

Bill No. CS for CS for CS for SB 996 and CS for SB 2666

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	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 Senator Bennett moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 2, between lines 9 & 10,

15

16 insert:

17 Section 14. Section 403.0874, Florida Statutes, is

18 created to read:

19 403.0874 Greenhouse gas inventories.--

20 (1) "Greenhouse gases" means gases that trap heat in

21 the atmosphere. The principal greenhouse gases are: carbon

22 dioxide (CO2), methane (CH4), nitrous oxide (N2O), and

23 fluorinated gases (such as hydrofluorocarbons,

24 perfluorocarbons, and sulfur hexafluoride).

25 (2) The department shall develop greenhouse gas

26 inventories that account for annual greenhouse gases emitted

27 to and removed from the atmosphere, and forecast gases emitted

28 and removed, for all major greenhouse gases, for time periods

29 determined sufficient by the department to provide for

30 adequate analysis and planning. The inventory shall also

31 include greenhouse gas emissions which are considered carbon

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1 neutral through the use of renewable energy as defined in s.
2 366.91(2)(a).

3 (3) By rule, the department shall define which
4 greenhouse gases are to be included in each inventory, the
5 criteria for defining major emitters, which emitters must
6 report emissions, and what methodologies shall be used to
7 estimate gases emitted and removed from those not required to
8 report.

9 (4) The department is authorized to require all major
10 emitters of defined greenhouse gases to report emissions
11 according to methodologies and reporting systems approved by
12 the department and established by rule, which may include the
13 use of quality-assured data from continuous emissions
14 monitoring systems.

15 Section 15. Subsection (3) of section 403.50663,
16 Florida Statutes, is amended to read:

17 403.50663 Informational public meetings.--

18 (3) A local government or regional planning council
19 that intends to conduct an informational public meeting must
20 provide notice of the meeting to all parties not less than 15
21 5 days prior to the meeting and to the general public, in
22 accordance with the provisions of s. 403.5115(5).

23 Section 16. Subsections (2), (3), and (4) of section
24 403.50665, Florida Statutes, are amended to read:

25 403.50665 Land use consistency.--

26 (2) Within 45 days after the filing of the
27 application, each local government shall file a determination
28 with the department, the applicant, the administrative law
29 judge, and all parties on the consistency of the site or any
30 directly associated facilities with existing land use plans
31 and zoning ordinances that were in effect on the date the

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1 application was filed, based on the information provided in
 2 the application. The local government may issue its
 3 determination up to 35 days later if the local government has
 4 requested additional information on land use and zoning
 5 consistency as part of the local government's statement on
 6 completeness of the application submitted pursuant to s.
 7 403.5066(1)(a). Incompleteness of information necessary for a
 8 local government to evaluate an application may be claimed by
 9 the local government as cause for a statement of inconsistency
 10 with existing land use plans and zoning ordinances. Notice of
 11 the consistency determination shall be published in accordance
 12 with the requirements of s. 403.5115.

13 (3) If the local government issues a determination
 14 that the proposed electrical power plant is not consistent or
 15 in compliance with local land use plans and zoning ordinances,
 16 the applicant may apply to the local government for the
 17 necessary local approval to address the inconsistencies in the
 18 local government's determination. If the applicant makes such
 19 an application to the local government, the time schedules
 20 under this act shall be tolled until the local government
 21 issues its revised determination on land use and zoning or the
 22 applicant otherwise withdraws its application to the local
 23 government. If the applicant applies to the local government
 24 for necessary local land use or zoning approval, the local
 25 government shall issue a revised determination within 30 days
 26 following the conclusion of any that local proceeding held by
 27 the local government to consider the application for land use
 28 or zoning approval, and the time schedules and notice
 29 requirements under this act shall apply to such revised
 30 determination.

31 (4) If any substantially affected person wishes to

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1 dispute the local government's determination, he or she shall
 2 file a petition with the designated administrative law judge
 3 ~~department~~ within 21 days after the publication of notice of
 4 the local government's determination. If a hearing is
 5 requested, the provisions of s. 403.508(1) shall apply.

