

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative McClain offered the following:

Amendment (with title amendment)

Between lines 632 and 633, insert:

Section 5. 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
 constructed, to the maximum extent practicable, to achieve
 compatibility with adjacent and surrounding land uses, and the

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17 criteria included in this section are intended to balance the
18 need for electricity with land use compatibility.

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

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

37 (4) New and existing ~~distribution~~ electric substations
38 shall be a permitted use in all land use categories in the
39 applicable local government comprehensive plan and zoning
40 districts within a utility's service territory except those
41 designated as preservation, conservation, or historic

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

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

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

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

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

64 (5) If the application for a proposed ~~distribution~~
65 electric substation or for changes to an existing electric
66 substation demonstrates that the substation design is consistent

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67 with the local government's applicable setback, landscaping,
68 buffering, screening, and other aesthetic compatibility-based
69 standards, the application for development approval for or
70 changes to the substation shall be approved.

71 (6) (a) This paragraph applies ~~may apply~~ to the proposed
72 placement or construction of a new ~~distribution~~ electric
73 substation within a residential area. Before ~~Prior to~~ submitting
74 an application for the location of a new ~~distribution~~ electric
75 substation in residential areas, the utility shall consult with
76 the local government regarding the selection of a site. The
77 utility shall provide information regarding the utility's
78 preferred site and as many as three alternative available sites,
79 including sites within nonresidential areas, that are
80 technically and electrically reasonable for the load to be
81 served, if the local government deems that the siting of a new
82 ~~distribution~~ electric substation warrants this additional review
83 and consideration. The final determination on the site
84 application as to the preferred and alternative sites shall be
85 made solely by the local government within 90 days of
86 presentation of all the necessary and required information on
87 the preferred site and on the alternative sites. In the event
88 the utility and the local government are unable to reach
89 agreement on an appropriate location, the substation site
90 selection shall be submitted to mediation conducted pursuant to
91 ss. 44.401-44.406, unless otherwise agreed to in writing by the

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

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

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

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

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140 regulations and other applicable local land development or
141 building regulations, if any.

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

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

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

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165 **T I T L E A M E N D M E N T**

166 Remove line 43 and insert:

167 a definition; amending s. 163.3208, F.S.; revising the
168 definition for the term "distribution electric substation";
169 revising the substation approval process to include applications
170 for changes to existing electric substations; amending ss.
171 189.08 and 479.01, F.S.;