

17 a. Have any financial interest, other than ownership
18 of shares in a mutual fund, in any business entity that,
19 directly or indirectly, owns or controls, or is an affiliate
20 or subsidiary of, any business entity that may profit by the
21 policy recommendations developed by the commission.

22 b. Be employed by or engaged in any business activity
23 with any business entity that, directly or indirectly, owns or
24 controls, or is an affiliate or subsidiary of, any business
25 entity that may profit by the policy recommendations developed
26 by the commission.

27 (b) The nonvoting members shall include:

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

29 2. The Public Counsel;

30 3. The Commissioner of Agriculture;

31 4. The Secretary of Environmental Protection;

1 5. The Secretary of Community Affairs;
2 6. The Secretary of Transportation;
3 7. The Secretary of Health;
4 8. The director of the Office of Insurance Regulation;
5 9. The chair of the State Board of Education; and
6 10. The director of the Florida Solar Energy Center.
7 (2) Voting members shall serve without compensation,
8 but are entitled to reimbursement for per diem and travel
9 expenses as provided by s. 112.061, Florida Statutes.
10 Nonvoting members shall serve at the expense of the entity
11 they represent.
12 (3) The Governor shall select the chair. Meetings of
13 the commission shall be held in various locations around the
14 state and at the call of the chair; however, the commission
15 must meet at least twice each year.
16 (4)(a) The commission may employ staff to assist in
17 the performance of its duties, including an executive
18 director, an attorney, a communications person, and an
19 executive assistant. The commission may also appoint technical
20 advisory committees to focus on specific topics within its
21 charge.
22 (b) Agencies whose heads serve as nonvoting members
23 shall supply staff and resources as necessary to provide
24 information needed by the commission.
25 (c) The commission may appoint focus groups to
26 consider specific issues.
27 (5) The commission shall develop recommendations for
28 legislation to establish a state energy policy, giving
29 consideration to the issues set forth in subsections (8) and
30 (9). The recommendations of the commission shall be based on
31 the guiding principles of reliability, efficiency,

1 affordability, and diversity as provided in subsection (7).

2 The commission shall continually review the state energy
3 policy and shall recommend to the Legislature any additional
4 necessary changes or improvements. The commission shall also
5 perform other duties as set forth in general law.

6 (6) The commission shall report by December 31 of each
7 year to the Governor, the Cabinet, the President of the
8 Senate, and the Speaker of the House of Representatives on its
9 progress and recommendations, including draft legislation. The
10 commission's initial report must identify incentives for
11 research, development, or deployment projects involving the
12 goals and issues set forth in this section; set forth
13 recommendations for improvements to the electricity
14 transmission and distribution system, including recommended
15 incentives to encourage electric utilities and local
16 governments to work together in good faith on issues of
17 underground utilities; set forth the appropriate test for the
18 Florida Public Service Commission to use in determining which
19 energy efficiency programs are cost-effective and should be
20 implemented, together with the rationale in selecting the
21 test; and set forth a plan of action, together with a
22 timetable, for addressing the remaining issues.

23 (7) In developing its recommendations, the commission
24 shall be guided by the principles of reliability, efficiency,
25 affordability, and diversity, and more specifically as
26 follows:

27 (a) The state should have a reliable electric supply,
28 with adequate reserves.

29 (b) The transmission and delivery of electricity
30 should be reliable.

31

1 (c) The generation, transmission, and delivery of
2 electricity should be accomplished with the least detriment to
3 the environment and public health.

4 (d) The generation, transmission, and delivery of
5 electricity should be accomplished compatibly with the goals
6 for growth management.

7 (e) Electricity generation, transmission, and delivery
8 facilities should be reasonably secure from damage, taking all
9 factors into consideration, and recovery from damage should be
10 prompt.

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

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

17 (h) In-state research, development, and deployment of
18 alternative energy technologies and alternative motor vehicle
19 fuels should be encouraged.

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

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

24
25 In choosing between conflicting or competing goals, the
26 commission shall balance the projected benefits of affordable,
27 reliable energy supplies against detrimental cost and
28 environmental impacts and recommend the best solution, with a
29 complete and detailed explanation of the factors considered
30 and the rationale for the decision.
31

1 (8) The commission shall develop policy
2 recommendations concerning the following issues relating to
3 electric energy:

4 (a) Are the current projections for growth in
5 population and electricity demand and corresponding projected
6 increases in capacity sufficient to meet needs?

7 (b) With respect to fossil fuels:

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

10 2. Can and should this state reduce its reliance on
11 domestic or foreign petroleum products?

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

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

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

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

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

22 8. Would additional coal plants be beneficial, and if
23 so, what should be done to encourage the construction of such
24 plants?

25 (c) With respect to fuel diversity and alternative
26 energy technology:

27 1. What role does fuel diversity play in maximizing
28 reliability and minimizing costs?

29 2. Would additional nuclear plants be beneficial, and
30 if so, what should be done to encourage the construction of
31 such plants?

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

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

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

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

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

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

18 5. How do these issues affect fuel and generation
19 choices?

20 (e) With respect to demand-side management and
21 efficiency:

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

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

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

28 4. What technology, if any, should be used to
29 encourage advanced metering systems and innovative price
30 signals?

31

1 5. What can the state do as a consumer of energy to
2 decrease its use of energy and to be more efficient in its use
3 of energy?

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

8 (f) With respect to transmission and distribution
9 facilities:

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

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

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

17 4. What are the projections for hurricanes?

18 5. What, if anything, should be done to strengthen or
19 harden transmission facilities or otherwise improve their
20 security and reliability?

21 6. How do fuel and technology choices affect planning
22 for and recovering from hurricanes?

23 7. Should distributed generation be considered as part
24 of the solution for reliability or for the purpose of avoiding
25 additional transmission or generation?

26 8. What types of threats to the electric system, other
27 than hurricanes, should be taken into consideration in this
28 planning?

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

30 1. How can the state best provide adequate energy
31 facilities for existing populations?

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

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

6 4. What changes, if any, should be made to where
7 energy generation, transmission, and distribution facilities
8 are sited, and what changes, if any, should be made to how
9 strategic or essential service facilities are sited relative
10 to those energy supplies?

11 (h) In making all these choices, what, if anything,
12 should be done to avoid or minimize price increases in base
13 rates or recovery clauses for consumers?

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

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

18 2. If encouragement of research is appropriate, what
19 types of research should be encouraged?

20 3. What, if anything, should be done to encourage
21 universities, other state entities, and the private sector to
22 work together in the research, development, and deployment of
23 alternative energy technology, without creating an economic
24 disincentive for any entity?

25 4. What, if anything, should be done in terms of
26 recruiting companies operating in the energy fields to
27 relocate to this state?

28 5. What, if anything, should be done to provide
29 funding or assist in obtaining funding for research or for
30 energy companies in order to further in-state research and the
31 development of energy technologies?

1 6. What state entities should be involved in these
2 functions?

3 7. What are the potential effects of these issues and
4 choices on tourism, agriculture, small businesses, and
5 industry in the state?

6 (9) The commission shall develop policy
7 recommendations concerning the following issues relating to
8 motor vehicle fuels:

9 (a) With respect to fossil fuels:

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

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

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

18 4. What, if anything, should be done relative to
19 ports? What, if anything, should be done to improve port
20 deliveries? What, if anything, should be done to improve the
21 capacity and service at existing ports or to open more ports?

22 5. What, if anything, should be done to encourage
23 pipelines?

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

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

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

30 (b) With respect to alternatives to fossil fuels for
31 motor vehicles:

- 1 1. What, if anything, should be done to encourage the
2 use of alternative fuels?
- 3 2. What, if anything, should be done to produce fuels
4 within this state and to maximize the state's resources?
- 5 3. What facilities for fuel distribution and sales
6 would be necessary, and what, if anything, should be done to
7 encourage the development of these facilities?
- 8 4. What effect would these alternatives have on the
9 recovery from hurricanes or other emergencies?
- 10 5. What can the state do as a consumer of motor
11 vehicle fuels to decrease its use of such fuels and to be more
12 efficient in its use of fuels?
- 13 (c) What can be done to maximize the compatibility of
14 any system changes and growth-management goals and laws?
- 15 (d) With respect to the research, development, and
16 deployment of alternative fuels:
- 17 1. What, if anything, should be done to encourage
18 in-state research, both public and private?
- 19 2. What, if anything, should be done to encourage
20 universities to work together, with other state entities, and
21 with the private sector in the research, development, and
22 deployment of alternative fuels, without creating any
23 disincentive for any entity?
- 24 3. What, if anything, should be done to recruit or
25 encourage companies working with alternative fuels to locate
26 in this state?
- 27 4. What, if anything, should be done to provide
28 funding or assist in obtaining funding for universities, state
29 entities, or the private sector in order to encourage in-state
30 research and development of energy technologies relating to
31 motor vehicles?

1 5. What state entities should be involved in these
2 functions?

3 6. What are the potential effects of these issues and
4 choices on tourism, agriculture, small business, and industry
5 in the state?

6 (10)(a) The commission shall, by December 31, 2006,
7 submit a report to the Governor, the Cabinet, the President of
8 the Senate, and the Speaker of the House of Representatives
9 which recommends consensus-based public-involvement processes
10 to reduce greenhouse gas emissions in this state and to make
11 such reductions and related economic, energy, and
12 environmental co-benefits a state priority.

13 (b) The report must include recommended steps and a
14 schedule for the development of a comprehensive state climate
15 action plan with statewide greenhouse-gas-reduction goals and
16 a range of specific policy options for all economic sectors to
17 be developed through a public-involvement process, including
18 transportation and land use; power generation; residential,
19 commercial, and industrial activities; waste management;
20 agriculture and forestry; emissions-reporting systems; and
21 public education.

22 (c) The climate action plan must include:

23 1. Recommendations for the development of an annual
24 greenhouse-gas-emissions inventory by the Department of
25 Environmental Protection, recommendations for the development
26 of a current comprehensive inventory of state greenhouse gas
27 emissions since 1990 and a similar forecast of state
28 greenhouse gas emissions from the present to the year 2020 or
29 later.

30 2. Recommended steps to identify areas where specific
31 greenhouse-gas-reduction policies are feasible; the costs and

1 benefits of each recommendation; methods for helping
2 individuals, institutions, and businesses reduce emissions; an
3 implementation schedule; and identification of funding
4 requirements for the development and implementation of
5 strategies.

6 3. Consideration of the feasibility of establishing by
7 law a greenhouse-gas-reduction target to lower greenhouse gas
8 emissions in the state below the forecasted levels of
9 emissions growth in the future at maximum achievable levels.

10 (d) The commission may appoint technical advisory
11 committees and technical assistance providers to provide
12 recommendations to assist with the intent of this subsection.

13 Section 2. The state energy program, as authorized and
14 governed by ss. 377.701 and 377.703, Florida Statutes,
15 including all statutory powers, duties, functions, rules,
16 records, personnel, property, and unexpended balances of
17 appropriations, allocations, and other funds associated with
18 the program, is transferred intact by a type two transfer, as
19 defined in s. 20.06(2), Florida Statutes, from the Department
20 of Environmental Protection to the Florida Energy Commission.

21 Section 3. The Florida Public Service Commission shall
22 direct a study of the electric transmission grid in the state.
23 The study shall look at electric system reliability to examine
24 the efficiency and reliability of power transfer and emergency
25 contingency conditions. In addition, the study shall examine
26 the hardening of infrastructure to address issues arising from
27 the 2004 and 2005 hurricane seasons. A report of the results
28 of the study shall be provided to the Governor, the President
29 of the Senate, and the Speaker of the House of Representatives
30 by March 1, 2007.

31

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

23 Section 5. (1) The Florida Public Service Commission
24 shall adopt appropriate goals for increasing the use of
25 Florida renewable energy resources. The commission may change
26 the goals for reasonable cause; however, the time period to
27 review and reset the goals may not exceed 5 years.

28 (2) As used in section, the term "Florida renewable
29 energy resources" means renewable resources as defined in s.
30 366.91(2)(b), Florida Statutes, which are produced in Florida.

31

1 (3) In addition to the avoided cost payments
2 authorized in s. 366.91, Florida Statutes, and in order to
3 promote the production of energy from Florida renewable energy
4 resources, the commission may approve bilateral contracts
5 providing for contract payments to producers of such energy in
6 an amount equal to 50 percent above the utility's full avoided
7 costs as defined in s. 366.051, Florida Statutes.

8 (4) A credit against the tax imposed by chapter 220,
9 Florida Statutes, shall be granted to the utility in an amount
10 equal to the annual cost of contract payments to Florida
11 renewable energy resources which are in excess of the
12 utility's full avoided cost. If the credit is not fully used
13 in any one tax year because of insufficient tax liability on
14 the part of the utility, the unused amount may be used as a
15 credit against the tax liability pursuant to chapter 212,
16 Florida Statutes, or carried forward until it is used against
17 an existing liability under chapter 220 or chapter 212,
18 Florida Statutes. A taxpayer that files a consolidated return
19 in this state as a member of an affiliated group under s.
20 220.131(1), Florida Statutes, may be allowed the credit on a
21 consolidated-return basis up to the amount of tax imposed upon
22 the consolidated group. Any eligible cost for which a credit
23 is claimed and which is deducted or otherwise reduces federal
24 taxable income shall be added back in computing adjusted
25 federal income under s. 220.13, Florida Statutes.

26 Section 6. Section 377.801, Florida Statutes, is
27 created to read:

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

31

1 Section 7. Section 377.802, Florida Statutes, is
2 created to read:

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

16 Section 8. Section 377.803, Florida Statutes, is
17 created to read:

18 377.803 Definitions.--As used in this act, the term:

19 (1) "Act" means the Florida Renewable Energy
20 Technologies and Energy Efficiency Act.

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

24 (3) "Commission" means the Florida Public Service
25 Commission.

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

28 (5) "Energy Star qualified appliance" means a
29 refrigerator, residential model clothes washer including a
30 residential style coin operated clothes washer, or dishwasher
31 that has been designated by the United States Environmental

1 Protection Agency and the United States Department of Energy
2 as meeting or exceeding the energy saving efficiency
3 requirements under each agency's Energy Star program.

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

7 (7) "Renewable energy" means electrical, mechanical,
8 or thermal energy produced from a method that uses one or more
9 of the following fuels or energy sources: hydrogen, biomass,
10 solar energy, geothermal energy, wind energy, ocean energy,
11 waste heat, and hydroelectric power.

12 (8) "Renewable energy technology" means any technology
13 that generates or utilizes a renewable energy resource.

14 (9) "Solar energy system" means equipment that
15 provides for the collection and use of incident solar energy
16 for water heating, space heating or cooling, or other
17 applications that normally require a conventional source of
18 energy such as petroleum products, natural gas, or electricity
19 and that performs primarily with solar energy. In other
20 systems in which solar energy is used in a supplemental way,
21 only those components that collect and transfer solar energy
22 shall be included in this definition.

23 (10) "Solar photovoltaic system" means a device that
24 converts incident sunlight into electrical current.

25 (11) "Solar thermal system" means a device that traps
26 heat from incident sunlight in order to heat water.

27 Section 9. Section 377.804, Florida Statutes, is
28 created to read:

29 377.804 Renewable Energy Technologies Grants
30 Program.--
31

1 (1) The Renewable Energy Technologies Grants Program
2 is established within the department to provide renewable
3 energy matching grants for demonstration, commercialization,
4 research, and development projects relating to renewable
5 energy technologies.

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

9 (a) Municipalities and county governments.

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

12 (c) Universities and colleges in the state.

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

14 (e) Not-for-profit organizations.

15 (f) Other qualified persons, as determined by the
16 department.

17 (3) The department may adopt rules pursuant to ss.
18 120.536(1) and 120.54 to provide for application requirements,
19 provide for ranking of applications, and administer the
20 awarding of grants under this program.

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

23 (a) The availability of matching funds or other
24 in-kind contributions applied to the total project from an
25 applicant. The department shall give greater preference to
26 projects that provide such matching funds or other in-kind
27 contributions.

28 (b) The degree to which the project stimulates
29 in-state capital investment and economic development in
30 metropolitan and rural areas, including the creation of jobs
31

1 and the future development of a commercial market for
2 renewable energy technologies.

3 (c) The extent to which the proposed project has been
4 demonstrated to be technically feasible based on pilot-project
5 demonstrations, laboratory testing, scientific modeling, or
6 engineering or chemical theory that supports the proposal.

7 (d) The degree to which the project incorporates an
8 innovative new technology or an innovative application of an
9 existing technology.

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

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

16 (g) The degree to which the project fosters overall
17 understanding and appreciation of renewable energy
18 technologies.

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

20 (i) Project duration and timeline for expenditures.

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

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

24 (5) The department shall solicit the expertise of
25 other state agencies when evaluating project proposals. State
26 agencies shall cooperate with the Department of Environmental
27 Protection and provide such assistance as requested.

28 Section 10. Section 377.805, Florida Statutes, is
29 created to read:

30 377.805 Energy Efficient Appliance Rebate Program.--
31

1 (1) The Energy Efficient Appliance Rebate Program is
2 established within the department to provide for financial
3 incentives for the purchase of Energy Star qualified
4 appliances as specified in this section.

5 (2) Any resident of the state who purchases a new
6 Energy Star qualified appliance from July 1, 2006, through
7 June 30, 2010, from a retail store in the state is eligible
8 for a rebate of a portion of the purchase price of that Energy
9 Star qualified appliance.

10 (3) The department shall adopt rules pursuant to ss.
11 120.536(1) and 120.54 to designate rebate amounts and
12 administer the issuance of rebates. The department's rules may
13 include separate incentives for low-income families to
14 purchase Energy Star qualified appliances.

15 (4) Application for a rebate must be made within 90
16 days after the purchase of the Energy Star qualified
17 appliance.

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

20 (6) The total dollar amount of all rebates issued by
21 the department is subject to the total amount of
22 appropriations in any fiscal year for this program. If funds
23 are insufficient during the current fiscal year, any requests
24 for rebates received during that fiscal year may be processed
25 during the following fiscal year. A request for rebate
26 received in one fiscal year but processed during the following
27 fiscal year shall be given priority over requests for rebates
28 that are applied for during that following fiscal year.

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

1 Section 11. Section 377.806, Florida Statutes, is
2 created to read:

3 377.806 Florida Solar Energy Incentives Program.--

4 (1) DEFINITIONS.--As used in this section, unless the
5 context otherwise indicates, the following terms have the
6 following meanings:

7 (a) "Approved metering equipment" means a device
8 capable of measuring the energy output of a solar thermal
9 system either in BTU or KWH equivalents that has been approved
10 by the commission.

11 (b) "Certified" means tested by the Florida Solar
12 Energy Center to verify rated output or thermal performance.

13 (c) "Commission" means the Florida Public Service
14 Commission.

15 (d) "Interconnected" means connected to a utility's
16 electrical grid.

