

HB 1315

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1 A bill to be entitled
2 An act relating to construction of electric transmission
3 lines; amending s. 403.524, F.S.; removing exceptions to
4 requirements for an electric utility to obtain
5 certification prior to construction of a transmission
6 line; requiring an electric utility to notify affected
7 municipalities of proposed transmission line sites and
8 routes; requiring disclosure of methods used to determine
9 routes and efforts to minimize impact on the municipality;
10 authorizing a municipality to request a hearing by the
11 Florida Public Service Commission to determine disputes
12 with the electric utility; authorizing a municipality to
13 bring an action challenging transmission line siting;
14 authorizing a local governmental entity that requests
15 electric transmission lines be placed underground to share
16 the underground installation costs with any surrounding
17 governmental entity that benefits from the installation;
18 providing an effective date.

19
20 WHEREAS, pursuant to section 337.401, Florida Statutes,
21 local governmental entities are authorized to prescribe and
22 enforce reasonable rules and regulations with reference to the
23 placing and maintaining along, across, or on any road or rights-
24 of-way concerning electric transmission, telephone, telegraph,
25 or other communication service lines, pole lines, poles, or
26 other structures, and

27 WHEREAS, local governmental entities are requesting that
28 the utility lines located within their boundaries be buried

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29 | underground to prevent or reduce the likelihood of outages
 30 | during major storms, and

31 | WHEREAS, utility transmission lines located within the
 32 | jurisdiction of one local governmental entity may benefit the
 33 | residents of a surrounding entity or entities, NOW, THEREFORE,

34 |

35 | Be It Enacted by the Legislature of the State of Florida:

36 |

37 | Section 1. Section 403.524, Florida Statutes, is amended
 38 | to read:

39 | 403.524 Applicability; certification; exemptions.--

40 | (1) This act applies to each transmission line, ~~except a~~
 41 | ~~transmission line certified under the Florida Electrical Power~~
 42 | ~~Plant Siting Act.~~

43 | (2) ~~Except as provided in subsection (1),~~ Construction of
 44 | a transmission line may not be undertaken without first
 45 | obtaining certification under this act, ~~but this act does not~~
 46 | ~~apply to:~~

47 | ~~(a) Transmission lines for which development approval has~~
 48 | ~~been obtained under chapter 380.~~

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

54 | ~~(c) Transmission line development in which all~~
 55 | ~~construction is limited to established rights-of-way.~~
 56 | ~~Established rights-of-way include rights-of-way established at~~

57 ~~any time for roads, highways, railroads, gas, water, oil,~~
58 ~~electricity, or sewage and any other public purpose rights-of-~~
59 ~~way. If an established transmission line right-of-way is used to~~
60 ~~qualify for this exemption, the transmission line right-of-way~~
61 ~~must have been established at least 5 years before notice of the~~
62 ~~start of construction under subsection (4) of the proposed~~
63 ~~transmission line. If an established transmission line right-of-~~
64 ~~way is relocated to accommodate a public project, the date the~~
65 ~~original transmission line right-of-way was established applies~~
66 ~~to the relocated transmission line right-of-way for purposes of~~
67 ~~this exemption.~~

68 ~~(d) Unless the applicant has applied for certification~~
69 ~~under this act, transmission lines that are less than 15 miles~~
70 ~~in length or are located in a single county within the state.~~

71 ~~(3) The exemption of a transmission line under this act~~
72 ~~does not constitute an exemption for the transmission line from~~
73 ~~other applicable permitting processes under other provisions of~~
74 ~~law or local government ordinances.~~

75 ~~(3)(4)~~ An electric utility shall notify every affected
76 municipality of proposed sites and routes for transmission
77 lines. The notification shall provide full disclosure of the
78 method used to determine the route of the transmission lines and
79 all efforts to minimize the impact on the affected municipality.
80 ~~the department in writing, before the start of construction, of~~
81 ~~its intent to construct a transmission line exempted under this~~
82 ~~section. The notice is only for information purposes, and action~~
83 ~~by the department is not required pursuant to the notice. This~~
84 ~~notice may be included in any submittal filed with the~~

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85 ~~department before the start of construction demonstrating that a~~
86 ~~new transmission line complies with the applicable electric and~~
87 ~~magnetic field standards.~~

88 (4) An affected municipality may request the Florida
89 Public Service Commission to hear and determine a dispute
90 between the municipality and an electric utility regarding
91 transmission line routes. An affected municipality may also
92 bring an action in the circuit court challenging the siting of
93 transmission lines or transmission line routes.

94 Section 2. When a local governmental entity requests that
95 the electric transmission lines located within its boundaries be
96 placed underground, the local governmental entity may share the
97 underground installation costs with any surrounding governmental
98 entities that benefit from the underground installation.

99 Section 3. This act shall take effect upon becoming a law.