6 Section 17. Paragraph (a) of subsection (1) and
 7 paragraph (a) of subsection (2) of section 403.508, Florida
 8 Statutes, are amended to read:

9 403.508 Land use and certification hearings, parties,
 10 participants.--

11 (1)(a) Within 5 days after the filing of ~~If~~ a petition
 12 for a hearing on land use ~~has been filed~~ pursuant to s.
 13 403.50665, the designated administrative law judge shall
 14 schedule ~~conduct~~ a land use hearing to be conducted in the
 15 county of the proposed site or directly associated facility,
 16 as applicable, as expeditiously as possible, but not later
 17 than 30 days after the department's receipt of the petition.
 18 The place of such hearing shall be as close as possible to the
 19 proposed site or directly associated facility. If a petition
 20 is filed, the hearing shall be held regardless of the status
 21 of the completeness of the application. ~~However,~~
 22 ~~incompleteness of information necessary for a local government~~
 23 ~~to evaluate an application may be claimed by the local~~
 24 ~~government as cause for a statement of inconsistency with~~
 25 ~~existing land use plans and zoning ordinances under s.~~
 26 ~~403.50665.~~

27 (2)(a) A certification hearing shall be held by the
 28 designated administrative law judge no later than 265 days
 29 after the application is filed with the department. The
 30 certification hearing shall be held at a location in proximity
 31 to the proposed site. ~~At the conclusion of the certification~~

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1 ~~hearing, the designated administrative law judge shall, after~~
2 ~~consideration of all evidence of record, submit to the board a~~
3 ~~recommended order no later than 45 days after the filing of~~
4 ~~the hearing transcript.~~

5 Section 18. Subsection (5) of section 403.509, Florida
6 Statutes, is amended to read:

7 403.509 Final disposition of application.--

8 (5) For certifications issued by the board in regard
9 to the properties and works of any agency which is a party to
10 the certification hearing, the board shall have the authority
11 to decide issues relating to the use, the connection thereto,
12 or the crossing thereof, for the electrical power plant and
13 directly associated facilities and to direct any such agency
14 to execute, within 30 days after the entry of certification,
15 the necessary license or easement for such use, connection, or
16 crossing, subject only to the conditions set forth in such
17 certification. For certifications issued by the department in
18 regard to the properties and works of any agency which is a
19 party to the proceeding, any stipulation filed pursuant to s.
20 403.508(6)(a) must include a stipulation regarding any issues
21 relating to the use, the connection thereto, or the crossing
22 thereof, for the electrical power plant and directly
23 associated facilities. Any agency stipulating to the use,
24 connection to, or crossing of its property must agree to
25 execute, within 30 days after the entry of certification, the
26 necessary license or easement for such use, connection, or
27 crossing, subject only to the conditions set forth in such
28 certification.

29 Section 19. Section 403.5113, Florida Statutes, is
30 amended to read:

31 403.5113 Postcertification amendments and review.--

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1 (1) POSTCERTIFICATION AMENDMENTS.--

2 (a) If, subsequent to certification by the board, a
3 licensee proposes any material change to the application and
4 revisions or amendments thereto, as certified, the licensee
5 shall submit a written request for amendment and a description
6 of the proposed change to the application to the department.
7 Within 30 days after the receipt of the request for the
8 amendment, the department shall determine whether the proposed
9 change to the application requires a modification of the
10 conditions of certification.

11 ~~(b)(2)~~ If the department concludes that the change
12 would not require a modification of the conditions of
13 certification, the department shall provide written
14 notification of the determination on ~~approval of~~ the proposed
15 amendment to the licensee, all agencies, and all other
16 parties.

17 ~~(c)(3)~~ If the department concludes that the change
18 would require a modification of the conditions of
19 certification, the department shall provide written
20 notification to the licensee that the proposed change to the
21 application requires a request for modification pursuant to s.
22 403.516.

23 ~~(2)(4)~~ POSTCERTIFICATION REVIEW.--Postcertification
24 submittals filed by the licensee with one or more agencies are
25 for the purpose of monitoring for compliance with the issued
26 certification and must be reviewed by the agencies on an
27 expedited and priority basis because each facility certified
28 under this act is a critical infrastructure facility. In no
29 event shall a postcertification review be completed in more
30 than 90 days after complete information is submitted to the
31 reviewing agencies.

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1 Section 20. Section 403.5115, Florida Statutes, is
2 amended to read:

3 403.5115 Public notice.--

4 (1) The following notices are to be published by the
5 applicant for all applications:

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

12 (b) Notice of filing of the application, which shall
13 include a description of the proceedings required by this act,
14 within 21 days after the date of the application filing. Such
15 notice shall give notice of the provisions of s. 403.511(1)
16 and (2).

17 (c) If applicable, notice of the land use
18 determination made pursuant to s. 403.50665(1) within 21 days
19 after the determination is filed.

20 (d) If applicable, notice of the land use hearing,
21 which shall be published as specified in subsection (2), no
22 later than 15 days before the hearing.