17 (e) "Solar photovoltaic system" means a solar energy
18 system, including devices and related equipment, with a peak
19 generating capacity of 100 kilowatts or less used for
20 generating electricity for use in a residence, a place of
21 business, a publicly owned or operated facility, or a facility
22 owned or operated by a private, not-for-profit organization.

23 (f) "Solar thermal system" means a solar energy device
24 that provides domestic hot water for use in a residence, a
25 place of business, a publicly owned or operated facility, or a
26 facility owned or operated by a private, not-for-profit
27 organization.

28 (2) SOLAR ENERGY DEVELOPMENT FUNDING.--The sum of \$1.2
29 million in recurring general revenue is appropriated to the
30 Grants and Donations Trust Fund of the Board of Governors each
31 year for 5 years beginning with the 2006-2007 fiscal year and

1 continuing through the 2010-2011 fiscal year for the purposes
2 of supporting the development of a solar energy product market
3 in the state and implementing this section.

4 (3) SOLAR PHOTOVOLTAIC INCENTIVE PROGRAM.--To the
5 extent that funds are available pursuant to subsection (2), an
6 owner or tenant of property in this state which is a
7 residence, a place of business, a publicly owned or operated
8 facility, or a facility owned or operated by a private,
9 not-for-profit organization is entitled to a rebate for
10 expenditures made by the owner or tenant for a solar
11 photovoltaic system that is installed in accordance with this
12 subsection after July 1, 2006, and that will be
13 interconnected.

14 (a) Eligibility requirements.--A solar photovoltaic
15 system qualifies for a rebate if the system:

- 16 1. Is installed by a state-licensed master
17 electrician, electrical contractor, or solar contractor.
- 18 2. Complies with state interconnection standards as
19 provided by the commission.
- 20 3. Complies with all applicable building codes as
21 defined by the local jurisdictional authority.
- 22 4. Includes minimum service and warranty contracts.

23 (b) Rebate amounts.--The initial rebate amount shall
24 be set at \$4 per watt and decrease by 50 cents per watt each
25 year for 5 years. If the solar equipment is manufactured
26 within the state, the initial rebate amount shall be set at \$5
27 per watt and decrease by 50 cents per watt each year for 5
28 years. In the case of a newly constructed residence, the
29 rebate must be available to the original owner or occupant
30 using the dwelling as his or her principal residence. The
31

1 maximum allowable rebate per solar photovoltaic system
2 installation shall be as follows:
3 1. For a residence, \$20,000.
4 2. For a place of business, a publicly owned or
5 operated facility, or a facility owned or operated by a
6 private, not-for-profit organization, \$100,000.
7 (4) SOLAR THERMAL INCENTIVE PROGRAM.--To the extent
8 that funds are available pursuant to subsection (2), an owner
9 or tenant of property in this state which is a residence, a
10 place of business, a publicly owned or operated facility, or a
11 facility owned or operated by a private, not-for-profit
12 organization is entitled to a rebate for expenditures made by
13 the owner or tenant for a solar thermal system that is
14 installed in accordance with this subsection after July 1,
15 2006.
16 (a) Eligibility requirements.--A solar thermal system
17 qualifies for a rebate if the system:
18 1. Is installed by a state-licensed solar or plumbing
19 contractor.
20 2. Complies with all applicable building codes as
21 defined by the local jurisdictional authority.
22 3. Includes minimum service and warranty contracts.
23 (b) Rebate amounts.--Authorized rebates for
24 installation of solar thermal systems shall be as follows:
25 1. For a residence, the rebate amount is \$300. If the
26 solar collector is manufactured within the state, the rebate
27 amount is \$500.
28 2. For a place of business, a publicly owned or
29 operated facility, or a facility owned or operated by a
30 private, not-for-profit organization, the rebate amount is \$15
31 per 1,000 BTU as certified by the Florida Solar Energy Center.

1 The maximum rebate amount is \$5,000. An approved metering
2 system is required.

3 (5) RULES.--The commission shall adopt rules pursuant
4 to ss. 120.536(1) and 120.54 necessary to administer this
5 section, including amending current interconnection standards
6 for solar energy systems up to 100 kilowatts and providing for
7 net metering of solar energy systems up to 100 kilowatts in
8 accordance with current standards for solar energy systems of
9 the Institute of Electrical and Electronics Engineers, Inc.

10 (6) PERFORMANCE CERTIFICATION.--The Florida Solar
11 Energy Center shall certify the performance of solar equipment
12 sold and installed in the state in accordance with this
13 section and s. 377.705.

14 Section 12. Paragraph (ccc) is added to subsection (7)
15 of section 212.08, Florida Statutes, to read:

16 212.08 Sales, rental, use, consumption, distribution,
17 and storage tax; specified exemptions.--The sale at retail,
18 the rental, the use, the consumption, the distribution, and
19 the storage to be used or consumed in this state of the
20 following are hereby specifically exempt from the tax imposed
21 by this chapter.

22 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to
23 any entity by this chapter do not inure to any transaction
24 that is otherwise taxable under this chapter when payment is
25 made by a representative or employee of the entity by any
26 means, including, but not limited to, cash, check, or credit
27 card, even when that representative or employee is
28 subsequently reimbursed by the entity. In addition, exemptions
29 provided to any entity by this subsection do not inure to any
30 transaction that is otherwise taxable under this chapter
31 unless the entity has obtained a sales tax exemption

1 certificate from the department or the entity obtains or
2 provides other documentation as required by the department.
3 Eligible purchases or leases made with such a certificate must
4 be in strict compliance with this subsection and departmental
5 rules, and any person who makes an exempt purchase with a
6 certificate that is not in strict compliance with this
7 subsection and the rules is liable for and shall pay the tax.
8 The department may adopt rules to administer this subsection.

9 (ccc) Equipment, machinery, and other materials for
10 renewable energy technologies.--

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

12 a. "Biodiesel" means the mono-alkyl esters of
13 long-chain fatty acids derived from plant or animal matter for
14 use as a source of energy and meeting the specifications for
15 biodiesel and biodiesel blends with petroleum products as
16 adopted by the Department of Agriculture and Consumer
17 Services. Biodiesel may refer to biodiesel blends designated
18 BXX, where XX represents the volume percentage of biodiesel
19 fuel in the blend.

20 b. "Ethanol" means nominally anhydrous denatured
21 alcohol produced by the fermentation of plant sugars and
22 meeting the specifications for fuel ethanol and fuel ethanol
23 blends with petroleum products as adopted by the Department of
24 Agriculture and Consumer Services. Ethanol may refer to fuel
25 ethanol blends designated EXX, where XX represents the volume
26 percentage of fuel ethanol in the blend.

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

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

1 a. Hydrogen-powered vehicles, materials incorporated
2 into hydrogen-powered vehicles, and hydrogen-fueling stations,
3 up to \$2 million in tax each state fiscal year.

4 b. Commercial stationary hydrogen fuel cells, up to \$1
5 million in tax each state fiscal year.

6 c. Materials used in the distribution of biodiesel
7 (B10-B100) and ethanol (E10-E100), including fueling
8 infrastructure, transportation, and storage, up to \$1 million
9 in tax each state fiscal year. The costs of retrofitting a
10 gasoline fueling station pump for ethanol (E10-E100)
11 distribution qualifies for the exemption provided by this
12 subsection.

13 3. The Department of Environmental Protection shall
14 provide to the department a list of items eligible for the
15 exemption.

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

18 b. To be eligible to receive the exemption, a
19 purchaser shall file an application with the Department of
20 Environmental Protection. The application shall be developed
21 by the Department of Environmental Protection, in consultation
22 with the department, and shall require:

23 (I) The name and address of the person claiming the
24 refund.

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

28 (III) The sales invoice or other proof of purchase
29 showing the amount of sales tax paid, the date of purchase,
30 and the name and address of the sales tax dealer from whom the
31 property was purchased.

1 (IV) A sworn statement that the information provided
2 is accurate.

3 c. Within 30 days after receipt of an application, the
4 Department of Environmental Protection shall review the
5 application and shall notify the applicant of any
6 deficiencies. Upon receipt of a completed application, the
7 Department of Environmental Protection shall evaluate the
8 application for exemption and issue a written certification
9 that the applicant is eligible for a refund or issue a written
10 denial of such certification within 60 days. The Department of
11 Environmental Protection shall provide the department with a
12 copy of each certification issued upon approval of an
13 application.

14 d. Each certified applicant shall be responsible for
15 forwarding a certified copy of the application and copies of
16 all required documentation to the department within 6 months
17 after certification by the Department of Environmental
18 Protection.

19 e. The provisions of s. 212.095 do not apply to any
20 refund application made pursuant to this paragraph. A refund
21 approved pursuant to this paragraph shall be made within 30
22 days after formal approval by the department.

23 f. The department shall adopt rules governing the
24 manner and form of refund applications and may establish
25 guidelines as to the requisites for an affirmative showing of
26 qualification for exemption under this paragraph.

27 g. The Department of Environmental Protection shall be
28 responsible for ensuring that the exemptions do not exceed the
29 limits provided in subparagraph 2.

30
31

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

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

5 Section 13. Paragraph (y) is added to subsection (7)
6 of section 213.053, Florida Statutes, to read:

7 213.053 Confidentiality and information sharing.--

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

10 (y) Information relative to ss. 212.08(7)(ccc) and
11 220.192 to the Department of Environmental Protection for use
12 in the conduct of its official business.

13
14 Disclosure of information under this subsection shall be
15 pursuant to a written agreement between the executive director
16 and the agency. Such agencies, governmental or
17 nongovernmental, shall be bound by the same requirements of
18 confidentiality as the Department of Revenue. Breach of
19 confidentiality is a misdemeanor of the first degree,
20 punishable as provided by s. 775.082 or s. 775.083.

21 Section 14. Subsection (8) of section 220.02, Florida
22 Statutes, is amended to read:

23 220.02 Legislative intent.--

24 (8) It is the intent of the Legislature that credits
25 against either the corporate income tax or the franchise tax
26 be applied in the following order: those enumerated in s.
27 631.828, those enumerated in s. 220.191, those enumerated in
28 s. 220.181, those enumerated in s. 220.183, those enumerated
29 in s. 220.182, those enumerated in s. 220.1895, those
30 enumerated in s. 221.02, those enumerated in s. 220.184, those
31 enumerated in s. 220.186, those enumerated in s. 220.1845,

1 those enumerated in s. 220.19, those enumerated in s. 220.185,
2 ~~and~~ those enumerated in s. 220.187, and those enumerated in
3 ss. 220.192 and 220.193.

4 Section 15. Section 220.192, Florida Statutes, is
5 created to read:

6 220.192 Renewable energy technologies investment tax
7 credit.--

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

10 (a) "Biodiesel" means biodiesel as defined in s.
11 212.08(7)(ccc).

12 (b) "Eligible costs" means:

13 1. Seventy-five percent of all capital costs,
14 operation and maintenance costs, and research and development
15 costs incurred between July 1, 2006, and June 30, 2010, up to
16 \$3 million per state fiscal year for all taxpayers, in
17 connection with an investment in hydrogen powered vehicles and
18 hydrogen vehicle fueling stations in the state, including, but
19 not limited to, the costs of constructing, installing, and
20 equipping such technologies in the state.

21 2. Seventy-five percent of all capital costs,
22 operation and maintenance costs, and research and development
23 costs incurred between July 1, 2006, and June 30, 2010, up to
24 a limit of \$1.5 million per state fiscal year for all
25 taxpayers, and limited to a maximum of \$12,000 per fuel cell,
26 in connection with an investment in commercial stationary
27 hydrogen fuel cells in the state, including, but not limited
28 to, the costs of constructing, installing, and equipping such
29 technologies in the state.

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

1 costs incurred between July 1, 2006, and June 30, 2010, up to
2 a limit of \$6.5 million per state fiscal year for all
3 taxpayers, in connection with an investment in the production,
4 storage, and distribution of biodiesel (B10-B100) and ethanol
5 (E10-E100) in the state, including, but not limited to, the
6 costs of constructing, installing, and equipping such
7 technologies in the state. The costs of retrofitting a
8 gasoline fueling station pump for ethanol (E10-E100)
9 distribution qualifies as an eligible cost under this
10 subsection.

11 (c) "Ethanol" means ethanol as defined in s.
12 212.08(7)(ccc).

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

15 (2) TAX CREDIT.--For tax years beginning on or after
16 January 1, 2007, a credit against the tax imposed by this
17 chapter shall be granted in an amount equal to the eligible
18 costs. Credits may be used in tax years beginning January 1,
19 2007, through December 31, 2010, after which the credit shall
20 expire. If the credit is not fully used in any one tax year
21 because of insufficient tax liability on the part of the
22 corporation, the unused amount may be carried forward and used
23 in tax years beginning January 1, 2007, through December 31,
24 2012, after which the credit carryover expires and may not be
25 used. A taxpayer that files a consolidated return in this
26 state as a member of an affiliated group under s. 220.131(1)
27 may be allowed the credit on a consolidated return basis up to
28 the amount of tax imposed upon the consolidated group. Any
29 eligible cost for which a credit is claimed and which is
30 deducted or otherwise reduces federal taxable income shall be
31

1 added back in computing adjusted federal income under s.
2 220.13.

3 (3) APPLICATION PROCESS.--Any corporation wishing to
4 obtain tax credits available under this section must submit to
5 the Department of Environmental Protection an application for
6 tax credit that includes a complete description of all
7 eligible costs for which the corporation is seeking a credit
8 and a description of the total amount of credits sought. The
9 Department of Environmental Protection shall make a
10 determination on the eligibility of the applicant for the
11 credits sought and certify the determination to the applicant
12 and the Department of Revenue. The corporation must attach the
13 Department of Environmental Protection's certification to the
14 tax return on which the credit is claimed. The Department of
15 Environmental Protection shall ensure that the corporate
16 income tax credits granted in each fiscal year do not exceed
17 the tax credit limits set forth in this section. The
18 Department of Environmental Protection is authorized to adopt
19 the necessary rules, guidelines, and application materials for
20 the application process.

21 (4) ADMINISTRATION; AUDIT AUTHORITY; RECAPTURE OF
22 CREDITS.--

23 (a) In addition to its existing audit and
24 investigation authority, the Department of Revenue may perform
25 any additional financial and technical audits and
26 investigations, including examining the accounts, books, and
27 records of the tax credit applicant, that are necessary to
28 verify the eligible costs included in the tax credit return
29 and to ensure compliance with this section. The Department of
30 Environmental Protection shall provide technical assistance
31

1 when requested by the Department of Revenue on any technical
2 audits or examinations performed pursuant to this section.

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

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

24 (d) The taxpayer shall file with the Department of
25 Revenue an amended return or such other report as the
26 Department of Revenue prescribes by rule and shall pay any
27 required tax and interest within 60 days after the taxpayer
28 receives notification from the Department of Environmental
29 Protection that previously approved tax credits have been
30 revoked or modified. If the revocation or modification order
31 is contested, the taxpayer shall file as provided in this

1 paragraph within 60 days after a final order is issued
2 following proceedings.

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

10 (5) RULES.--The Department of Revenue shall have the
11 authority to adopt rules relating to the forms required to
12 claim a tax credit under this section, the requirements and
13 basis for establishing an entitlement to a credit, and the
14 examination and audit procedures required to administer this
15 section.

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

19 Section 16. Section 220.193, Florida Statutes, is
20 created to read:

21 220.193 Renewable energy production credit.--

22 (1) The purpose of this section is to promote the
23 development of renewable energy in Florida.

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

25 (a) "Commission" means the Florida Public Service
26 Commission.

27 (b) "Florida renewable energy resources" means
28 renewable resources as defined in s. 366.91(2)(b) which are
29 produced in Florida.

30 (c) "Renewable energy credit" means the tax credit
31 described in s. 366.92.

1 (3) The department may adopt rules necessary to
2 administer this section, including rules prescribing forms,
3 the documentation needed to substantiate a claim for the tax
4 credit, and the specific procedures and guidelines for
5 claiming the credit.

6 Section 17. Section 212.099, Florida Statutes, is
7 created to read:

8 212.099 Renewable energy production credit.--

9 (1) The purpose of this section is to promote the
10 development of renewable energy in Florida.

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

12 (a) "Commission" means the Florida Public Service
13 Commission.

14 (b) "Florida renewable energy resources" means
15 renewable resources as defined in s. 366.91(2)(b) which are
16 produced in Florida.

17 (c) "Renewable energy credit" means the tax credit
18 described in s. 366.92.

19 (3) The department may adopt rules necessary to
20 administer this section, including rules prescribing forms,
21 the documentation needed to substantiate a claim for the tax
22 credit, and the specific procedures and guidelines for
23 claiming the credit.

24 Section 18. Section 220.194, Florida Statutes, is
25 created to read:

26 Section 220.194, Renewable energy production credit.--

27 (1) The purpose of this section is to encourage the
28 generation of renewable energy in this state.

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

30 (a) "Commission" means the Florida Public Service
31 Commission.

1 (b) "Renewable Florida energy" means renewable energy
2 that is produced or generated in Florida.

3 (c) "Affected utility" means each public utility, as
4 defined in s. 366.02(1), and each municipal electric utility
5 and rural electric cooperative subject to the provisions of s.
6 366.91(4).

7 (d) "Renewable energy project or contract" means
8 approval by the commission of a project or contract for the
9 production or purchase of renewable Florida energy, which
10 approval shall specify the number of megawatts estimated to be
11 sold each year of the contract, the renewable energy cost for
12 the renewable Florida energy to be delivered pursuant to the
13 contract, and the benchmark energy cost that is in effect as
14 of the date of approval of the renewable energy project or
15 contract.

16 (e) "Approved renewable energy project or contract"
17 means a project or contract for the production or purchase of
18 renewable Florida energy which has been approved by the
19 commission for purposes of being entitled to the tax credit
20 provided by s. 220.192(2).

21 (f) "Renewable energy cost" means the cost incurred by
22 an affected utility in producing or purchasing the renewable
23 Florida energy that it delivers to its customers, expressed on
24 a per-megawatt-hour basis, as specified in an approved
25 renewable energy project or contract.

26 (g) "Benchmark energy cost" means a rate set by the
27 commission equal to the cost of producing electricity from a
28 new base load, coal-fired power plant located in Florida or,
29 if the commission determines it is more appropriate, the cost
30 of producing electricity from a new nuclear power plant
31

1 located in Florida, together in each event with all relevant
2 costs of transmission, expressed on a per-megawatt-hour basis.

3 (3) A credit against the tax imposed by this chapter
4 shall be allowed to an affected utility with respect to sales
5 of renewable Florida energy pursuant to an approved renewable
6 energy project or contract. The credit shall be in an amount
7 equal to the lessor of:

8 (a) Five dollars for each megawatt hour of renewable
9 Florida energy that the affected utility actually delivers to
10 its customers pursuant to an approved renewable energy project
11 or contract during such tax year; or

12 (b) Fifty percent of the excess, if any, of the
13 renewable Florida energy cost, over the benchmark energy cost,
14 for each megawatt hour of renewable Florida energy that the
15 affected utility actually delivers to its customers pursuant
16 to an approved renewable energy project or contract during
17 such tax year.

