

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative McClain offered the following:

Amendment (with title amendment)

Between lines 174 and 175, insert:

Section 4. Section 163.3208, Florida Statutes, is amended to read:

163.3208 Substation approval process.—

(1) It is the intent of the Legislature to maintain, encourage, and ensure adequate and reliable electric infrastructure in the state. It is essential that electric infrastructure be constructed and maintained in various locations in order to ensure the efficient and reliable delivery of electric service. Electric infrastructure should be

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14 constructed, to the maximum extent practicable, to achieve
15 compatibility with adjacent and surrounding land uses, and the
16 criteria included in this section are intended to balance the
17 need for electricity with land use compatibility.

18 (2) The term "~~distribution~~ electric substation" means an
19 electric substation, including accessory administration or
20 maintenance buildings and related accessory uses and structures,
21 which takes electricity from the transmission grid and converts
22 it to another voltage or a lower voltage so it can be
23 distributed to customers ~~in the local area on the local~~
24 ~~distribution grid~~ through one or more ~~distribution~~ lines ~~less~~
25 ~~than 69 kilovolts in size.~~

26 (3) Electric substations are a critical component of
27 electric transmission and distribution. Except for substations
28 in s. 163.3205(2)(c), local governments may adopt and enforce
29 reasonable land development regulations for new and existing
30 ~~distribution~~ electric substations, addressing only setback,
31 landscaping, buffering, screening, lighting, and other aesthetic
32 compatibility-based standards. Vegetated buffers or screening
33 beneath aerial access points to the substation equipment shall
34 not be required to have a mature height in excess of 14 feet.

35 (4) New and existing ~~distribution~~ electric substations
36 shall be a permitted use in all land use categories in the
37 applicable local government comprehensive plan and zoning
38 districts within a utility's service territory except those

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39 designated as preservation, conservation, or historic
40 preservation on the future land use map or duly adopted
41 ordinance. If a local government has not adopted reasonable
42 standards for substation siting in accordance with subsection
43 (3), the following standards shall apply to new ~~distribution~~
44 electric substations:

45 (a) In nonresidential areas, the substation must comply
46 with the setback and landscaped buffer area criteria applicable
47 to other similar uses in that district, if any.

48 (b) Unless the local government approves a lesser setback
49 or landscape requirement, in residential areas, a setback of up
50 to 100 feet between the substation property boundary and
51 permanent equipment structures shall be maintained as follows:

52 1. For setbacks between 100 feet and 50 feet, an open
53 green space shall be formed by installing native landscaping,
54 including trees and shrub material, consistent with the relevant
55 local government's land development regulations. Substation
56 equipment shall be protected by a security fence consistent with
57 the relevant local government's land development regulations.

58 2. For setbacks of less than 50 feet, a buffer wall 8 feet
59 high or a fence 8 feet high with native landscaping consistent
60 with the relevant local government's regulations shall be
61 installed around the substation.

62 (5) If the application for a proposed ~~distribution~~
63 electric substation or for changes to an existing electric

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64 substation demonstrates that the substation design is consistent
65 with the local government's applicable setback, landscaping,
66 buffering, screening, and other aesthetic compatibility-based
67 standards, the application for development approval for or
68 changes to the substation shall be approved.

69 (6) (a) This paragraph applies ~~may apply~~ to the proposed
70 placement or construction of a new ~~distribution~~ electric
71 substation within a residential area. Before ~~Prior to~~ submitting
72 an application for the location of a new ~~distribution~~ electric
73 substation in residential areas, the utility shall consult with
74 the local government regarding the selection of a site. The
75 utility shall provide information regarding the utility's
76 preferred site and as many as three alternative available sites,
77 including sites within nonresidential areas, that are
78 technically and electrically reasonable for the load to be
79 served, if the local government deems that the siting of a new
80 ~~distribution~~ electric substation warrants this additional review
81 and consideration. The final determination on the site
82 application as to the preferred and alternative sites shall be
83 made solely by the local government within 90 days of
84 presentation of all the necessary and required information on
85 the preferred site and on the alternative sites. In the event
86 the utility and the local government are unable to reach
87 agreement on an appropriate location, the substation site
88 selection shall be submitted to mediation conducted pursuant to