23 (e) Notice of the certification hearing and notice of
24 the deadline for filing notice of intent to be a party, which
25 shall be published as specified in subsection (2), at least 65
26 days before the date set for the certification hearing.

27 (f) Notice of the cancellation of the certification
28 hearing, if applicable, no later than 3 days before the date
29 of the originally scheduled certification hearing.

30 (g) Notice of modification when required by the
31 department, based on whether the requested modification of

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1 certification will significantly increase impacts to the
2 environment or the public. Such notice shall be published as
3 specified under subsection (2):

4 1. Within 21 days after receipt of a request for
5 modification. The newspaper notice shall be of a size as
6 directed by the department commensurate with the scope of the
7 modification.

8 2. If a hearing is to be conducted in response to the
9 request for modification, then notice shall be published no
10 later than 30 days before the hearing.

11 ~~(h) Notice of a supplemental application, which shall
12 be published as specified in paragraph (b) and subsection (2).~~

13 ~~(i) Notice of existing site certification pursuant to
14 s. 403.5175. Notices shall be published as specified in
15 paragraph (b) and subsection (2).~~

16 (2) Notices provided by the applicant shall be
17 published in newspapers of general circulation within the
18 county or counties in which the proposed electrical power
19 plant will be located. The newspaper notices shall be at least
20 one-half page in size in a standard size newspaper or a full
21 page in a tabloid size newspaper. These notices shall include
22 a map generally depicting the project and all associated
23 facilities corridors. A newspaper of general circulation shall
24 be the newspaper which has the largest daily circulation in
25 that county and has its principal office in that county. If
26 the newspaper with the largest daily circulation has its
27 principal office outside the county, the notices shall appear
28 in both the newspaper having the largest circulation in that
29 county and in a newspaper authorized to publish legal notices
30 in that county.

31 (3) All notices published by the applicant shall be

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

3 (4) The department shall arrange for publication of
4 the following notices in the manner specified by chapter 120
5 and provide copies of those notices to any persons who have
6 requested to be placed on the departmental mailing list for
7 this purpose for each case for which an application has been
8 received by the department:

9 (a) Notice of the filing of the notice of intent
10 within 15 days after receipt of the notice.

11 (b) Notice of the filing of the application, no later
12 than 21 days after the application filing.

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

16 (d) Notice of the land use hearing before the
17 administrative law judge, if applicable, no later than 15 days
18 before the hearing.

19 (e) Notice of the land use hearing before the board,
20 if applicable.

21 (f) Notice of the certification hearing at least 45
22 days before the date set for the certification hearing.

23 (g) Notice of the cancellation of the certification
24 hearing, if applicable, no later than 3 days prior to the date
25 of the originally scheduled certification hearing.

26 (h) Notice of the hearing before the board, if
27 applicable.

28 (i) Notice of stipulations, proposed agency action, or
29 petitions for modification.

30 (5) A local government or regional planning council
31 that proposes to conduct an informational public meeting

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1 pursuant to s. 403.50663 must publish notice of the meeting in
 2 a newspaper of general circulation within the county or
 3 counties in which the proposed electrical power plant will be
 4 located no later than 7 days prior to the meeting. A newspaper
 5 of general circulation shall be the newspaper which has the
 6 largest daily circulation in that county and has its principal
 7 office in that county. If the newspaper with the largest daily
 8 circulation has its principal office outside the county, the
 9 notices shall appear in both the newspaper having the largest
 10 circulation in that county and in a newspaper authorized to
 11 publish legal notices in that county.

12 Section 21. Subsection (1) of section 403.5252,
 13 Florida Statutes, is amended to read:

14 403.5252 Determination of completeness.--

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

20 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the
 21 application ~~completeness statements of each agency~~, the
 22 department shall file a statement with the Division of
 23 Administrative Hearings, with the applicant, and with all
 24 parties declaring its position with regard to the completeness
 25 of the application. The statement of the department shall be
 26 based upon its consultation with the affected agencies.

27 Section 22. Paragraph (a) of subsection (6) of section
 28 403.527, Florida Statutes, is amended to read:

29 403.527 Certification hearing, parties,
 30 participants.--

31 (6)(a) No later than 29 ~~25~~ days before the

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1 certification hearing, the department or the applicant may
 2 request that the administrative law judge cancel the
 3 certification hearing and relinquish jurisdiction to the
 4 department if all parties to the proceeding stipulate that
 5 there are no disputed issues of material fact or law to be
 6 raised at the certification hearing.