18 (4) If the credit granted pursuant to this section is
19 not fully used in any one year because of insufficient tax
20 liability on the part of the taxpayer, the unused amount may
21 be carried forward for a period not to exceed 5 years. The
22 carryover credit may be used in a subsequent year when the tax
23 imposed by this chapter for such year exceeds the credit for
24 such year under this section after applying the other credits
25 and unused credit carryovers in the order provided in s.
26 220.02(8).

27 (5) Any renewable energy project or contract approval
28 shall be a public record. The department shall be provided
29 with a copy of each renewable energy project or contract
30 approval granted by the commission.

31

1 (6) The department may adopt rules necessary to
2 administer this section, including rules prescribing forms,
3 the documentation needed to substantiate a claim for the
4 credit, and the specific procedures and guidelines for
5 claiming the credit.

6 Section 19. Paragraph (a) of subsection (1) of section
7 220.13, Florida Statutes, is amended to read:

8 220.13 "Adjusted federal income" defined.--

9 (1) The term "adjusted federal income" means an amount
10 equal to the taxpayer's taxable income as defined in
11 subsection (2), or such taxable income of more than one
12 taxpayer as provided in s. 220.131, for the taxable year,
13 adjusted as follows:

14 (a) Additions.--There shall be added to such taxable
15 income:

16 1. The amount of any tax upon or measured by income,
17 excluding taxes based on gross receipts or revenues, paid or
18 accrued as a liability to the District of Columbia or any
19 state of the United States which is deductible from gross
20 income in the computation of taxable income for the taxable
21 year.

22 2. The amount of interest which is excluded from
23 taxable income under s. 103(a) of the Internal Revenue Code or
24 any other federal law, less the associated expenses disallowed
25 in the computation of taxable income under s. 265 of the
26 Internal Revenue Code or any other law, excluding 60 percent
27 of any amounts included in alternative minimum taxable income,
28 as defined in s. 55(b)(2) of the Internal Revenue Code, if the
29 taxpayer pays tax under s. 220.11(3).

30 3. In the case of a regulated investment company or
31 real estate investment trust, an amount equal to the excess of

1 the net long-term capital gain for the taxable year over the
2 amount of the capital gain dividends attributable to the
3 taxable year.

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

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

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

18 7. That portion of assessments to fund a guaranty
19 association incurred for the taxable year which is equal to
20 the amount of the credit allowable for the taxable year.

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

26 9. The amount taken as a credit for the taxable year
27 under s. 220.1895.

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

31

1 11. The amount taken as a credit for the taxable year
2 under s. 220.187.

3 12. The amount taken as a credit for the taxable year
4 under s. 220.192.

5 Section 20. Subsection (2) of section 186.801, Florida
6 Statutes, is amended to read:

7 186.801 Ten-year site plans.--

8 (2) Within 9 months after the receipt of the proposed
9 plan, the commission shall make a preliminary study of such
10 plan and classify it as "suitable" or "unsuitable." The
11 commission may suggest alternatives to the plan. All findings
12 of the commission shall be made available to the Department of
13 Environmental Protection for its consideration at any
14 subsequent electrical power plant site certification
15 proceedings. It is recognized that 10-year site plans
16 submitted by an electric utility are tentative information for
17 planning purposes only and may be amended at any time at the
18 discretion of the utility upon written notification to the
19 commission. A complete application for certification of an
20 electrical power plant site under chapter 403, when such site
21 is not designated in the current 10-year site plan of the
22 applicant, shall constitute an amendment to the 10-year site
23 plan. In its preliminary study of each 10-year site plan, the
24 commission shall consider such plan as a planning document and
25 shall review:

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

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

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

31 ~~(d)(c)~~ Possible alternatives to the proposed plan.

1 ~~(e)~~~~(d)~~ The views of appropriate local, state, and
2 federal agencies, including the views of the appropriate water
3 management district as to the availability of water and its
4 recommendation as to the use by the proposed plant of salt
5 water or fresh water for cooling purposes.

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

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

10 Section 21. Subsection (6) of section 366.04, Florida
11 Statutes, is amended to read:

12 366.04 Jurisdiction of commission.--

13 (6) The commission shall further have exclusive
14 jurisdiction to prescribe and enforce safety standards for
15 transmission and distribution facilities of all public
16 electric utilities, cooperatives organized under the Rural
17 Electric Cooperative Law, and electric utilities owned and
18 operated by municipalities. In adopting safety standards, the
19 commission shall, at a minimum:

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

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

24
25 The standards prescribed by the current 1984 edition of the
26 National Electrical Safety Code (ANSI C2) shall constitute
27 acceptable and adequate requirements for the protection of the
28 safety of the public, and compliance with the minimum
29 requirements of that code shall constitute good engineering
30 practice by the utilities. The administrative authority
31 referred to in the 1984 edition of the National Electrical

1 Safety Code is the commission. However, nothing herein shall
2 be construed as superseding, repealing, or amending the
3 provisions of s. 403.523(1) and (10).

4 Section 22. Subsections (1) and (8) of section 366.05,
5 Florida Statutes, are amended to read:

6 366.05 Powers.--

7 (1) In the exercise of such jurisdiction, the
8 commission shall have power to prescribe fair and reasonable
9 rates and charges, classifications, standards of quality and
10 measurements, including the ability to adopt construction
11 standards that exceed the National Electrical Safety Code, for
12 purposes of ensuring the reliable provision of service and
13 service rules and regulations to be observed by each public
14 utility; to require repairs, improvements, additions,
15 replacements, and extensions to the plant and equipment of any
16 public utility when reasonably necessary to promote the
17 convenience and welfare of the public and secure adequate
18 service or facilities for those reasonably entitled thereto;
19 to employ and fix the compensation for such examiners and
20 technical, legal, and clerical employees as it deems necessary
21 to carry out the provisions of this chapter; and to adopt
22 rules pursuant to ss. 120.536(1) and 120.54 to implement and
23 enforce the provisions of this chapter.

24 (8) If the commission determines that there is
25 probable cause to believe that inadequacies exist with respect
26 to the energy grids developed by the electric utility
27 industry, including inadequacies in fuel diversity or fuel
28 supply reliability, it shall have the power, after proceedings
29 as provided by law, and after a finding that mutual benefits
30 will accrue to the electric utilities involved, to require
31 installation or repair of necessary facilities, including

1 generating plants and transmission facilities, with the costs
2 to be distributed in proportion to the benefits received, and
3 to take all necessary steps to ensure compliance. The electric
4 utilities involved in any action taken or orders issued
5 pursuant to this subsection shall have full power and
6 authority, notwithstanding any general or special laws to the
7 contrary, to jointly plan, finance, build, operate, or lease
8 generating and transmission facilities and shall be further
9 authorized to exercise the powers granted to corporations in
10 chapter 361. This subsection shall not supersede or control
11 any provision of the Florida Electrical Power Plant Siting
12 Act, ss. 403.501-403.518.

13 Section 23. Subsections (5), (8), (9), (12), (18),
14 (24), and (27) of section 403.503, Florida Statutes, are
15 amended, subsections (16) through (28) are renumbered as (17)
16 through (29), respectively, and new subsection (16) is added
17 to that section, to read:

18 403.503 Definitions relating to Florida Electrical
19 Power Plant Siting Act.--As used in this act:

20 (5) "Application" means the documents required by the
21 department to be filed to initiate a certification review and
22 evaluation, including the initial document filing, amendments,
23 and responses to requests from the department for additional
24 data and information ~~proceeding and shall include the~~
25 ~~documents necessary for the department to render a decision on~~
26 ~~any permit required pursuant to any federally delegated or~~
27 ~~approved permit program.~~

28 (8) "Completeness" means that the application has
29 addressed all applicable sections of the prescribed
30 application format, and ~~but does not mean~~ that those sections
31 are sufficient in comprehensiveness of data or in quality of

1 information provided to allow the department to determine
2 whether the application provides the reviewing agencies
3 adequate information to prepare the reports required by s.
4 403.507.

5 (9) "Corridor" means the proposed area within which an
6 associated linear facility right-of-way is to be located. The
7 width of the corridor proposed for certification as an
8 associated facility, at the option of the applicant, may be
9 the width of the right-of-way or a wider boundary, not to
10 exceed a width of 1 mile. The area within the corridor in
11 which a right-of-way may be located may be further restricted
12 by a condition of certification. After all property interests
13 required for the right-of-way have been acquired by the
14 applicant, the boundaries of the area certified shall narrow
15 to only that land within the boundaries of the right-of-way.

16 (12) "Electrical power plant" means, for the purpose
17 of certification, any steam or solar electrical generating
18 facility using any process or fuel, including nuclear
19 materials, except that this term does not include any steam or
20 solar electric generating facility of less than 75 megawatts
21 in capacity unless the applicant for such a facility elects to
22 apply for certification under this act. This term ~~and~~ includes
23 associated facilities to be owned by the licensee which
24 directly support the construction and operation of the
25 electrical power plant such as fuel unloading facilities,
26 pipelines necessary for transporting fuel for the operation of
27 the facility or other fuel transportation facilities, water or
28 wastewater transport pipelines, construction, maintenance and
29 access roads, railway lines necessary for transport of
30 construction equipment or fuel for the operation of the
31 facility, and those associated transmission lines owned by the

1 licensee which connect the electrical power plant to an
2 existing transmission network or rights-of-way to which the
3 applicant intends to connect, ~~except that this term does not~~
4 ~~include any steam or solar electrical generating facility of~~
5 ~~less than 75 megawatts in capacity unless the applicant for~~
6 ~~such a facility elects to apply for certification under this~~
7 ~~act.~~ Associated facilities ~~An associated transmission line~~ may
8 include, at the applicant's option, offsite associated
9 facilities that will not be owned by the applicant and any
10 proposed terminal or intermediate substations or substation
11 expansions connected to the associated transmission line.

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

14 (19)(18) "Nonprocedural requirements of agencies"
15 means any agency's regulatory requirements established by
16 statute, rule, ordinance, zoning ordinance, land development
17 code, or comprehensive plan, excluding any provisions
18 prescribing forms, fees, procedures, or time limits for the
19 review or processing of information submitted to demonstrate
20 compliance with such regulatory requirements.

21 (25)(24) "Right-of-way" means land necessary for the
22 construction and maintenance of a connected associated linear
23 facility, such as a railroad line, pipeline, or transmission
24 line as owned by or proposed to be certified by the applicant.
25 The typical width of the right-of-way shall be identified in
26 the application. The right-of-way shall be located within the
27 certified corridor and shall be identified by the applicant
28 subsequent to certification in documents filed with the
29 department prior to construction.

30 (28)(27) "Ultimate site capacity" means the maximum
31 generating capacity for a site as certified by the board.

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

7 Section 24. Subsections (1), (7), (9), and (10) of
8 section 403.504, Florida Statutes, are amended, and new
9 subsections (9), (10), (11), and (12) are added to that
10 section, to read:

11 403.504 Department of Environmental Protection; powers
12 and duties enumerated.--The department shall have the
13 following powers and duties in relation to this act:

14 (1) To adopt rules pursuant to ss. 120.536(1) and
15 120.54 to implement the provisions of this act, including
16 rules setting forth environmental precautions to be followed
17 in relation to the location, construction, and operation of
18 electrical power plants.

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

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

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

25 (11) To administer and manage the terms and conditions
26 of the certification order and supporting documents and
27 records for the life of the facility.

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

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

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

4 Section 25. Section 403.5055, Florida Statutes, is
5 amended to read:

6 403.5055 Application for permits pursuant to s.
7 403.0885.--In processing applications for permits pursuant to
8 s. 403.0885 that are associated with applications for
9 electrical power plant certification:

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

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

24 (2)(3) If available at the time the department issues
25 its project analysis under s. 403.507(3), the department shall
26 include in its written project analysis ~~pursuant to s.~~
27 ~~403.507(3)~~ copies of the department's proposed action pursuant
28 to 40 C.F.R. s. 124.6 on any application for a NPDES permit;
29 any corresponding comments received from the United States
30 Environmental Protection Agency, the applicant, or the general
31 public; and the department's response to those comments.

1 ~~(3)(4)~~ The department shall not issue or deny the
2 permit pursuant to s. 403.0885 in advance of the issuance of
3 the electric power plant certification under this part unless
4 required to do so by the provisions of federal law. When
5 possible, any hearing on a permit issued pursuant to s.
6 403.0885, shall be conducted in conjunction with the
7 certification hearing held pursuant to this act. The
8 department's actions on an NPDES permit shall be based on the
9 record and recommended order of the certification hearing, if
10 the hearing on the NPDES was conducted in conjunction with the
11 certification hearing, and of any other proceeding held in
12 connection with the application for an NPDES permit, timely
13 public comments received with respect to the application, and
14 the provisions of federal law. The department's action on an
15 NPDES permit, if issued, shall differ from the actions taken
16 by the siting board regarding the certification order if
17 federal laws and regulations require different action to be
18 taken to ensure compliance with the Clean Water Act, as
19 amended, and implementing regulations. Nothing in this part
20 shall be construed to displace the department's authority as
21 the final permitting entity under the federally approved state
22 NPDES program. Nothing in this part shall be construed to
23 authorize the issuance of a state NPDES permit which does not
24 conform to the requirements of the federally approved state
25 NPDES program. ~~The permit, if issued, shall be valid for no~~
26 ~~more than 5 years.~~

27 ~~(5)~~ ~~The department's action on an NPDES permit~~
28 ~~renewal, if issued, shall differ from the actions taken by the~~
29 ~~siting board regarding the certification order if federal laws~~
30 ~~and regulations require different action to be taken to ensure~~
31

1 ~~compliance with the Clean Water Act, as amended, and~~
2 ~~implementing regulations.~~

3 Section 26. Section 403.506, Florida Statutes, is
4 amended to read:

5 403.506 Applicability, thresholds, and
6 certification.--

7 (1) The provisions of this act shall apply to any
8 electrical power plant as defined herein, except that the
9 provisions of this act shall not apply to any electrical power
10 plant or steam generating plant of less than 75 megawatts in
11 capacity or to any substation to be constructed as part of an
12 associated transmission line unless the applicant has elected
13 to apply for certification of such plant or substation under
14 this act. The provisions of this act do not apply to any unit
15 capacity extension of 35 megawatts or less of an existing
16 exothermic reactor cogeneration unit that was exempt from this
17 act when the unit was originally built. However, this
18 exemption does not apply if the unit uses oil or natural gas
19 for purposes other than to start the unit. No construction of
20 any new electrical power plant or expansion in steam
21 generating capacity as measured by an increase in the maximum
22 electrical generator rating of any existing electrical power
23 plant may be undertaken after October 1, 1973, without first
24 obtaining certification in the manner as herein provided,
25 except that this act shall not apply to any such electrical
26 power plant which is presently operating or under construction
27 or which has, upon the effective date of chapter 73-33, Laws
28 of Florida, applied for a permit or certification under
29 requirements in force prior to the effective date of such act.

30 (2) Except as provided in the certification,
31 modification of nonnuclear fuels, internal related hardware,

1 including increases in steam turbine efficiency, or operating
2 conditions not in conflict with certification which increase
3 the electrical output of a unit to no greater capacity than
4 the maximum electrical generator rating ~~operating capacity~~ of
5 the existing generator shall not constitute an alteration or
6 addition to generating capacity which requires certification
7 pursuant to this act.

8 ~~(3) The application for any related department license~~
9 ~~which is required pursuant to any federally delegated or~~
10 ~~approved permit program shall be processed within the time~~
11 ~~periods allowed by this act, in lieu of those specified in s.~~
12 ~~120.60. However, permits issued pursuant to s. 403.0885 shall~~
13 ~~be processed in accordance with 40 C.F.R. part 123.~~

14 Section 27. Section 403.5064, Florida Statutes, is
15 amended to read:

16 403.5064 Application ~~Distribution of application;~~
17 schedules.--

18 (1) The formal date of certification application
19 filing and commencement of the certification review process
20 shall be when the applicant submits:

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

24 (b) The application fee specified under s. 403.518 to
25 the department.

26 ~~(2)(1)~~ Within 7 days after the filing of an
27 application, the department shall provide to the applicant and
28 the Division of Administrative Hearings the names and
29 addresses of any additional ~~those affected or other~~ agencies
30 or persons entitled to notice and copies of the application
31 and any amendments. Copies of the application shall be

1 distributed within 5 days by the applicant to those additional
2 agencies. This distribution may not be the basis for altering
3 the schedule of dates for the certification process.

4 (3) Any amendment to the application made prior to
5 certification shall be disposed of as part of the original
6 certification proceeding. Amendment of the application may be
7 considered good cause for alteration of time limits pursuant
8 to s. 403.5095.

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

25 ~~(5)(3) Within 7 days after completeness has been~~
26 ~~determined, the applicant shall distribute copies of the~~
27 ~~application to all agencies identified by the department~~
28 ~~pursuant to subsection (1).~~ Copies of changes and amendments
29 to the application shall be timely distributed by the
30 applicant to all ~~affected~~ agencies and parties who have
31 received a copy of the application.

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

3 Section 28. Section 403.5065, Florida Statutes, is
4 amended to read:

5 403.5065 Appointment of administrative law judge,
6 powers and duties.--

7 (1) Within 7 days after receipt of an application,
8 ~~whether complete or not,~~ the department shall request the
9 Division of Administrative Hearings to designate an
10 administrative law judge to conduct the hearings required by
11 this act. The division director shall designate an
12 administrative law judge within 7 days after receipt of the
13 request from the department. In designating an administrative
14 law judge for this purpose, the division director shall,
15 whenever practicable, assign an administrative law judge who
16 has had prior experience or training in electrical power plant
17 site certification proceedings. Upon being advised that an
18 administrative law judge has been appointed, the department
19 shall immediately file a copy of the application and all
20 supporting documents with the designated administrative law
21 judge, who shall docket the application.

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

25 Section 29. Section 403.5066, Florida Statutes, is
26 amended to read:

27 403.5066 Determination of completeness.--

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

1 (b) Within ~~40~~ 15 days after ~~the filing receipt~~ of an
2 application, the department shall file a statement with the
3 Division of Administrative Hearings, ~~and~~ with the applicant,
4 ~~and with all parties~~ declaring its position with regard to the
5 completeness, ~~not the sufficiency,~~ of the application. The
6 department's statement shall be based upon consultation with
7 the affected agencies.

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

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

15 (b) A statement agreeing to supply the additional
16 information necessary to make the application complete. Such
17 additional information shall be provided within 30 days after
18 issuance of the department's statement concerning the
19 completeness of the application. The time schedules under this
20 act may not be tolled if the applicant makes the application
21 complete within 30 days after issuance of the department's
22 statement concerning the completeness of the application. A
23 subsequent finding by the department that the application
24 remains incomplete based upon additional information submitted
25 by the applicant, or based on the failure of the applicant to
26 timely submit the additional information, tolls the time
27 schedules under this act until the application is determined
28 complete; Agreeing with the statement of the department and
29 agreeing to amend the application without withdrawing it. The
30 time schedules referencing a complete application under this
31

1 ~~act shall not commence until the application is determined~~
2 ~~complete; or~~

3 (c) A statement contesting the department's
4 determination of incompleteness; or contesting the statement
5 of the department.