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89 ss. 44.401-44.406, unless otherwise agreed to in writing by the
90 parties, and the mediation shall be concluded within 30 days
91 unless extended by written agreement of the parties. The 90-day
92 time period for the local government to render a final decision
93 on the site application is tolled from the date a notice of
94 intent to mediate the site selection issue is served on the
95 utility or local government, until the mediation is concluded,
96 terminated, or an impasse is declared. The local government and
97 utility may agree to waive or extend this 90-day time period.
98 Upon rendition of a final decision of the local government, a
99 person may pursue available legal remedies in accordance with
100 law, and the matter shall be considered on an expedited basis.

101 (b) A local government's land development and construction
102 regulations for new ~~distribution~~ electric substations or for
103 changes to existing electric substations and the local
104 government's review of an application for the placement or
105 construction of a new ~~distribution~~ electric substation or for
106 changes to an existing electric substation shall only address
107 land development, zoning, or aesthetic compatibility-based
108 issues. In such local government regulations or review, a local
109 government may not require information or evaluate a utility's
110 business decisions about its service, customer demand for its
111 service, or quality of its service to or from a particular area
112 or site, unless the utility voluntarily offers this information
113 to the local government.

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114 (7) Substation siting standards adopted after the
115 effective date of this act does ~~shall~~ not apply to applications
116 for new ~~distribution~~ electric substations or for changes to
117 existing electric substations which ~~substation applications that~~
118 were submitted before ~~prior to~~ the notice of the local
119 government's adoption hearing.

120 (8)(a) If a local government has adopted standards for the
121 siting of new ~~distribution~~ electric substations or for changes
122 to existing electric substations within any of the local
123 government's land use categories or zoning districts, the local
124 government shall grant or deny a properly completed application
125 for a permit to locate a new electric substation or change an
126 existing ~~distribution~~ electric substation within the land use
127 category or zoning district within 90 days after the date the
128 properly completed application is declared complete in
129 accordance with the applicable local government application
130 procedures. If the local government fails to approve or deny a
131 properly completed application for a new ~~distribution~~ electric
132 substation or for changes to an existing electric substation
133 within the timeframes set forth, the application is ~~shall be~~
134 ~~deemed~~ automatically approved, and the applicant may proceed
135 with construction consistent with its application without
136 interference or penalty. Issuance of such local permit does not
137 relieve the applicant from complying with applicable federal or
138 state laws or regulations and other applicable local land

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139 development or building regulations, if any.

140 (b) The local government shall notify the permit applicant
141 within 30 days after the date the application is submitted as to
142 whether the application is, for administrative purposes only,
143 properly completed and has been properly submitted. Further
144 completeness determinations shall be provided within 15 days
145 after the receipt of additional information. However, such
146 determination is not ~~shall not be not deemed an~~ approval of the
147 application.

148 (c) To be effective, a waiver of the timeframes set forth
149 in this subsection must be voluntarily agreed to by the utility
150 applicant and the local government. A local government may
151 request, but not require, a waiver of the timeframes by the
152 applicant, except that, with respect to a specific application,
153 a one-time waiver may be required in the case of a declared
154 local, state, or federal emergency that directly affects the
155 administration of all permitting activities of the local
156 government.

157 (d) The local government may establish reasonable
158 timeframes within which the required information to cure the
159 application deficiency is to be provided, or the application
160 will be considered withdrawn or closed.

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162
163 **T I T L E A M E N D M E N T**

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164 Remove line 38 and insert:
165 elements; amending s. 163.3208, F.S.; revising the
166 definition of the term "distribution electric
167 substation"; revising the substation approval process
168 to include applications for changes to existing
169 electric substations; amending s. 189.031, F.S.;
170 precluding an

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