7 Section 23. Paragraph (e) of subsection (1) of section
 8 403.5271, Florida Statutes, is amended to read:

9 403.5271 Alternate corridors.--

10 (1) No later than 45 days before the originally
 11 scheduled certification hearing, any party may propose
 12 alternate transmission line corridor routes for consideration
 13 under the provisions of this act.

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

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

24 3. Reviewing agencies may advise the department of any
 25 issues concerning completeness of the additional data within
 26 10 days after the filing by the party proposing the alternate
 27 corridor. If the department, within 14 days after receiving
 28 the additional data, determines that the data remains
 29 incomplete, the incompleteness of the data is deemed a
 30 withdrawal of the proposed alternate corridor. The department
 31 may make its determination based on recommendations made by

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1 other affected agencies.

2 Section 24. Subsection (3) of section 403.5272,
3 Florida Statutes, is amended to read:

4 403.5272 Informational public meetings.--

5 (3) A local government or regional planning council
6 that intends to conduct an informational public meeting must
7 provide notice of the meeting, with notice sent to all parties
8 listed in s. 403.527(2)(a), not less than 15 5 days before the
9 meeting, to the general public, in accordance with the
10 provisions of s. 403.5363(4).

11 Section 25. Paragraph (b) of subsection (1) of section
12 403.5317, Florida Statutes, is amended to read:

13 403.5317 Postcertification activities.--

14 (1)

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

20 Section 26. Paragraph (c) of subsection (3) of section
21 403.5363, Florida Statutes, is amended, and subsection (4) is
22 added to that section, to read:

23 403.5363 Public notices; requirements.--

24 (3) The department shall arrange for the publication
25 of the following notices in the manner specified by chapter
26 120:

27 (c) The notice of the cancellation of a certification
28 hearing, if applicable. The notice must be published not later
29 than 3 7 days before the date of the originally scheduled
30 certification hearing.

31 (4) A local government or regional planning council

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1 that proposes to conduct an informational public meeting
2 pursuant to s. 403.5272 must publish notice of the meeting in
3 a newspaper of general circulation within the county or
4 counties in which the proposed electrical transmission line
5 will be located no later than 7 days prior to the meeting. A
6 newspaper of general circulation shall be the newspaper which
7 has the largest daily circulation in that county and has its
8 principal office in that county. If the newspaper with the
9 largest daily circulation has its principal office outside the
10 county, the notices shall appear in both the newspaper having
11 the largest circulation in that county and in a newspaper
12 authorized to publish legal notices in that county.

13
14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 1, line 12, after the semicolon,

18

19 insert:

20 creating s. 403.0874, F.S.; providing a
21 definition; directing the Department of
22 Environmental Protection to develop greenhouse
23 gas inventories; providing requirements for
24 such inventories; authorizing the department to
25 require emission reports; requiring the
26 department to adopt rules; amending s.
27 403.50663, F.S.; revising the requirements for
28 notice of certain informational public meetings
29 by local governments and regional planning
30 councils relating to power plant siting;
31 amending s. 403.50665, F.S.; authorizing local

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1 governments to determine incompleteness of
2 information on certain siting applications as
3 inconsistent with land use plans and zoning
4 ordinances; revising provisions for the filing
5 of certain petitions relating to land use;
6 amending s. 403.508, F.S.; revising provisions
7 for land use certification hearings relating to
8 power plant siting; amending s. 403.509, F.S.;
9 revising provisions for the final disposition
10 of power plant siting applications; amending s.
11 403.5113, F.S.; revising provisions relating to
12 power plant siting postcertification amendments
13 and review; amending s. 403.5115, F.S.;
14 revising provisions for public notice of
15 activities relating to power plant siting;
16 specifying requirements for such notice;
17 amending s. 403.5252, F.S.; revising the
18 timeframes for agencies and the Department of
19 Environmental Protection to provide statements
20 relating to the completeness of applications
21 for power plant siting certification; amending
22 s. 403.527, F.S.; revising the timeframe for
23 the administrative law judge to cancel power
24 plant siting certification hearings and
25 relinquish jurisdiction to the Department of
26 Environmental Protection upon request by the
27 applicant or the department; amending s.
28 403.5271, F.S.; revising provisions relating to
29 the completeness of applications for alternate
30 corridors; amending s. 403.5272, F.S.; revising
31 the requirements for local governments and

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1 regional planning councils to notice certain
2 informational public meetings; amending s.
3 403.5317, F.S.; revising provisions for power
4 plant siting postcertification activities;
5 amending s. 403.5363, F.S.; revising provisions
6 for public notices of power plant siting
7 certification hearings; requiring local
8 governments and regional planning councils to
9 publish notice of certain informational
10 meetings; providing requirements for such
11 publication;

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