6 (d) A statement agreeing with the department and
7 requesting additional time beyond 30 days to provide the
8 information necessary to make the application complete. If the
9 applicant exercises this option, the time schedules under this
10 act are tolled until the application is determined complete.

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

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

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

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

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

3 (4) If the applicant provides additional information
4 to address the issues identified in the determination of
5 incompleteness, each affected agency may submit to the
6 department, no later than 15 days after the applicant files
7 the additional information, a recommendation on whether the
8 agency believes the application is complete. Within 22 days
9 after receipt of the additional information from the applicant
10 submitted under paragraph (2)(b), paragraph (2)(d), or
11 paragraph (3)(c), the department shall determine whether the
12 additional information supplied by an applicant makes the
13 application complete. If the department finds that the
14 application is still incomplete, the applicant may exercise
15 any of the options specified in subsection (2) as often as is
16 necessary to resolve the dispute.

17 Section 30. Section 403.50663, Florida Statutes, is
18 created to read:

19 403.50663 Informational public meetings.--

20 (1) A local government within whose jurisdiction the
21 power plant is proposed to be sited, may hold one
22 informational public meeting in addition to the hearings
23 specifically authorized by this act on any matter associated
24 with the electric power plant proceeding. Such informational
25 public meetings shall be held by the local government, or the
26 regional planning council, if the local government does not
27 hold such a meeting within 70 days after the filing of the
28 application. The purpose of an informational public meeting is
29 for the local government or regional planning council to
30 further inform the public about the proposed electric power
31 plant or associated facilities, obtain comments from the

1 public, and formulate its recommendation with respect to the
2 proposed electric power plant.

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

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

16 (4) The failure to hold an informational public
17 meeting or the procedure used for the informational public
18 meeting are not grounds for the alteration of any time
19 limitation in this act under s. 403.5095 or grounds to deny or
20 condition certification.

21 Section 31. Section 403.50665, Florida Statutes, is
22 created to read:

23 403.50665 Land use consistency.--

24 (1) The applicant shall include with the application a
25 statement concerning the consistency of the site or any
26 directly associated facilities with existing land use plans
27 and zoning ordinances that were in effect on the date the
28 application was filed, and a full description of such
29 consistency.

30 (2) Within 80 days after the application is filed,
31 each local government shall file a determination with the

1 department, the applicant, the administrative law judge, and
2 all parties on the consistency of the site or any directly
3 associated facilities with existing land use plans and zoning
4 ordinances that were in effect on the date the application was
5 filed based on the information in the application. The
6 applicant shall publish notice of the determination in
7 accordance with the requirements of s. 403.5115.

8 (3) If any substantially affected person wishes to
9 dispute the local government's determination, he or she shall
10 file a petition with the department within 15 days after the
11 publication of notice of the local government's determination.
12 If a hearing is requested, the provisions of s. 403.508(1)
13 shall apply.

14 (4) The time periods in this section may be altered
15 upon an agreement between the applicant, the local government,
16 and the department under s. 403.5095.

17 (5) If it is determined by the local government that
18 the proposed site or directly associated facility does conform
19 with existing land use plans and zoning ordinances in effect
20 as of the date of the application and no petition has been
21 filed, the responsible zoning or planning authority shall not
22 thereafter change such land use plans or zoning ordinances so
23 as to foreclose construction and operation of the proposed
24 site or directly associated facilities unless certification is
25 subsequently denied or withdrawn.

26 Section 32. Section 403.5067, Florida Statutes, is
27 repealed.

28 Section 33. Section 403.507, Florida Statutes, is
29 amended to read:

30 403.507 Preliminary statements of issues, reports,
31 project analyses, and studies.--

1 (1) Each affected agency identified in paragraph
2 (2)(a) shall submit a preliminary statement of issues to the
3 department, ~~and the applicant, and all parties~~ no later than
4 40 ~~60~~ days after the certification application has been
5 determined ~~distribution of the complete application~~. The
6 failure to raise an issue in this statement shall not preclude
7 the issue from being raised in the agency's report.

8 (2)(a) No later than 100 days after the certification
9 application has been determined complete, the following
10 agencies shall prepare reports as provided below and shall
11 submit them to the department and the applicant ~~within 150~~
12 ~~days after distribution of the complete application:~~

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

24 ~~2. The Public Service Commission shall prepare a~~
25 ~~report as to the present and future need for the electrical~~
26 ~~generating capacity to be supplied by the proposed electrical~~
27 ~~power plant. The report shall include the commission's~~
28 ~~determination pursuant to s. 403.519 and may include the~~
29 ~~commission's comments with respect to any other matters within~~
30 ~~its jurisdiction.~~

1 ~~2.3-~~ The water management district shall prepare a
2 report as to matters within its jurisdiction, including, but
3 not limited to, impact on water resources, impact on regional
4 water supply planning, and impact on district-owned lands and
5 works.

6 ~~3.4-~~ Each local government in whose jurisdiction the
7 proposed electrical power plant is to be located shall prepare
8 a report as to the consistency of the proposed electrical
9 power plant with all applicable local ordinances, regulations,
10 standards, or criteria that apply to the proposed electrical
11 power plant, including ~~adopted local comprehensive plans, land~~
12 ~~development regulations, and~~ any applicable local
13 environmental regulations adopted pursuant to s. 403.182 or by
14 other means.

15 ~~4.5-~~ The Fish and Wildlife Conservation Commission
16 shall prepare a report as to matters within its jurisdiction.

17 ~~5.6-~~ Each ~~The~~ regional planning council shall prepare
18 a report containing recommendations that address the impact
19 upon the public of the proposed electrical power plant, based
20 on the degree to which the electrical power plant is
21 consistent with the applicable provisions of the strategic
22 regional policy plan adopted pursuant to chapter 186 and other
23 matters within its jurisdiction.

24 ~~6.~~ The Department of Transportation shall address the
25 impact of the proposed power plant on matters within its
26 jurisdiction.

27 ~~(b)7-~~ Any other agency, if requested by the
28 department, shall also perform studies or prepare reports as
29 to matters within that agency's jurisdiction which may
30 potentially be affected by the proposed electrical power
31 plant.

1 ~~(b) As needed to verify or supplement the studies made~~
2 ~~by the applicant in support of the application, it shall be~~
3 ~~the duty of the department to conduct, or contract for,~~
4 ~~studies of the proposed electrical power plant and site,~~
5 ~~including, but not limited to, the following, which shall be~~
6 ~~completed no later than 210 days after the complete~~
7 ~~application is filed with the department:~~

- 8 1. ~~Cooling system requirements.~~
- 9 2. ~~Construction and operational safeguards.~~
- 10 3. ~~Proximity to transportation systems.~~
- 11 4. ~~Soil and foundation conditions.~~
- 12 5. ~~Impact on suitable present and projected water~~
13 ~~supplies for this and other competing uses.~~
- 14 6. ~~Impact on surrounding land uses.~~
- 15 7. ~~Accessibility to transmission corridors.~~
- 16 8. ~~Environmental impacts.~~
- 17 9. ~~Requirements applicable under any federally~~
18 ~~delegated or approved permit program.~~

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

21 (a) A notice of any nonprocedural requirements not
22 specifically listed in the application from which a variance,
23 exemption, exception, all information on variances,
24 exemptions, exceptions, or other relief is necessary in order
25 for the proposed electric power plant to be certified. Failure
26 of such notification by an agency shall be treated as a waiver
27 from nonprocedural requirements of that agency. However, no
28 variance shall be granted from standards or regulations of the
29 department applicable under any federally delegated or
30 approved permit program, except as expressly allowed in such
31 program. which may be required by s. 403.511(2) and

1 (b) A recommendation for approval or denial of the
2 application.

3 (c) Any proposed conditions of certification on
4 matters within the jurisdiction of such agency. For each
5 condition proposed by an agency in its report, the agency
6 shall list the specific statute, rule, or ordinance which
7 authorizes the proposed condition.

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

13 ~~(3) No later than 60 days after the application for a~~
14 ~~federally required new source review or prevention of~~
15 ~~significant deterioration permit for the electrical power~~
16 ~~plant is complete and sufficient, the department shall issue~~
17 ~~its preliminary determination on such permit. Notice of such~~
18 ~~determination shall be published as required by the~~
19 ~~department's rules for notices of such permits. The department~~
20 ~~shall receive public comments and comments from the United~~
21 ~~States Environmental Protection Agency and other affected~~
22 ~~agencies on the preliminary determination as provided for in~~
23 ~~the federally approved state implementation plan. The~~
24 ~~department shall maintain a record of all comments received~~
25 ~~and considered in taking action on such permits. If a petition~~
26 ~~for an administrative hearing on the department's preliminary~~
27 ~~determination is filed by a substantially affected person,~~
28 ~~that hearing shall be consolidated with the certification~~
29 ~~hearing.~~

30 (4)(a) No later than 150 days after the application is
31 filed, the Public Service Commission shall prepare a report as

1 to the present and future need for electric generating
2 capacity to be supplied by the proposed electrical power
3 plant. The report shall include the commission's determination
4 pursuant to s. 403.519 and may include the commission's
5 comments with respect to any other matters within its
6 jurisdiction.

7 (b) Receipt of an affirmative determination of need by
8 the submittal deadline under paragraph (a) and shall be a
9 condition precedent to the issuance of the department's
10 project analysis and its conduct of the certification hearing.

11 ~~(5)(4)~~ The department shall prepare a project written
12 analysis, which shall be filed with the designated
13 administrative law judge and served on all parties no later
14 than 130 ~~240~~ days after the ~~complete~~ application is determined
15 complete ~~filed with the department, but no later than 60 days~~
16 ~~prior to the hearing~~, and which shall include:

17 (a) A statement indicating whether the proposed
18 electrical power plant and proposed ultimate site capacity
19 will be in compliance and consistent with matters within the
20 department's standard jurisdiction, including with the rules
21 of the department, as well as whether the proposed electrical
22 power plant and proposed ultimate site capacity will be in
23 compliance with the nonprocedural requirements of the affected
24 agencies.

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

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

29 (d) The recommendation of the department as to the
30 disposition of the application, of variances, exemptions,
31 exceptions, or other relief identified by any party, and of

1 any proposed conditions of certification which the department
2 believes should be imposed.

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

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

11 ~~(6)(5)~~ Except when good cause is shown, the failure of
12 any agency to submit a preliminary statement of issues or a
13 report, or to submit its preliminary statement of issues or
14 report within the allowed time, shall not be grounds for the
15 alteration of any time limitation in this act. Neither the
16 failure to submit a preliminary statement of issues or a
17 report nor the inadequacy of the preliminary statement of
18 issues or report are ~~shall be~~ grounds to deny or condition
19 certification.

20 Section 34. Section 403.508, Florida Statutes, is
21 amended to read:

22 403.508 Land use and certification hearings
23 ~~proceedings~~, parties, participants.--

24 (1)(a) If a petition for a hearing on land use has
25 been filed pursuant to s. 403.50665, the designated
26 administrative law judge shall conduct a land use hearing in
27 the county of the proposed site or directly associated
28 facility, as applicable, not later than 30 ~~within 90~~ days
29 after the department's receipt of the petition ~~a complete~~
30 ~~application for electrical power plant site certification by~~
31 ~~the department~~. The place of such hearing shall be as close as

1 possible to the proposed site or directly associated facility.
2 If a petition is filed, the hearing must be held regardless of
3 the status of the completeness of the application. However,
4 incompleteness of information necessary for a local government
5 to evaluate an application may be claimed by the local
6 government as cause for a statement of inconsistency with
7 existing land use plans and zoning ordinances under s.
8 403.50665.

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. If the administrative law judge concludes
15 that the proposed site is not consistent or in compliance with
16 existing land use plans and zoning ordinances, the
17 administrative law judge shall receive evidence on, and
18 address in the recommended order, any changes to or approvals
19 or variances under the applicable land use plans or zoning
20 ordinances which will render the proposed site consistent and
21 in compliance with the local land use plans and zoning
22 ordinances.

23 (d) The designated administrative law judge's
24 recommended order shall be issued within 30 days after
25 completion of the hearing and shall be reviewed by the board
26 within 60 ~~45~~ days after receipt of the recommended order by
27 the board.

28 (e) If it is determined by the board that the proposed
29 site does conform with existing land use plans and zoning
30 ordinances in effect as of the date of the application, or as
31 otherwise provided by this act, the responsible zoning or

1 | planning authority shall not thereafter change such land use
2 | plans or zoning ordinances so as to foreclose construction and
3 | operation of ~~affect~~ the proposed power plant on the proposed
4 | site or directly associated facilities unless certification is
5 | subsequently denied or withdrawn.

6 | (f) If it is determined by the board that the proposed
7 | site does not conform, ~~it shall be the responsibility of the~~
8 | ~~applicant to make the necessary application for rezoning.~~
9 | ~~Should the application for rezoning be denied, the applicant~~
10 | ~~may appeal this decision to the board, which may, if it~~
11 | determines after notice and hearing and upon consideration of
12 | the recommended order on land use and zoning issues that it is
13 | in the public interest to authorize the use of the land as a
14 | site for an electrical power plant, authorize an amendment to
15 | rezoning, a variance, or other approval to the adopted land
16 | use plan and zoning ordinances required to render the proposed
17 | site consistent with local land use plans and zoning
18 | ordinances. The board's actions may not be controlled by any
19 | other procedural requirements of law. In the event a variance
20 | or other approval by the board is denied, it shall be the
21 | responsibility of the applicant to make the necessary
22 | application to the applicable local government for any
23 | approvals determined by the board as required to make the
24 | proposed site consistent and in compliance with local land use
25 | plans and zoning ordinances. No further action may be taken on
26 | the complete application ~~by the department~~ until the proposed
27 | site conforms to the adopted land use plan or zoning
28 | ordinances or the board grants relief as provided under this
29 | act.

30 | ~~(2)(a)(3)~~ A certification hearing shall be held by the
31 | designated administrative law judge no later than 265 ~~300~~ days

1 after the complete application is filed with the department;
2 ~~however, an affirmative determination of need by the Public~~
3 ~~Service Commission pursuant to s. 403.519 shall be a condition~~
4 ~~precedent to the conduct of the certification hearing.~~ The
5 certification hearing shall be held at a location in proximity
6 to the proposed site. ~~The certification hearing shall also~~
7 ~~constitute the sole hearing allowed by chapter 120 to~~
8 ~~determine the substantial interest of a party regarding any~~
9 ~~required agency license or any related permit required~~
10 ~~pursuant to any federally delegated or approved permit~~
11 ~~program.~~ At the conclusion of the certification hearing, the
12 designated administrative law judge shall, after consideration
13 of all evidence of record, submit to the board a recommended
14 order no later than 45 ~~60~~ days after the filing of the hearing
15 transcript. ~~In the event the administrative law judge fails to~~
16 ~~issue a recommended order within 60 days after the filing of~~
17 ~~the hearing transcript, the administrative law judge shall~~
18 ~~submit a report to the board with a copy to all parties within~~
19 ~~60 days after the filing of the hearing transcript to advise~~
20 ~~the board of the reason for the delay in the issuance of the~~
21 ~~recommended order and of the date by which the recommended~~
22 ~~order will be issued.~~

23 (b) Notice of the certification hearing and notice of
24 the deadline for filing the notice of intent to be a party
25 shall be made in accordance with the requirements of s.
26 403.5115.

27 (3)(4)(a) Parties to the proceeding shall include:
28 1. The applicant.
29 2. The Public Service Commission.
30 3. The Department of Community Affairs.
31 4. The Fish and Wildlife Conservation Commission.

- 1 5. The water management district.
- 2 6. The department.
- 3 7. The regional planning council.
- 4 8. The local government.
- 5 9. The Department of Transportation.

6 (b) Any party listed in paragraph (a) other than the
7 department or the applicant may waive its right to participate
8 in these proceedings. If such listed party fails to file a
9 notice of its intent to be a party on or before the 90th day
10 prior to the certification hearing, such party shall be deemed
11 to have waived its right to be a party.

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

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

20 2. Any domestic nonprofit corporation or association
21 formed, in whole or in part, to promote conservation or
22 natural beauty; to protect the environment, personal health,
23 or other biological values; to preserve historical sites; to
24 promote consumer interests; to represent labor, commercial, or
25 industrial groups; or to promote comprehensive planning or
26 orderly development of the area in which the proposed
27 electrical power plant is to be located.

28 (d) Notwithstanding paragraph (e), failure of an
29 agency described in subparagraph (c)1. to file a notice of
30 intent to be a party within the time provided herein shall
31

1 constitute a waiver of the right of that agency to participate
2 as a party in the proceeding.

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

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

17 (4)(a) The order of presentation at the certification
18 hearing, unless otherwise changed by the administrative law
19 judge to ensure the orderly presentation of witnesses and
20 evidence, shall be:

21 1. The applicant.

22 2. The department.

23 3. State agencies.

24 4. Regional agencies, including regional planning
25 councils and water management districts.

26 5. Local governments.

27 6. Other parties.

28 ~~(b)(5)~~ When appropriate, any person may be given an
29 opportunity to present oral or written communications to the
30 designated administrative law judge. If the designated
31 administrative law judge proposes to consider such

1 | communications, then all parties shall be given an opportunity
2 | to cross-examine or challenge or rebut such communications.

3 | (5) At the conclusion of the certification hearing,
4 | the designated administrative law judge shall, after
5 | consideration of all evidence of record, submit to the board a
6 | recommended order no later than 45 days after the filing of
7 | the hearing transcript.

8 | (6)(a) No sooner than 29 days before the certification
9 | hearing, the department or the applicant may request that the
10 | administrative law judge cancel the certification hearing and
11 | relinquish jurisdiction to the department if all parties to
12 | the proceeding stipulate that there are no disputed issues of
13 | fact to be raised at the certification hearing and if
14 | sufficient time remains for the applicant and the department
15 | to publish public notices of the cancellation of the hearing
16 | at least 3 days before the scheduled date of the hearing.

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

19 | (c) If the administrative law judge grants the
20 | request, the department and the applicant shall publish
21 | notices of the cancellation of the certification hearing, in
22 | accordance with s. 403.5115.

