

By Senator Siplin

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

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

29 WHEREAS, local governmental entities are requesting that

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30 the utility lines located within their boundaries be buried
31 underground to prevent or reduce the likelihood of outages
32 during major storms, and

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

36
37 Be It Enacted by the Legislature of the State of Florida:

38
39 Section 1. Section 403.524, Florida Statutes, is amended to
40 read:

41 403.524 Applicability; certification; exemptions.—

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

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

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

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

55 (c) ~~Transmission line development in which all construction~~
56 ~~is limited to established rights-of-way. Established rights-of-~~
57 ~~way include rights-of-way established at any time for roads,~~
58 ~~highways, railroads, gas, water, oil, electricity, or sewage and~~

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

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

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

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

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88 ~~magnetic field standards.~~

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

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

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