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

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

29 | ~~(7)(6)~~ The applicant shall pay those expenses and
30 | costs associated with the conduct of the hearings and the
31 | recording and transcription of the proceedings. ~~The designated~~

1 ~~administrative law judge shall have all powers and duties~~
2 ~~granted to administrative law judges by chapter 120 and this~~
3 ~~chapter and by the rules of the department and the~~
4 ~~Administration Commission, including the authority to resolve~~
5 ~~disputes over the completeness and sufficiency of an~~
6 ~~application for certification.~~

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

11 ~~(a) The applicant.~~

12 ~~(b) The department.~~

13 ~~(c) State agencies.~~

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

16 ~~(e) Local governments.~~

17 ~~(f) Other parties.~~

18 (8) In issuing permits under the federally approved
19 new source review or prevention of significant deterioration
20 permit program, the department shall observe the procedures
21 specified under the federally approved state implementation
22 plan, including public notice, public comment, public hearing,
23 and notice of applications and amendments to federal, state,
24 and local agencies, to assure that all such permits issued in
25 coordination with the certification of a power plant under
26 this act are federally enforceable and are issued after
27 opportunity for informed public participation regarding the
28 terms and conditions thereof. When possible, any hearing on a
29 federally approved or delegated program permit such as new
30 source review, prevention of significant deterioration permit,
31 or NPDES permit shall be conducted in conjunction with the

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

27 Section 35. Section 403.509, Florida Statutes, is
28 amended to read:

29 403.509 Final disposition of application.--

30 (1)(a) If the administrative law judge has granted a
31 request to cancel the certification hearing and has

1 relinquished jurisdiction to the department under the
2 provisions of s. 403.508(6), within 40 days thereafter, the
3 secretary of the department shall act upon the application by
4 written order in accordance with the terms of this act, and
5 the stipulation of the parties in requesting the cancellation
6 of the certification hearing.

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

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

24 **(3)** In determining whether an application should be
25 approved in whole, approved with modifications or conditions,
26 or denied, the board, or secretary when applicable, shall
27 consider whether, and the extent to which, the location of
28 electric power plant and directly associated facilities and
29 their construction and operation will:

30
31

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

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

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

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

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

15 (f) Minimize, through the use of reasonable and
16 available methods, the adverse effects on human health, the
17 environment, and the ecology of the land and its wildlife and
18 the ecology of state waters and their aquatic life.

19 ~~(4)(3) Within 30 days after issuance of the~~
20 ~~certification, the department shall issue and forward to the~~
21 ~~United States Environmental Protection Agency a proposed~~
22 ~~operation permit for a major source of air pollution and must~~
23 ~~issue or deny any other license required pursuant to any~~
24 ~~federally delegated or approved permit program. The~~
25 ~~department's action on the license and its action on the~~
26 ~~proposed operation permit for a major source of air pollution~~
27 ~~shall be based upon the record and recommended order of the~~
28 ~~certification hearing. The department's actions on a federally~~
29 ~~required new source review or prevention of significant~~
30 ~~deterioration permit shall be based on the record and~~
31 ~~recommended order of the certification hearing and of any~~

1 ~~other proceeding held in connection with the application for a~~
2 ~~new source review or prevention of significant deterioration~~
3 ~~permit, on timely public comments received with respect to the~~
4 ~~application or preliminary determination for such permit, and~~
5 ~~on the provisions of the state implementation plan. The~~
6 department's action on a federally required new source review
7 or prevention of significant deterioration permit shall differ
8 from the actions taken by the siting board regarding the
9 certification if the federally approved state implementation
10 plan requires such a different action to be taken by the
11 department. Nothing in this part shall be construed to
12 displace the department's authority as the final permitting
13 entity under the federally approved permit program. Nothing in
14 this part shall be construed to authorize the issuance of a
15 new source review or prevention of significant deterioration
16 permit which does not conform to the requirements of the
17 federally approved state implementation plan. ~~Any final~~
18 ~~operation permit for a major source of air pollution must be~~
19 ~~issued in accordance with the provisions of s. 403.0872.~~
20 ~~Unless the federally delegated or approved permit program~~
21 ~~provides otherwise, licenses issued by the department under~~
22 ~~this subsection shall be effective for the term of the~~
23 ~~certification issued by the board. If renewal of any license~~
24 ~~issued by the department pursuant to a federally delegated or~~
25 ~~approved permit program is required, such renewal shall not~~
26 ~~affect the certification issued by the board, except as~~
27 ~~necessary to resolve inconsistencies pursuant to s.~~
28 ~~403.516(1)(a).~~

29 (5)(4) In regard to the properties and works of any
30 agency which is a party to the certification hearing, the
31 board may ~~shall have the authority to~~ decide issues relating

1 to the use, the connection thereto, or the crossing thereof,
2 for the electrical power plant and its directly associated
3 facilities site and to direct any such agency to execute,
4 within 30 days after the entry of certification, the necessary
5 license or easement for such use, connection, or crossing,
6 subject only to the conditions set forth in such
7 certification. However, the applicant shall seek any necessary
8 interest in state lands the title to which is vested in the
9 Board of Trustees of the Internal Improvement Trust Fund from
10 the board of trustees or from the governing board of the water
11 management district before, during, or after the certification
12 proceeding. Certification may be made contingent upon issuance
13 of the appropriate interest. The applicant or any party to the
14 certification proceeding may not directly or indirectly raise
15 or relitigate any matter that was or could have been an issue
16 in the certification proceeding in any proceeding before the
17 Board of Trustees of the Internal Improvement Trust Fund in
18 which the applicant is seeking a necessary interest in state
19 land, but the information presented in the certification
20 proceeding shall be available for review by the board of
21 trustees and its staff.

22 ~~(6)(5)~~ Except as specified in subsection (4), ~~for the~~
23 ~~issuance of any operation permit for a major source of air~~
24 ~~pollution pursuant to s. 403.0872, the issuance or denial of~~
25 the certification by the board or the Secretary of the
26 department ~~and the issuance or denial of any related~~
27 ~~department license required pursuant to any federally~~
28 ~~delegated or approved permit program~~ shall be the final
29 administrative action required as to that application.

30 ~~(6)~~ All certified electrical power plants ~~must apply~~
31 ~~for and obtain a major source air operation permit pursuant to~~

1 ~~s. 403.0872. Major source air operation permit applications~~
2 ~~for certified electrical power plants must be submitted~~
3 ~~pursuant to a schedule developed by the department. To the~~
4 ~~extent that any conflicting provision, limitation, or~~
5 ~~restriction under any rule, regulation, or ordinance imposed~~
6 ~~by any political subdivision of the state, or by any local~~
7 ~~pollution control program, was superseded during the~~
8 ~~certification process pursuant to s. 403.510(1), such rule,~~
9 ~~regulation, or ordinance shall continue to be superseded for~~
10 ~~purposes of the major source air operation permit program~~
11 ~~under s. 403.0872.~~

12 Section 36. Section 403.511, Florida Statutes, is
13 amended to read:

14 403.511 Effect of certification.--

15 (1) Subject to the conditions set forth therein, any
16 certification ~~signed by the Governor~~ shall constitute the sole
17 license of the state and any agency as to the approval of the
18 site and the construction and operation of the proposed
19 electrical power plant, except for the issuance of department
20 licenses required under any federally delegated or approved
21 permit program and except as otherwise provided in subsection
22 (4).

23 (2)(a) The certification shall authorize the applicant
24 named therein to construct and operate the proposed electrical
25 power plant, subject only to the conditions of certification
26 set forth in such certification, and except for the issuance
27 of department licenses or permits required under any federally
28 delegated or approved permit program.

29 (b)1. Except as provided in subsection (4), the
30 certification may include conditions which constitute
31 variances, exemptions, or exceptions from nonprocedural

1 requirements of the department or any agency which were
2 expressly considered during the proceeding, including, but not
3 limited to, any site-specific criteria, standards, or
4 limitations under local land use or zoning approvals which
5 affect the proposed power plant or its site, unless waived by
6 the agency as provided below and which otherwise would be
7 applicable to the construction and operation of the proposed
8 electrical power plant.

9 2. No variance, exemption, exception, or other relief
10 shall be granted from a state statute or rule for the
11 protection of endangered or threatened species, aquatic
12 preserves, Outstanding National Resource Waters, or
13 Outstanding Florida Waters or for the disposal of hazardous
14 waste, except to the extent authorized by the applicable
15 statute or rule or except upon a finding in the certification
16 order ~~by the siting board~~ that the public interests set forth
17 in s. 403.509(3) ~~403.502~~ in certifying the electrical power
18 plant at the site proposed by the applicant overrides the
19 public interest protected by the statute or rule from which
20 relief is sought. ~~Each party shall notify the applicant and~~
21 ~~other parties at least 60 days prior to the certification~~
22 ~~hearing of any nonprocedural requirements not specifically~~
23 ~~listed in the application from which a variance, exemption,~~
24 ~~exception, or other relief is necessary in order for the board~~
25 ~~to certify any electrical power plant proposed for~~
26 ~~certification. Failure of such notification by an agency shall~~
27 ~~be treated as a waiver from nonprocedural requirements of the~~
28 ~~department or any other agency. However, no variance shall be~~
29 ~~granted from standards or regulations of the department~~
30 ~~applicable under any federally delegated or approved permit~~
31 ~~program, except as expressly allowed in such program.~~

1 (3) The certification and any order on land use and
2 zoning issued under this act shall be in lieu of any license,
3 permit, certificate, or similar document required by any
4 state, regional, or local agency pursuant to, but not limited
5 to, chapter 125, chapter 161, chapter 163, chapter 166,
6 chapter 186, chapter 253, chapter 298, chapter 370, chapter
7 373, chapter 376, chapter 380, chapter 381, chapter 387,
8 chapter 403, except for permits issued pursuant to any
9 federally delegated or approved permit program ~~s. 403.0885~~ and
10 except as provided in ~~s. 403.509(3) and (6)~~, chapter 404 or
11 the Florida Transportation Code, or 33 U.S.C. s. 1341.

12 (4) This act shall not affect in any way the
13 ratemaking powers of the Public Service Commission under
14 chapter 366; nor shall this act in any way affect the right of
15 any local government to charge appropriate fees or require
16 that construction be in compliance with applicable building
17 construction codes.

18 (5)(a) An electrical power plant certified pursuant to
19 this act shall comply with rules adopted by the department
20 subsequent to the issuance of the certification which
21 prescribe new or stricter criteria, to the extent that the
22 rules are applicable to electrical power plants. Except when
23 express variances, exceptions, exemptions, or other relief
24 have been granted, subsequently adopted rules which prescribe
25 new or stricter criteria shall operate as automatic
26 modifications to certifications.

27 (b) Upon written notification to the department, any
28 holder of a certification issued pursuant to this act may
29 choose to operate the certified electrical power plant in
30 compliance with any rule subsequently adopted by the
31 department which prescribes criteria more lenient than the

1 criteria required by the terms and conditions in the
2 certification which are not site-specific.

3 (c) No term or condition of certification shall be
4 interpreted to preclude the postcertification exercise by any
5 party of whatever procedural rights it may have under chapter
6 120, including those related to rulemaking proceedings. This
7 subsection shall apply to previously issued certifications.

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

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

18 (8) Pursuant to s. 380.23, electrical power plants are
19 subject to the federal coastal consistency review program.
20 Issuance of certification shall constitute the state's
21 certification of coastal zone consistency.

22 Section 37. Section 403.5112, Florida Statutes, is
23 created to read:

24 403.5112 Filing of notice of certified corridor
25 route.--

26 (1) Within 60 days after certification of a directly
27 associated linear facility pursuant to this act, the applicant
28 shall file, in accordance with s. 28.222, with the department
29 and the clerk of the circuit court for each county through
30 which the corridor will pass, a notice of the certified route.
31

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

12 Section 38. Section 403.5113, Florida Statutes, is
13 created to read:

14 403.5113 Postcertification amendments.--

15 (1) If, subsequent to certification by the board, a
16 licensee proposes any material change to the application, and
17 revisions or amendments thereto, as certified, the licensee
18 shall submit a written request for amendment and a description
19 of the proposed change to the application to the department.
20 Within 30 days after the receipt of the request for the
21 amendment, the department shall determine whether the proposed
22 change to the application requires a modification of the
23 conditions of certification.

24 (2) If the department concludes that the change would
25 not require a modification of the conditions of certification,
26 the department shall provide written notification of the
27 approval of the proposed amendment to the licensee, all
28 agencies, and all other parties.

29 (3) If the department concludes that the change would
30 require a modification of the conditions of certification, the
31 department shall provide written notification to the licensee

1 that the proposed change to the application requires a request
2 for modification pursuant to s. 403.516.

3 Section 39. Section 403.5115, Florida Statutes, is
4 amended to read:

5 403.5115 Public notice; costs of proceeding.--

6 (1) The following notices are to be published by the
7 applicant:

8 (a) Notice ~~A notice~~ of the filing of a notice of
9 intent under s. 403.5063, which shall be published within 21
10 days after the filing of the notice. The notice shall be
11 published as specified by subsection (2), except that the
12 newspaper notice shall be one-fourth page in size in a
13 standard size newspaper or one-half page in size in a tabloid
14 size newspaper.

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

24 (c) Notice of the land use determination made pursuant
25 to s. 403.50665(1) within 15 days after the determination is
26 filed.

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

30 (e) ~~(d)~~ Notice of the certification hearing and notice
31 of the deadline for filing notice of intent to be a party,

1 which shall be published as specified in subsection (2), at
2 least 65 days before the date set for the certification ~~no~~
3 ~~later than 45 days before the~~ hearing.

4 (f) Notice of the cancellation of the certification
5 hearing, if applicable, no later than 3 days before the date
6 of the originally scheduled certification hearing.

7 ~~(g)(e)~~ Notice of modification when required by the
8 department, based on whether the requested modification of
9 certification will significantly increase impacts to the
10 environment or the public. Such notice shall be published as
11 specified under subsection (2):

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

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

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

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

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

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

30 (2) Notices provided by the applicant shall be
31 published in newspapers of general circulation within the

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

15 (3) All notices published by the applicant shall be
16 paid for by the applicant and shall be in addition to the
17 application fee.

18 (4) The department shall arrange for publication of
19 the following notices in the manner specified by chapter 120
20 and provide copies of those notices to any persons who have
21 requested to be placed on the departmental mailing list for
22 this purpose:

23 (a) ~~Notice Publish in the Florida Administrative~~
24 ~~Weekly notices~~ of the filing of the notice of intent within 15
25 days after receipt of the notice.†

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

28 (c) Notice of the land use determination made pursuant
29 to s. 403.50665(1), within 15 days after the determination is
30 filed.

31

1 (d) Notice of the land use hearing before the
2 administrative law judge, if applicable, no later than 15 days
3 before the hearing.†

4 (e) Notice of the land use hearing before the board,
5 if applicable.

6 (f) Notice of the certification hearing at least 65
7 days before the date set for the certification hearing.†

8 (g) Notice of cancellation of the certification
9 hearing, if applicable, no later than 3 days before the date
10 of the originally scheduled certification hearing.

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

13 (i) 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 40. 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 41. Section 403.516, Florida Statutes, is
30 amended to read:

31 403.516 Modification of certification.--

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 2.(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 3. If objections are raised or the department denies
31 the request, the applicant or department may file a request

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

20 (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

1 approved permit program, except as expressly allowed in such
2 program.

3 Section 42. Section 403.517, Florida Statutes, is
4 amended to read:

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

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

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

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

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

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

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

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

31

1 **(b)** The review shall use the same procedures and
2 **notices as for an initial application.**

3 ~~(c)(b)~~ The time limits **for processing of a complete**
4 **supplemental application shall be designated by the department**
5 **commensurate with the scope of the supplemental application,**
6 **but** shall not exceed any time limitation governing the review
7 of initial applications for site certification pursuant to
8 this act, it being the legislative intent to provide shorter
9 time limitations for the processing of supplemental
10 applications for electrical power plants to be constructed and
11 operated at sites which have been previously certified for an
12 ultimate site capacity.

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

21 ~~(2)~~ ~~Supplemental applications shall be reviewed as~~
22 ~~provided in ss. 403.507 403.511, except that the time limits~~
23 ~~provided in this section shall apply to such supplemental~~
24 ~~applications.~~

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

29 (a) The previously certified ultimate site capacity is
30 not exceeded; and

31

1 (b) The lands required for the construction or
2 operation of the electrical power plant which is the subject
3 of the supplemental application are within the boundaries of
4 the previously certified site.

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

8 Section 43. Section 403.5175, Florida Statutes, is
9 amended to read:

10 403.5175 Existing electrical power plant site
11 certification.--

12 (1) An electric utility that owns or operates an
13 existing electrical power plant as defined in s. 403.503(12)
14 may apply for certification of an existing power plant and its
15 site in order to obtain all agency licenses necessary to
16 assure compliance with federal or state environmental laws and
17 regulation using the centrally coordinated, one-stop licensing
18 process established by this part. An application for site
19 certification under this section must be in the form
20 prescribed by department rule. Applications must be reviewed
21 and processed using the same procedural steps and notices as
22 for an application for a new facility in accordance with ss.
23 ~~403.5064-403.5115~~, except that a determination of need by the
24 Public Service Commission is not required.

25 (2) An application for certification under this
26 section must include:

27 (a) A description of the site and existing power plant
28 installations;

29 (b) A description of all proposed changes or
30 alterations to the site or electrical power plant, including
31

1 all new associated facilities that are the subject of the
2 application;

3 (c) A description of the environmental and other
4 impacts caused by the existing utilization of the site and
5 directly associated facilities, and the operation of the
6 electrical power plant that is the subject of the application,
7 and of the environmental and other benefits, if any, to be
8 realized as a result of the proposed changes or alterations if
9 certification is approved and such other information as is
10 necessary for the reviewing agencies to evaluate the proposed
11 changes and the expected impacts;

12 (d) The justification for the proposed changes or
13 alterations;

14 (e) Copies of all existing permits, licenses, and
15 compliance plans authorizing utilization of the site and
16 directly associated facilities or operation of the electrical
17 power plant that is the subject of the application.

18 (3) The land use and zoning determination ~~hearing~~
19 requirements of s. 403.50665 ~~s. 403.508(1) and (2)~~ do not
20 apply to an application under this section if the applicant
21 does not propose to expand the boundaries of the existing
22 site. If the applicant proposes to expand the boundaries of
23 the existing site to accommodate portions of the plant or
24 associated facilities, a land use and zoning determination
25 shall be made ~~hearing must be held~~ as specified in s.
26 403.50665 ~~s. 403.508(1) and (2)~~; provided, however, that the
27 sole issue for determination ~~through the land use hearing~~ is
28 whether the proposed site expansion is consistent and in
29 compliance with the existing land use plans and zoning
30 ordinances.

31

1 (4) In considering whether an application submitted
2 under this section should be approved in whole, approved with
3 appropriate conditions, or denied, the board shall consider
4 whether, and to the extent to which the proposed changes to
5 the electrical power plant and its continued operation under
6 certification will:

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

9 (b) Result in environmental or other benefits compared
10 to current utilization of the site and operations of the
11 electrical power plant if the proposed changes or alterations
12 are undertaken.†

13 ~~(c) Minimize, through the use of reasonable and~~
14 ~~available methods, the adverse effects on human health, the~~
15 ~~environment, and the ecology of the land and its wildlife and~~
16 ~~the ecology of state waters and their aquatic life; and~~

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

19 (5) An applicant's failure to receive approval for
20 certification of an existing site or an electrical power plant
21 under this section is without prejudice to continued operation
22 of the electrical power plant or site under existing agency
23 licenses.

24 Section 44. Section 403.518, Florida Statutes, is
25 amended to read:

26 403.518 Fees; disposition.--

27 (1) The department shall charge the applicant the
28 following fees, as appropriate, which, unless otherwise
29 specified, shall be paid into the Florida Permit Fee Trust
30 Fund:
31

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

6 (b) An application fee, which shall not exceed
7 \$200,000. The fee shall be fixed by rule on a sliding scale
8 related to the size, type, ultimate site capacity, or increase
9 in electric generating capacity proposed by the application,
10 ~~or the number and size of local governments in whose~~
11 ~~jurisdiction the electrical power plant is located.~~

12 1. Sixty percent of the fee shall go to the department
13 to cover any costs associated with coordinating the review
14 ~~reviewing~~ and acting upon the application, to cover any field
15 services associated with monitoring construction and operation
16 of the facility, and to cover the costs of the public notices
17 published by the department.

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

22 a. Five percent to compensate expenses from the
23 initial exercise of duties associated with the filing of an
24 application.

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

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

29 3.a. Upon written request with proper itemized
30 accounting within 90 days after final agency action by the
31 board or withdrawal of the application, the agencies that

1 prepared reports pursuant to s. 403.507 or participated in a
2 hearing pursuant to s. 403.508, may submit a written request
3 to the department for reimbursement of expenses incurred
4 during the certification proceedings. The request shall
5 contain an accounting of expenses incurred which may include
6 time spent reviewing the application, ~~the department shall~~
7 reimburse the Department of Community Affairs, the Fish and
8 Wildlife Conservation Commission, and any water management
9 district created pursuant to chapter 373, regional planning
10 council, and local government in the jurisdiction of which the
11 proposed electrical power plant is to be located, and any
12 other agency from which the department requests special
13 studies pursuant to s. 403.507(2)(a)7. Such reimbursement
14 shall be authorized for the preparation of any studies
15 required of the agencies by this act, ~~and for~~ agency travel
16 and per diem to attend any hearing held pursuant to this act,
17 and for any agency's or local government's provision of notice
18 of public meetings or meetings required as a result of the
19 application for certification ~~governments to participate in~~
20 the proceedings. The department shall review the request and
21 verify that the expenses are valid. Valid expenses shall be
22 reimbursed; however, in the event the amount of funds
23 available for reimbursement allocation is insufficient to
24 provide for full compensation ~~complete reimbursement~~ to the
25 agencies requesting reimbursement, reimbursement shall be on a
26 prorated basis.

27 b. If the application review is held in abeyance for
28 more than 1 year, the agencies may submit a request for
29 reimbursement.

30 4. If any sums are remaining, the department shall
31 retain them for its use in the same manner as is otherwise

1 authorized by this act; provided, however, that if the
2 certification application is withdrawn, the remaining sums
3 shall be refunded to the applicant within 90 days after
4 withdrawal.

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

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

27 (d) A supplemental application fee, not to exceed
28 \$75,000, to cover all reasonable expenses and costs of the
29 review, processing, and proceedings of a supplemental
30 application. This fee shall be established, disbursed, and
31 processed in the same manner as the certification application

1 fee in paragraph (b), ~~except that only \$20,000 of the fee~~
2 ~~shall be transferred to the Administrative Trust Fund of the~~
3 ~~Division of Administrative Hearings of the Department of~~
4 ~~Management Services.~~

5 (e) An existing site certification application fee,
6 not to exceed \$200,000, to cover all reasonable costs and
7 expenses of the review processing and proceedings for
8 certification of an existing power plant site under s.
9 403.5175. This fee must be established, disbursed, and
10 processed in the same manner as the certification application
11 fee in paragraph (b).

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

17 Section 45. Any application for power plant
18 certification filed pursuant to ss. 403.501-403.518 shall be
19 processed under the provisions of law applicable at the time
20 the application is filed, except that the provisions relating
21 to cancellation of the certification hearing under s.
22 403.508(6), the provisions relating to the final disposition
23 of the application and issuance of the written order by the
24 secretary under s. 403.509(1)(a), and notice of the
25 cancellation of the certification hearing under s. 403.5115
26 may apply to any application for power plant certification.

27 Section 46. Section 403.519, Florida Statutes, is
28 amended to read:

29 403.519 Exclusive forum for determination of need.--

30 (1) On request by an applicant or on its own motion,
31 the commission shall begin a proceeding to determine the need

1 for an electrical power plant subject to the Florida
2 Electrical Power Plant Siting Act.

3 (2) The applicant ~~commission~~ shall publish a notice of
4 the proceeding in a newspaper of general circulation in each
5 county in which the proposed electrical power plant will be
6 located. The notice shall be at least one-quarter of a page
7 and published at least 21 ~~45~~ days prior to the scheduled date
8 for the proceeding. The commission shall publish notice of the
9 proceeding in the manner specified by chapter 120 at least 21
10 days prior to the scheduled date for the proceeding.

11 (3) The commission shall be the sole forum for the
12 determination of this matter, which accordingly shall not be
13 raised in any other forum or in the review of proceedings in
14 such other forum. In making its determination, the commission
15 shall take into account the need for electric system
16 reliability and integrity, the need for adequate electricity
17 at a reasonable cost, the need for fuel diversity and supply
18 reliability, and whether the proposed plant is the most
19 cost-effective alternative available. The commission shall
20 also expressly consider the conservation measures taken by or
21 reasonably available to the applicant or its members which
22 might mitigate the need for the proposed plant and other
23 matters within its jurisdiction which it deems relevant. The
24 commission's determination of need for an electrical power
25 plant shall create a presumption of public need and necessity
26 and shall serve as the commission's report required by s.
27 403.407(2)(b) ~~403.507(2)(a)~~2. An order entered pursuant to
28 this section constitutes final agency action.

29 (4) Rule 25-22.082, Florida Administrative Code, does
30 not apply to an electrical power plant using nuclear materials
31 for fuel and an applicant for such a power plant is not

1 required to secure competitive proposals for a power supply
2 before applying for a certificate and filing a petition for
3 determination of need.

4 Section 47. Section 403.52, Florida Statutes, is
5 amended to read:

6 403.52 Short title.--Sections 403.52-403.5365 may be
7 cited as the "Florida Electric Transmission Line Siting Act."

8 Section 48. Section 403.521, Florida Statutes, is
9 amended to read:

10 403.521 Legislative intent.--The legislative intent of
11 this act is to establish a centralized and coordinated
12 licensing ~~permitting~~ process for the location of electric
13 transmission line corridors and the construction, operation,
14 and maintenance of electric transmission lines, which are
15 critical infrastructure facilities. This necessarily involves
16 several broad interests of the public addressed through the
17 subject matter jurisdiction of several agencies. The
18 Legislature recognizes that electric transmission lines will
19 have an effect upon the reliability of the electric power
20 system, the environment, land use, and the welfare of the
21 population. Recognizing the need to ensure electric power
22 system reliability and integrity, and in order to meet
23 electric ~~electrical~~ energy needs in an orderly and timely
24 fashion, the centralized and coordinated licensing ~~permitting~~
25 process established by this act is intended to further the
26 legislative goal of ensuring through available and reasonable
27 methods that the location of transmission line corridors and
28 the construction, operation, and maintenance of electric
29 transmission lines produce minimal adverse effects on the
30 environment and public health, safety, and welfare ~~while not~~
31 ~~unduly conflicting with the goals established by the~~

1 ~~applicable local comprehensive plan.~~ It is the intent of this
2 act to fully balance the need for transmission lines with the
3 broad interests of the public in order to effect a reasonable
4 balance between the need for the facility as a means of
5 providing reliable, economical, and efficient electric
6 ~~abundant low cost electrical~~ energy and the impact on the
7 public and the environment resulting from the location of the
8 transmission line corridor and the construction, operation,
9 and maintenance of the transmission lines. The Legislature
10 intends that the provisions of chapter 120 apply to this act
11 and to proceedings under ~~pursuant to~~ it except as otherwise
12 expressly exempted by other provisions of this act.

13 Section 49. Section 403.522, Florida Statutes, is
14 amended to read:

15 403.522 Definitions relating to the Florida Electric
16 Transmission Line Siting Act.--As used in this act:

17 (1) "Act" means the Florida Electric Transmission Line
18 Siting Act.

19 (2) "Agency," as the context requires, means an
20 official, officer, commission, authority, council, committee,
21 department, division, bureau, board, section, or other unit or
22 entity of government, including a county, municipality, or
23 other regional or local governmental entity.

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

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

30 (5) "Application" means the documents required by the
31 department to be filed to initiate and support a certification

1 review and evaluation, including the initial document filing,
2 amendments, and responses to requests from the department for
3 additional data and information ~~proceeding~~. An electric
4 utility may file a comprehensive application encompassing all
5 or a part of one or more proposed transmission lines.

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

8 (7) "Certification" means the approval by the board of
9 the license for a corridor proper for certification pursuant
10 to subsection (10) and the construction, operation, and
11 maintenance of transmission lines within the ~~such~~ corridor
12 with the ~~such~~ changes or conditions as the siting board deems
13 appropriate. Certification shall be evidenced by a written
14 order of the board.

15 (8) "Commission" means the Florida Public Service
16 Commission.

17 (9) "Completeness" means that the application has
18 addressed all applicable sections of the prescribed
19 application format and, ~~but does not mean~~ that those sections
20 are sufficient in comprehensiveness of data or in quality of
21 information provided to allow the department to determine
22 whether the application provides the reviewing agencies
23 adequate information to prepare the reports required by s.
24 403.526.

25 (10) "Corridor" means the proposed area within which a
26 transmission line right-of-way, including maintenance and
27 access roads, is to be located. The width of the corridor
28 proposed for certification by an applicant or other party, at
29 the option of the applicant, may be the width of the
30 transmission line right-of-way, or a wider boundary, not to
31 exceed a width of 1 mile. The area within the corridor in

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 transmission line right-of-way and
4 | maintenance and access roads have been acquired by the
5 | applicant, the boundaries of the area certified shall narrow
6 | to only that land within the boundaries of the transmission
7 | line right-of-way. The corridors proper for certification
8 | shall be those addressed in the application, in amendments to
9 | the application filed under ~~pursuant to~~ s. 403.5275, and in
10 | notices of acceptance of proposed alternate corridors filed by
11 | an applicant and the department pursuant to s. 403.5271 for
12 | which the required ~~sufficient~~ information for the preparation
13 | of agency supplemental reports was filed.

14 | (11) "Department" means the Department of
15 | Environmental Protection.

16 | (12) "Electric utility" means cities and towns,
17 | counties, public utility districts, regulated electric
18 | companies, electric cooperatives, regional transmission
19 | organizations, operators of independent transmission systems,
20 | or other transmission organizations approved by the Federal
21 | Energy Regulatory Commission or the commission for the
22 | operation of transmission facilities, and joint operating
23 | agencies, or combinations thereof, engaged in, or authorized
24 | to engage in, the business of generating, transmitting, or
25 | distributing electric energy.

26 | (13) "License" means a franchise, permit,
27 | certification, registration, charter, comprehensive plan
28 | amendment, development order, or permit as defined in chapters
29 | 163 and 380, or similar form of authorization required by law,
30 | but it does not include a license required primarily for
31 |

1 revenue purposes when issuance of the license is merely a
2 ministerial act.

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

5 ~~(15)(14)~~ "Local government" means a municipality or
6 county in the jurisdiction of which the project is proposed to
7 be located.

8 (16) "Maintenance and access roads" mean roads
9 constructed within the transmission line right-of-way. Nothing
10 in this act prohibits an applicant from constructing a road to
11 support construction, operation, or maintenance of the
12 transmission line that lies outside the transmission line
13 right-of-way.

14 ~~(17)(15)~~ "Modification" means any change in the
15 certification order after issuance, including a change in the
16 conditions of certification.

17 ~~(18)(16)~~ "Nonprocedural requirements of agencies"
18 means any agency's regulatory requirements established by
19 statute, rule, ordinance, or comprehensive plan, excluding any
20 provisions prescribing forms, fees, procedures, or time limits
21 for the review or processing of information submitted to
22 demonstrate compliance with such regulatory requirements.

23 ~~(19)(17)~~ "Person" means an individual, partnership,
24 joint venture, private or public corporation, association,
25 firm, public service company, political subdivision, municipal
26 corporation, government agency, public utility district, or
27 any other entity, public or private, however organized.

28 ~~(20)(18)~~ "Preliminary statement of issues" means a
29 listing and explanation of those issues within the agency's
30 jurisdiction which are of major concern to the agency in
31

1 relation to the proposed electric ~~electrical~~ transmission line
2 corridor.

3 ~~(21)(19)~~ "Regional planning council" means a regional
4 planning council as defined in s. 186.503(4) in the
5 jurisdiction of which the project is proposed to be located.

6 ~~(20)~~ ~~"Sufficiency" means that the application is not~~
7 ~~only complete but that all sections are adequate in the~~
8 ~~comprehensiveness of data and in the quality of information~~
9 ~~provided to allow the department to determine whether the~~
10 ~~application provides the reviewing agencies adequate~~
11 ~~information to prepare the reports authorized by s. 403.526.~~

12 ~~(22)(21)~~ "Transmission line" or "electric transmission
13 line" means structures, maintenance and access roads, and all
14 other facilities that need to be constructed, operated, or
15 maintained for the purpose of conveying electric power ~~any~~
16 ~~electrical transmission line~~ extending from, but not
17 including, an existing or proposed substation or power plant
18 to, but not including, an existing or proposed transmission
19 network or rights-of-way or substation to which the applicant
20 intends to connect which defines the end of the proposed
21 project and which is designed to operate at 230 kilovolts or
22 more. ~~The starting point and ending point of a transmission~~
23 ~~line must be specifically defined by the applicant and must be~~
24 ~~verified by the commission in its determination of need. A~~
25 ~~transmission line includes structures and maintenance and~~
26 ~~access roads that need to be constructed for the project to~~
27 ~~become operational.~~ The transmission line may include, at the
28 applicant's option, any proposed terminal or intermediate
29 substations or substation expansions necessary to serve the
30 transmission line.

31

1 ~~(23)~~~~(22)~~ "Transmission line right-of-way" means land
2 necessary for the construction, operation, and maintenance of
3 a transmission line. The typical width of the right-of-way
4 shall be identified in the application. The right-of-way shall
5 be located within the certified corridor and shall be
6 identified by the applicant ~~subsequent to certification~~ in
7 documents filed with the department before ~~prior to~~
8 construction.

9 ~~(24)~~~~(23)~~ "Water management district" means a water
10 management district created pursuant to chapter 373 in the
11 jurisdiction of which the project is proposed to be located.

12 Section 50. Section 403.523, Florida Statutes, is
13 amended to read:

14 403.523 Department of Environmental Protection; powers
15 and duties.--The department has ~~shall have~~ the following
16 powers and duties:

17 (1) To adopt procedural rules pursuant to ss.
18 120.536(1) and 120.54 to administer ~~implement the provisions~~
19 ~~of~~ this act and to adopt or amend rules to implement the
20 provisions of subsection (10).

21 (2) To prescribe the form and content of the public
22 notices and the form, content, and necessary supporting
23 documentation, and any required studies, for certification
24 applications. All ~~such~~ data and studies shall be related to
25 the jurisdiction of the agencies relevant to the application.

26 (3) To receive applications for transmission line and
27 corridor certifications and initially determine the
28 completeness ~~and sufficiency~~ thereof.

29 (4) To make or contract for studies of certification
30 applications. All ~~such~~ studies shall be related to the
31 jurisdiction of the agencies relevant to the application. For

1 studies in areas outside the jurisdiction of the department
2 and in the jurisdiction of another agency, the department may
3 initiate such studies, but only with the consent of ~~the such~~
4 agency.

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

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

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

13 (8) To prescribe the means for monitoring the effects
14 arising from the location of the transmission line corridor
15 and the construction, operation, and maintenance of the
16 transmission lines to assure continued compliance with the
17 terms of the certification.

18 (9) To make a determination of acceptability of any
19 alternate corridor proposed for consideration under ~~pursuant~~
20 ~~to~~ s. 403.5271.

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

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

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

30 (13) To act as clerk for the siting board.
31

1 (14) To administer and manage the terms and conditions
2 of the certification order and supporting documents and
3 records for the life of the facility.

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

6 Section 51. Section 403.524, Florida Statutes, is
7 amended to read:

8 403.524 Applicability; ~~and~~ certification;
9 exemptions.--

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

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

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

19 (b) Transmission lines that which have been exempted
20 by a binding letter of interpretation issued under s.
21 380.06(4), or in which the Department of Community Affairs or
22 its predecessor agency has determined the utility to have
23 vested development rights within the meaning of s. 380.05(18)
24 or s. 380.06(20).

25 (c) Transmission line development in which all
26 construction is limited to established rights-of-way.
27 Established rights-of-way include ~~such~~ rights-of-way
28 established at any time for roads, highways, railroads, gas,
29 water, oil, electricity, or sewage and any other public
30 purpose rights-of-way. If an established transmission line
31 right-of-way is used to qualify for this exemption, the

1 transmission line right-of-way must have been established at
2 least 5 years before notice of the start of construction under
3 subsection (4) of the proposed transmission line. If an
4 established transmission line right-of-way is relocated to
5 accommodate a public project, the date the original
6 transmission line right-of-way was established applies to the
7 relocated transmission line right-of-way for purposes of this
8 exemption. ~~Except for transmission line rights of way,~~
9 ~~established rights of way include rights of way created before~~
10 ~~or after October 1, 1983. For transmission line rights of way,~~
11 ~~established rights of way include rights of way created before~~
12 ~~October 1, 1983.~~

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

18 (3) The exemption of a transmission line under this
19 act does not constitute an exemption for the transmission line
20 from other applicable permitting processes under other
21 provisions of law or local government ordinances.

22 (4) An electric ~~A~~ utility shall notify the department
23 in writing, before ~~prior to~~ the start of construction, of its
24 intent to construct a transmission line exempted under
25 ~~pursuant to~~ this section. The ~~Such~~ notice is ~~shall be~~ only for
26 information purposes, and ~~no~~ action by the department is not
27 ~~shall be~~ required pursuant to the ~~such~~ notice. This notice may
28 be included in any submittal filed with the department before
29 the start of construction demonstrating that a new
30 transmission line complies with the applicable electric and
31 magnetic field standards.

1 Section 52. Section 403.525, Florida Statutes, is
2 amended to read:

3 403.525 ~~Appointment of Administrative law judge;~~
4 appointment; powers and duties.--

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

10 (b) The division director shall designate an
11 administrative law judge to conduct the hearings required by
12 this act within 7 days after receipt of the request from the
13 department. Whenever practicable, the division director shall
14 assign an administrative law judge who has had prior
15 experience or training in this type of certification
16 proceeding.

17 (c) Upon being advised that an administrative law
18 judge has been designated, the department shall immediately
19 file a copy of the application and all supporting documents
20 with the administrative law judge, who shall docket the
21 application.

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

25 Section 53. Section 403.5251, Florida Statutes, is
26 amended to read:

27 403.5251 ~~Distribution of Application; schedules.--~~

28 (1)(a) The formal date of the filing of the
29 application for certification and commencement of the review
30 process for certification is the date on which the applicant
31 submits:

1 1. Copies of the application for certification in a
2 quantity and format, electronic or otherwise as prescribed by
3 rule, to the department and other agencies identified in s.
4 403.526(2); and

5 2. The application fee as specified under s. 403.5365
6 to the department.

7
8 The department shall provide to the applicant and the Division
9 of Administrative Hearings the names and addresses of any
10 additional agencies or persons entitled to notice and copies
11 of the application and amendments, if any, within 7 days after
12 receiving the application for certification and the
13 application fees.

14 (b) In the application, the starting point and ending
15 point of a transmission line must be specifically defined by
16 the applicant. Within 7 days after the filing of an
17 application, the department shall provide the applicant and
18 the Division of Administrative Hearings the names and
19 addresses of those affected or other agencies entitled to
20 notice and copies of the application and any amendments.

21 (2) Within 15 ~~7~~ days after the formal date of the
22 application filing ~~completeness has been determined~~, the
23 department shall prepare a proposed schedule of dates for
24 determination of completeness, submission of statements of
25 issues, ~~determination of sufficiency, and~~ submittal of final
26 reports, ~~from affected and other agencies~~ and other
27 significant dates to be followed during the certification
28 process, including dates for filing notices of appearances to
29 be a party under s. 403.527(2) ~~pursuant to s. 403.527(4)~~. This
30 schedule shall be provided by the department to the applicant,
31 the administrative law judge, and the agencies identified

1 ~~under pursuant to~~ subsection (1). Within 7 days after the
2 filing of this proposed schedule, the administrative law judge
3 shall issue an order establishing a schedule for the matters
4 addressed in the department's proposed schedule and other
5 appropriate matters, if any.

6 (3) ~~Within 7 days after completeness has been~~
7 ~~determined, the applicant shall distribute copies of the~~
8 ~~application to all agencies identified by the department~~
9 ~~pursuant to subsection (1).~~ Copies of changes and amendments
10 to the application shall be timely distributed by the
11 applicant to all agencies and parties who have received a copy
12 of the application.

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

15 Section 54. Section 403.5252, Florida Statutes, is
16 amended to read:

17 403.5252 Determination of completeness.--

18 (1)(a) Within 30 days after distribution of an
19 application, the affected agencies shall file a statement with
20 the department containing the recommendations of each agency
21 concerning the completeness of the application for
22 certification.

23 (b) Within 7 ~~15~~ days after receipt of the completeness
24 statements of each agency ~~an application,~~ the department shall
25 file a statement with the Division of Administrative Hearings,
26 ~~and~~ with the applicant, ~~and with all parties~~ declaring its
27 position with regard to the completeness, ~~not the sufficiency,~~
28 of the application. The statement of the department shall be
29 based upon its consultation with the affected agencies.

30 (2)(1) If the department declares the application to
31 be incomplete, the applicant, within 14 ~~15~~ days after the

1 filing of the statement by the department, shall file with the
2 Division of Administrative Hearings, with all parties, and
3 with the department ~~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. After the department first determines
8 the application to be incomplete, the time schedules under
9 this act are not tolled if the applicant makes the application
10 complete within the 14-day period. A subsequent finding by the
11 department that the application remains incomplete tolls the
12 time schedules under this act until the application is
13 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 ~~statement of the~~
20 ~~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

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 hearing on the issue of completeness must file a motion no
8 later than 10 days before 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 ~~do shall~~ not commence
14 until 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 14 days after the applicant files
24 the additional information, a recommendation on whether the
25 agency believes the application is complete. Within 21 days
26 after receipt of the additional information from the applicant
27 submitted under paragraphs (2)(b), (2)(d), or (3)(c) and
28 considering the recommendations of the affected agencies, the
29 department shall determine whether the additional information
30 supplied by an applicant makes the application complete. If
31 the department finds that the application is still incomplete,

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

4 Section 55. Section 403.526, Florida Statutes, is
5 amended to read:

6 403.526 Preliminary statements of issues, reports, and
7 project analyses; and studies.--

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

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

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

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

30 3. The Department of Community Affairs shall prepare a
31 report containing recommendations which address the impact

1 upon the public of the proposed transmission line or corridor,
2 based on the degree to which the proposed transmission line or
3 corridor is consistent with the applicable portions of the
4 state comprehensive plan, emergency management, and other
5 matters within its jurisdiction. The Department of Community
6 Affairs may also comment on the consistency of the proposed
7 transmission line or corridor with applicable strategic
8 regional policy plans or local comprehensive plans and land
9 development regulations.

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

14 5. Each local government shall prepare a report as to
15 the impact of each proposed transmission line or corridor on
16 matters within its jurisdiction, including the consistency of
17 the proposed transmission line or corridor with all applicable
18 local ordinances, regulations, standards, or criteria that
19 apply to the proposed transmission line or corridor, including
20 local comprehensive plans, zoning regulations, land
21 development regulations, and any applicable local
22 environmental regulations adopted pursuant to s. 403.182 or by
23 other means. A ~~No~~ change by the responsible local government
24 or local agency in local comprehensive plans, zoning
25 ordinances, or other regulations made after the date required
26 for the filing of the local government's report required by
27 this section is not ~~shall be~~ applicable to the certification
28 of the proposed transmission line or corridor unless the
29 certification is denied or the application is withdrawn.

30 6. Each regional planning council shall present a
31 report containing recommendations that address the impact upon

1 the public of the proposed transmission line or corridor based
2 on the degree to which the transmission line or corridor is
3 consistent with the applicable provisions of the strategic
4 regional policy plan adopted under ~~pursuant to~~ chapter 186 and
5 other impacts of each proposed transmission line or corridor
6 on matters within its jurisdiction.

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

11 8. The commission shall prepare a report containing
12 its determination under s. 403.537 and the report may include
13 the comments from the commission with respect to any other
14 subject within its jurisdiction.

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

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

20 1. A notice of any nonprocedural requirements not
21 specifically listed in the application from which a variance,
22 exemption, exception, or other relief is necessary in order
23 for the proposed corridor to be certified. Failure to include
24 the notice shall be treated as a waiver from the nonprocedural
25 requirements of that agency.

26 2. A recommendation for approval or denial of the
27 application.

28 3. The information on variances required by s.
29 403.531(2) and proposed conditions of certification on matters
30 within the jurisdiction of each agency. For each condition
31 proposed by an agency, the agency shall list the specific

1 statute, rule, or ordinance, as applicable, which authorizes
2 the proposed condition.

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

8 (d) Receipt of an affirmative determination of need
9 from the commission by the submittal deadline for agency
10 reports under paragraph (a) is a condition precedent to
11 further processing of the application.

12 (3) The department shall prepare a project written
13 analysis containing ~~which contains~~ a compilation of agency
14 reports and summaries of the material contained therein which
15 shall be filed with the administrative law judge and served on
16 all parties no later than 115 ~~135~~ days after the application
17 is filed ~~complete application has been distributed to the~~
18 ~~affected agencies~~, and which shall include:

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

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

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

26 ~~(d)(c)~~ The recommendation of the department as to the
27 disposition of the application, of variances, exemptions,
28 exceptions, or other relief identified by any party, and of
29 any proposed conditions of certification which the department
30 believes should be imposed.

31

1 (4) The failure of any agency to submit a preliminary
2 statement of issues or a report, or to submit its preliminary
3 statement of issues or report within the allowed time, is
4 ~~shall not be~~ grounds for the alteration of any time limitation
5 in this act under ~~pursuant to~~ s. 403.528. ~~Neither~~ The failure
6 to submit a preliminary statement of issues or a report, or
7 ~~nor~~ the inadequacy of the preliminary statement of issues or
8 report, are not ~~shall be~~ grounds to deny or condition
9 certification.

10 Section 56. Section 403.527, Florida Statutes, is
11 amended to read:

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

14 403.527 Certification hearing, parties,
15 participants.--

16 (1)(a) No later than 145 days after the application is
17 filed, the administrative law judge shall conduct a
18 certification hearing pursuant to ss. 120.569 and 120.57 at a
19 central location in proximity to the proposed transmission
20 line or corridor.

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

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

- 26 1. The applicant.
- 27 2. The department.
- 28 3. The commission.
- 29 4. The Department of Community Affairs.
- 30 5. The Fish and Wildlife Conservation Commission.
- 31 6. The Department of Transportation.

1 7. Each water management district in the jurisdiction
2 of which the proposed transmission line or corridor is to be
3 located.

4 8. The local government.

5 9. The regional planning council.

6 (b) Any party listed in paragraph (a), other than the
7 department or the applicant, may waive its right to
8 participate in these proceedings. If any listed party fails to
9 file a notice of its intent to be a party on or before the
10 30th day before the certification hearing, the party is deemed
11 to have waived its right to be a party unless its
12 participation would not prejudice the rights of any party to
13 the proceeding.

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

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

24 2. Any domestic nonprofit corporation or association
25 formed, in whole or in part, to promote conservation of
26 natural beauty; to protect the environment, personal health,
27 or other biological values; to preserve historical sites; to
28 promote consumer interests; to represent labor, commercial, or
29 industrial groups; or to promote comprehensive planning or
30 orderly development of the area in which the proposed
31 transmission line or corridor is to be located.

1 3. Any person whose substantial interests are affected
2 and being determined by the proceeding.

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

6 (3)(a) The order of presentation at the certification
7 hearing, unless otherwise changed by the administrative law
8 judge to ensure the orderly presentation of witnesses and
9 evidence, shall be:

10 1. The applicant.

11 2. The department.

12 3. State agencies.

13 4. Regional agencies, including regional planning
14 councils and water management districts.

15 5. Local governments.

16 6. Other parties.

17 (b) When appropriate, any person may be given an
18 opportunity to present oral or written communications to the
19 administrative law judge. If the administrative law judge
20 proposes to consider such communications, all parties shall be
21 given an opportunity to cross-examine, challenge, or rebut the
22 communications.

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

27 (a) A local government shall notify the administrative
28 law judge and all parties not later than 21 days after the
29 application has been determined complete as to whether the
30 local government wishes to have a public hearing. If a filing
31 for an alternate corridor is accepted for consideration under

1 s. 403.5271(1) by the department and the applicant, any newly
2 affected local government must notify the administrative law
3 judge and all parties not later than 10 days after the data
4 concerning the alternate corridor has been determined complete
5 as to whether the local government wishes to have such a
6 public hearing. The local government is responsible for
7 providing the location of the public hearing if held
8 separately from the certification hearing.

9 (b) Within 5 days after notification, the
10 administrative law judge shall determine the date of the
11 public hearing, which shall be held before or during the
12 certification hearing. If two or more local governments within
13 one county request a public hearing, the hearing shall be
14 consolidated so that only one public hearing is held in any
15 county. The location of a consolidated hearing shall be
16 determined by the administrative law judge.

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

22 (5) At the conclusion of the certification hearing,
23 the administrative law judge shall, after consideration of all
24 evidence of record, issue a recommended order disposing of the
25 application no later than 45 days after the transcript of the
26 certification hearing and the public hearings is filed with
27 the Division of Administrative Hearings.

28 (6)(a) No later than 25 days before the certification
29 hearing, the department or the applicant may request that the
30 administrative law judge cancel the certification hearing and
31 relinquish jurisdiction to the department if all parties to

1 the proceeding stipulate that there are no disputed issues of
2 material fact to be raised at the certification hearing.

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

5 (c) If the administrative law judge grants the
6 request, the department and the applicant shall publish
7 notices of the cancellation of the certification hearing in
8 accordance with s. 403.5363.

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

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

15 (7) The applicant shall pay those expenses and costs
16 associated with the conduct of the hearing and the recording
17 and transcription of the proceedings.

18 Section 57. Section 403.5271, Florida Statutes, is
19 amended to read:

20 403.5271 Alternate corridors.--

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

25 (a) A notice of a ~~any such~~ proposed alternate corridor
26 must ~~shall~~ be filed with the administrative law judge, all
27 parties, and any local governments in whose jurisdiction the
28 alternate corridor is proposed. The ~~Such~~ filing must ~~shall~~
29 include the most recent United States Geological Survey
30 1:24,000 quadrangle maps specifically delineating the corridor
31 boundaries, a description of the proposed corridor, and a

1 statement of the reasons the proposed alternate corridor
2 should be certified.

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

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

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

31

1 (d) Within 21 ~~25~~ days after acceptance of an alternate
2 corridor by the department and the applicant, the party
3 proposing an alternate corridor shall have the burden of
4 providing all ~~additional~~ data to the agencies listed in s.
5 403.526(2) and newly affected agencies s. 403.526 necessary
6 for the preparation of a supplementary report on the proposed
7 alternate corridor.

8 (e)1. Reviewing agencies shall advise the department
9 of any issues concerning completeness no later than 15 days
10 after the submittal of the data required by paragraph (d).
11 Within 22 days after receipt of the data, the department shall
12 issue a determination of completeness.

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

18 3. If the department, within 14 days after receiving
19 the additional data, determines that the data remains
20 incomplete, the incompleteness of the data is deemed a
21 withdrawal of the proposed alternate corridor. The department
22 may make its determination based on recommendations made by
23 other affected agencies. If the department determines within
24 15 days that this additional data is insufficient, the party
25 proposing the alternate corridor shall file such additional
26 data that corrects the insufficiency within 15 days after the
27 filing of the department's determination. If such additional
28 data is determined insufficient, such insufficiency of data
29 shall be deemed a withdrawal of the proposed alternate
30 corridor. The party proposing an alternate corridor shall have
31 the burden of proof on the certifiability of the alternate

1 ~~corridor at the certification hearing pursuant to s.~~
2 ~~403.529(4). Nothing in this act shall be construed as~~
3 ~~requiring the applicant or agencies not proposing the~~
4 ~~alternate corridor to submit data in support of such alternate~~
5 ~~corridor.~~

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

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

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

22 (2) If the original certification hearing date is
23 rescheduled, the rescheduling shall not provide the
24 opportunity for parties to file additional alternate corridors
25 to the applicant's proposed corridor or any accepted alternate
26 corridor. However, an amendment to the application which
27 changes the alignment of the applicant's proposed corridor
28 shall require rescheduling of the certification hearing, if
29 necessary, so as to allow time for a party to file alternate
30 corridors to the realigned proposed corridor for which the
31 application has been amended. Any ~~such~~ alternate corridor

1 | proposal shall have the same starting and ending points as the
2 | realigned portion of the corridor proposed by the applicant's
3 | amendment, provided that the administrative law judge for good
4 | cause shown may authorize another starting or ending point in
5 | the area of the applicant's amended corridor.

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

19 | (b) The party proposing an alternate corridor has the
20 | burden to prove that the alternate corridor can be certified
21 | at the certification hearing. This act does not require an
22 | applicant or agency that is not proposing the alternate
23 | corridor to submit data in support of the alternate corridor.

24 | (4) If an alternate corridor is accepted by the
25 | applicant and the department pursuant to a notice of
26 | acceptance as provided in this subsection and the ~~such~~
27 | corridor is ultimately determined to be the corridor that
28 | would meet the criteria set forth in s. 403.529(4) and (5),
29 | the board shall certify that corridor.

30 | Section 58. Section 403.5272, Florida Statutes, is
31 | amended to read:

1 403.5272 ~~Local governments;~~ Informational public
2 meetings.--

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

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

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

29 ~~(4)(3)~~ The failure to hold an informational public
30 meeting or the procedure used for the informational public
31 meeting are ~~shall~~ not be grounds for the alteration of any

1 | time limitation in this act ~~under pursuant to~~ s. 403.528 or
2 | grounds to deny or condition certification.

3 | Section 59. Section 403.5275, Florida Statutes, is
4 | amended to read:

5 | 403.5275 Amendment to the application.--

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

9 | (2) Any amendment to the application made before ~~prior~~
10 | ~~to~~ certification shall be disposed of as part of the original
11 | certification proceeding. Amendment of the application may be
12 | considered "good cause" for alteration of time limits pursuant
13 | to s. 403.528.

14 | Section 60. Section 403.528, Florida Statutes, is
15 | amended to read:

16 | 403.528 Alteration of time limits.--

17 | (1) Any time limitation in this act may be altered by
18 | the administrative law judge upon stipulation between the
19 | department and the applicant unless objected to by any party
20 | within 5 days after notice or for good cause shown by any
21 | party.

22 | (2) A comprehensive application encompassing more than
23 | one proposed transmission line may be good cause for
24 | alternation of time limits.

25 | Section 61. Section 403.529, Florida Statutes, is
26 | amended to read:

27 | 403.529 Final disposition of application.--

28 | (1)(a) If the administrative law judge has granted a
29 | request to cancel the certification hearing and has
30 | relinquished jurisdiction to the department under s.
31 | 403.527(6), within 40 days thereafter, the secretary of the

1 department shall act upon the application by written order in
2 accordance with the terms of this act and state the reasons
3 for issuance or denial.

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

12 (2) The issues that may be raised in any hearing
13 before the board shall be limited to matters raised in the
14 certification proceeding before the administrative law judge
15 or raised in the recommended order of the administrative law
16 judge. All parties, or their representatives, or persons who
17 appear before the board shall be subject to ~~the provisions of~~
18 s. 120.66.

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

23 (4) In determining whether an application should be
24 approved in whole, approved with modifications or conditions,
25 or denied, the board, or secretary when applicable, shall
26 consider whether, and the extent to which, the location of the
27 transmission line corridor and the construction, operation,
28 and maintenance of the transmission line will:

29 (a) Ensure electric power system reliability and
30 integrity;

31

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

3 (c) Comply with applicable nonprocedural requirements
4 of agencies;

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

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

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

23 (b) If the board, or secretary if applicable, finds
24 that an alternate corridor rejected pursuant to s. 403.5271
25 meets the criteria of subsection (4) and has the least adverse
26 impact regarding the criteria in subsection (4), including
27 cost, of all corridors that meet the criteria of subsection
28 (4), ~~then~~ the board, or secretary if applicable, shall deny
29 certification or shall allow the applicant to submit an
30 amended application to include the ~~such~~ corridor.
31

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

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

14 Section 62. Section 403.531, Florida Statutes, is
15 amended to read:

16 403.531 Effect of certification.--

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

27 (2)(a) The certification authorizes ~~shall authorize~~
28 the licensee applicant to locate the transmission line
29 corridor and to construct and maintain the transmission lines
30 subject only to the conditions of certification set forth in
31 the such certification.

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

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

26 (b) On certification, any license, easement, or other
27 interest in state lands, except those the title of which is
28 vested in the Board of Trustees of the Internal Improvement
29 Trust Fund, shall be issued by the appropriate agency as a
30 ministerial act. The applicant shall ~~be required to~~ seek any
31 necessary interest in state lands the title to which is vested

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

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

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

25 | Section 63. Section 403.5312, Florida Statutes, is
26 | amended to read:

27 | 403.5312 Filing Recording of notice of certified
28 | corridor route.--

29 | (1) Within 60 days after certification of a directly
30 | associated transmission line under ~~pursuant to~~ ss.
31 | 403.501-403.518 or a transmission line corridor under ~~pursuant~~

1 ~~to~~ ss. 403.52-403.5365, the applicant shall file with the
2 department and, in accordance with s. 28.222, with the clerk
3 of the circuit court for each county through which the
4 corridor will pass, a notice of the certified route.

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

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

18 Section 64. Section 403.5315, Florida Statutes, is
19 amended to read:

20 403.5315 Modification of certification.--A
21 certification may be modified after issuance in any one of the
22 following ways:

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

25 (2) The licensee may file a petition for modification
26 with the department or the department may initiate the
27 modification upon its own initiative.

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

29 1. The proposed modification;

30 2. The factual reasons asserted for the modification;

31 and

1 3. The anticipated additional environmental effects of
2 the proposed modification.

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

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

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

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

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

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

26 ~~and~~

27 ~~(c) The anticipated additional environmental effects~~
28 ~~of the proposed modification.~~

29 ~~(4) Petitions filed pursuant to subsection (3) shall~~
30 ~~be disposed of in the same manner as an application but with~~
31 ~~time periods established by the administrative law judge~~

1 ~~commensurate with the significance of the modification~~
2 ~~requested.~~

3 Section 65. Section 403.5317, Florida Statutes, is
4 created to read:

5 403.5317 Postcertification activities.--

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

14 (b) If the department concludes that the change would
15 not require a modification of the conditions of certification,
16 the department shall notify, in writing, the licensee, all
17 agencies, and all parties of the approval of the amendment.

18 (c) If the department concludes that the change would
19 require a modification of the conditions of certification, the
20 department shall notify the licensee that the proposed change
21 to the application requires a request for modification under
22 s. 403.5315.

23 (2) Postcertification submittals filed by a licensee
24 with one or more agencies are for the purpose of monitoring
25 for compliance with the issued certification. Each submittal
26 must be reviewed by each agency on an expedited and priority
27 basis because each facility certified under this act is a
28 critical infrastructure facility. Postcertification review may
29 not be completed more than 90 days after complete information
30 for a segment of the certified transmission line is submitted
31 to the reviewing agencies.

1 Section 66. Section 403.5363, Florida Statutes, is
2 created to read:

3 403.5363 Public notices; requirements.--

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

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

25 2. The department shall adopt rules specifying the
26 content of the newspaper notices.

27 3. All notices published by the applicant shall be
28 paid for by the applicant and shall be in addition to the
29 application fee.

30 (b) Public notices that must be published under this
31 section include:

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

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

14 3. The notice of the cancellation of the certification
15 hearing, if applicable. The notice must be published at least
16 3 days before the date of the originally scheduled
17 certification hearing.

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

23 (2) The proponent of an alternate corridor shall
24 arrange for the publication of the filing of the proposal for
25 an alternate corridor, the revised time schedules, the date by
26 which newly affected persons or agencies may file the notice
27 of intent to become a party, and the date of the rescheduled
28 hearing. A notice listed in this subsection must be published
29 in a newspaper of general circulation within the county or
30 counties crossed by the proposed alternate corridor and comply
31 with the content requirements set forth in paragraph (1)(a).

1 The notice must be published not less than 50 days before the
2 rescheduled certification hearing.

3 (3) The department shall arrange for the publication
4 of the following notices in the manner specified by chapter
5 120:

6 (a) The notice of the filing of an application and the
7 date by which a person intending to become a party must file
8 the notice of intent. The notice must be published no later
9 than 21 days after the application has been filed.

10 (b) The notice of any administrative hearing for
11 certification, if applicable. The notice must be published not
12 less than 65 days before the date set for a hearing, except
13 that notice for a rescheduled certification hearing after
14 acceptance of an alternative corridor must be published not
15 less than 50 days before the date set for the hearing.

16 (c) The notice of the cancellation of a certification
17 hearing, if applicable. The notice must be published not later
18 than 7 days before the date of the originally scheduled
19 certification hearing.

20 (d) The notice of the hearing before the siting board,
21 if applicable.

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

24 Section 67. Section 403.5365, Florida Statutes, is
25 amended to read:

26 403.5365 Fees; disposition.--The department shall
27 charge the applicant the following fees, as appropriate,
28 which, unless otherwise specified, shall be paid into the
29 Florida Permit Fee Trust Fund:

30 (1) An application fee.
31

1 (a) ~~The application fee shall be of~~ \$100,000, plus
2 \$750 per mile for each mile of corridor in which the
3 transmission line right-of-way is proposed to be located
4 within an existing electric ~~electrical~~ transmission line
5 right-of-way or within any existing right-of-way for any road,
6 highway, railroad, or other aboveground linear facility, or
7 \$1,000 per mile for each mile of electric transmission line
8 corridor proposed to be located outside ~~the such~~ existing
9 right-of-way.

10 (b)~~(a)~~ Sixty percent of the fee shall go to the
11 department to cover any costs associated with coordinating the
12 review of ~~reviewing~~ and acting upon the application and any
13 costs for field services associated with monitoring
14 construction and operation of the electric transmission line
15 facility.

16 (c)~~(b)~~ The following percentage ~~Twenty percent of the~~
17 ~~fees specified under this section, except postcertification~~
18 ~~fees,~~ shall be transferred to the Administrative Trust Fund of
19 the Division of Administrative Hearings of the Department of
20 Management Services:-

21 1. Five percent to compensate for expenses from the
22 initial exercise of duties associated with the filing of an
23 application.

24 2. An additional 10 percent if an administrative
25 hearing under s. 403.527 is held.

26 (d)~~1.(c)~~ Upon written request with proper itemized
27 accounting within 90 days after final agency action by the
28 siting board or the department or the withdrawal of the
29 application, the agencies that prepared reports under s.
30 403.526 or s. 403.5271 or participated in a hearing under s.
31 403.527 or s. 403.5271 may submit a written request to the

1 department for reimbursement of expenses incurred during the
2 certification proceedings. The request must contain an
3 accounting of expenses incurred, which may include time spent
4 reviewing the application, department shall reimburse the
5 ~~expenses and costs of the Department of Community Affairs, the~~
6 ~~Fish and Wildlife Conservation Commission, the water~~
7 ~~management district, regional planning council, and local~~
8 ~~government in the jurisdiction of which the transmission line~~
9 ~~is to be located. Such reimbursement shall be authorized for~~
10 ~~the preparation of any studies required of the agencies by~~
11 ~~this act, and for agency travel and per diem to attend any~~
12 ~~hearing held under pursuant to this act, and for the local~~
13 government or regional planning council providing additional
14 notice of the informational public meeting. The department
15 shall review the request and verify whether a claimed expense
16 is valid. Valid expenses shall be reimbursed; however, if to
17 ~~participate in the proceedings. In the event the amount of~~
18 funds available for reimbursement allocation is insufficient
19 to provide for full compensation ~~complete reimbursement~~ to the
20 agencies, reimbursement shall be on a prorated basis.

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

24 (e)(d) If any sums are remaining, the department shall
25 retain them for its use in the same manner as is otherwise
26 authorized by this section; ~~provided, however, that~~ if the
27 certification application is withdrawn, the remaining sums
28 shall be refunded to the applicant within 90 days after
29 withdrawal.

30 (2) An amendment fee.

31

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

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

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

11 (3) A certification modification fee.

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

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

20 Section 68. Subsection (1) of section 403.537, Florida
21 Statutes, is amended to read:

22 403.537 Determination of need for transmission line;
23 powers and duties.--

24 (1)(a) Upon request by an applicant or upon its own
25 motion, the Florida Public Service Commission shall schedule a
26 public hearing, after notice, to determine the need for a
27 transmission line regulated by the Florida Electric
28 Transmission Line Siting Act, ss. 403.52-403.5365. The ~~Such~~
29 notice shall be published at least 21 ~~45~~ days before the date
30 set for the hearing and shall be published by the applicant in
31 at least one-quarter page size notice in newspapers of general

1 | circulation, and by the commission in the manner specified in
2 | chapter 120 in the Florida Administrative Weekly, by giving
3 | notice to counties and regional planning councils in whose
4 | jurisdiction the transmission line could be placed, and by
5 | giving notice to any persons who have requested to be placed
6 | on the mailing list of the commission for this purpose. Within
7 | 21 days after receipt of a request for determination by an
8 | applicant, the commission shall set a date for the hearing.
9 | The hearing shall be held pursuant to s. 350.01 within 45 days
10 | after the filing of the request, and a decision shall be
11 | rendered within 60 days after such filing.

12 | (b) The commission shall be the sole forum in which to
13 | determine the need for a transmission line. The need for a
14 | transmission line may not be raised or be the subject of
15 | review in another proceeding.

16 | (c)(b) In the determination of need, the commission
17 | shall take into account the need for electric system
18 | reliability and integrity, the need for abundant, low-cost
19 | electrical energy to assure the economic well-being of the
20 | residents ~~citizens~~ of this state, the appropriate starting and
21 | ending point of the line, and other matters within its
22 | jurisdiction deemed relevant to the determination of need. The
23 | appropriate starting and ending points of the electric
24 | transmission line must be verified by the commission in its
25 | determination of need.

26 | (d)(c) The determination by the commission of the need
27 | for the transmission line, as defined in s. 403.522(22) ~~s.~~
28 | ~~403.522(21)~~, is binding on all parties to any certification
29 | proceeding under ~~pursuant to~~ the Florida Electric Transmission
30 | Line Siting Act and is a condition precedent to the conduct of
31 |

1 the certification hearing prescribed therein. An order entered
2 pursuant to this section constitutes final agency action.

3 Section 69. Subsection (3) of section 373.441, Florida
4 Statutes, is amended to read:

5 373.441 Role of counties, municipalities, and local
6 pollution control programs in permit processing.--

7 (3) The department shall review environmental resource
8 permit applications for electrical distribution and
9 transmission lines and other facilities related to the
10 production, transmission, and distribution of electricity
11 which are not certified under ss. 403.52-403.5365, the Florida
12 Electric Transmission Line Siting Act, regulated under this
13 part.

14 Section 70. Subsection (30) of section 403.061,
15 Florida Statutes, is amended to read:

16 403.061 Department; powers and duties.--The department
17 shall have the power and the duty to control and prohibit
18 pollution of air and water in accordance with the law and
19 rules adopted and promulgated by it and, for this purpose, to:

20 (30) Establish requirements by rule that reasonably
21 protect the public health and welfare from electric and
22 magnetic fields associated with existing 230 kV or greater
23 electrical transmission lines, new 230 kV and greater
24 electrical transmission lines for which an application for
25 certification under the Florida Electric Transmission Line
26 Siting Act, ss. 403.52-403.5365, is not filed, new or existing
27 electrical transmission or distribution lines with voltage
28 less than 230 kV, and substation facilities. Notwithstanding
29 any other provision in this chapter or any other law of this
30 state or political subdivision thereof, the department shall
31 have exclusive jurisdiction in the regulation of electric and

1 magnetic fields associated with all electrical transmission
2 and distribution lines and substation facilities. However,
3 nothing herein shall be construed as superseding or repealing
4 the provisions of s. 403.523(1) and (10).

5
6 The department shall implement such programs in conjunction
7 with its other powers and duties and shall place special
8 emphasis on reducing and eliminating contamination that
9 presents a threat to humans, animals or plants, or to the
10 environment.

11 Section 71. Paragraph (a) of subsection (3) of section
12 403.0876, Florida Statutes, is amended to read:

13 403.0876 Permits; processing.--

14 (3)(a) The department shall establish a special unit
15 for permit coordination and processing to provide expeditious
16 processing of department permits which the district offices
17 are unable to process expeditiously and to provide accelerated
18 processing of certain permits or renewals for economic and
19 operating stability. The ability of the department to process
20 applications under ~~pursuant to~~ this subsection in a more
21 timely manner than allowed by subsections (1) and (2) is
22 dependent upon the timely exchange of information between the
23 applicant and the department and the intervention of outside
24 parties as allowed by law. An applicant may request the
25 processing of its permit application by the special unit if
26 the application is from an area of high unemployment or low
27 per capita income, is from a business or industry that is the
28 primary employer within an area's labor market, or is in an
29 industry with respect to which the complexities involved in
30 the review of the application require special skills uniquely
31 available in the headquarters office. The department may

1 require the applicant to waive the 90-day time limitation for
2 department issuance or denial of the permit once for a period
3 not to exceed 90 days. The department may require a special
4 fee to cover the direct cost of processing special
5 applications in addition to normal permit fees and costs. The
6 special fee may not exceed \$10,000 per permit required.
7 Applications for renewal permits, but not applications for
8 initial permits, required for facilities pursuant to the
9 Electrical Power Plant Siting Act or the Florida Electric
10 Transmission Line Siting Act may be processed under this
11 subsection. Personnel staffing the special unit shall have
12 lengthy experience in permit processing.

13 Section 72. Paragraph (b) of subsection (3) of section
14 403.809, Florida Statutes, is amended to read:

15 403.809 Environmental districts; establishment;
16 managers; functions.--

17 (3)

18 (b) The processing of all applications for permits,
19 licenses, certificates, and exemptions shall be accomplished
20 at the district center or the branch office, except for those
21 applications specifically assigned elsewhere in the department
22 under s. 403.805 or to the water management districts under s.
23 403.812 and those applications assigned by interagency
24 agreement as provided in this act. However, the secretary, as
25 head of the department, may not delegate to district or
26 subdistrict managers, water management districts, or any unit
27 of local government the authority to act on the following
28 types of permit applications:

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

31 2. Construction of major air pollution sources.

1 3. Certifications under the Florida Electrical Power
2 Plant Siting Act or the Florida Electric Transmission Line
3 Siting Act and the associated permit issued under s. 403.0885,
4 if applicable.

5 4. Permits issued under s. 403.0885 to steam electric
6 generating facilities regulated pursuant to 40 C.F.R. part
7 423.

8 5. Permits issued under s. 378.901.

9 Section 73. Sections 403.5253 and 403.5369, Florida
10 Statutes, are repealed.

11 Section 74. Section 570.954, Florida Statutes, is
12 created to read:

13 570.954 Farm to fuel.--

14 (1) This section may be cited as the "Florida Farm to
15 Fuel Act."

16 (2) The Legislature finds that:

17 (a) Utilization of Florida crops and biomass for
18 production of bioenergy is important for the state's future
19 energy stability, protection of its environment, and continued
20 viability of its agriculture industry.

21 (b) Development of bioenergy will help to reduce
22 demand for foreign fuels, reduce pollution, and promote
23 economic growth.

24 (c) Assistance in the production and distribution of
25 bioenergy in the state is needed.

26 (d) Production of bioenergy in the state is ideal due
27 to the state's vast amount of farm acreage and mild climate,
28 which permit crops to be grown virtually year round, and the
29 availability of other biomass.

30 (3) This section is intended to provide grants to:
31

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:

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

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 75. 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 76. Section 220.195, Florida Statutes, is
12 created to read:

13 220.195 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.

1 (3) This section is repealed July 1, 2010.

2 Section 77. By November 1, 2006, the Department of
3 Environmental Protection shall provide to the Governor, the
4 President of the Senate, and the Speaker of the House of
5 Representatives a report detailing the state's leadership by
6 example in energy conservation and energy efficiency. The
7 report must include a description of state programs designed
8 to achieve energy conservation and energy efficiency at
9 state-owned facilities, such as the guaranteed energy
10 performance savings contracting pursuant to s. 489.145,
11 Florida Statutes, and the inclusion of alternative fuel
12 vehicles in state fleets. The report must describe the costs
13 of implementation, details of the programs, and current and
14 projected energy and cost savings.

15 Section 78. This act shall take effect upon becoming a
16 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for Senate Bill 888

4 Requires the Florida Energy Commission to submit a report to
5 the Governor, the Cabinet, and the Legislature which
6 recommends consensus-based public-involvement processes to
7 reduce greenhouse gas emissions in this state. The report must
8 also provide a schedule for the development of a comprehensive
9 state climate action plan.

10 Creates a Florida Solar Energy Incentives Program.
11 Appropriates \$1.2 million recurring General Revenue to support
12 the development of a solar energy product market in this state
13 and to implement the Florida Solar Energy Incentives Program.

14 Creates the Solar Photovoltaic Incentive Program. Provides
15 eligibility requirements. Provides rebate amounts.

16 Creates the Solar Thermal Incentive Program. Provides
17 eligibility requirements. Provides rebate amounts.

18 Requires the Public Service Commission to adopt rules to
19 implement the incentives programs and to amend current
20 interconnection standards for solar energy systems up to 100
21 kilowatts in accordance with current standards for solar
22 energy systems.

23 Requires the Florida Solar Energy Center to certify the
24 performance of solar equipment sold and installed in the
25 state.

26 Requires the Public Service Commission to adopt goals
27 increasing the use of Florida renewable energy resources. The
28 commission may approve bilateral contracts providing for
29 contract payments to producers of renewable energy sources of
30 an amount equal to 50 percent above the utility's full avoided
31 costs. Provides for a credit against the corporate income tax
to the utility in an amount equal to the annual cost of
contract payments to Florida renewable energy resources which
are in excess of the utility's full avoided cost.

32 Creates the Florida Renewable Energy Technologies and Energy
Efficiency Act. Provides for the creation of the Renewable
Energy Technologies Grants Program within the Department of
Environmental Protection (DEP). Specifies who may receive such
grants.

33 Provides for the creation of the Energy Efficient Appliances
Rebate Program in the DEP. Applies to any resident who
purchases a new Energy Star qualified appliance from July 1,
2006, through June 30, 2010. A person is limited to one rebate
per type of appliance per year.

34 Provides for a sales tax exemption for equipment, machinery,
35 and other materials for renewable energy technologies. Exempts
36 hydrogen-powered vehicles and hydrogen-fueling stations up to
37 \$2 million for each fiscal year; and materials used in the
38 distribution of biodiesel and ethanol, including fueling
39 infrastructure, transportation, and storage, up to \$1 million

1 tax each fiscal year. The exemption also applies to the cost
2 of retrofitting a gasoline fueling station pump for ethanol
distribution.

3 Provides for a renewable energy technologies investment tax
4 credit against the corporate income tax.

5 Provides for a renewable energy production credit against the
6 corporate income tax.

7 Provides for a renewable energy production credit against the
8 sales and use tax.

9 Revises various provisions in the Power Plant Siting Act
10 relating to thresholds, application filings; public meetings;
11 and timelines for certain actions.

12 Provides that the bill becomes effective upon becoming a law.

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