

CHAMBER ACTION

1 The Committee on Natural Resources recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to electric transmission line siting;  
7 amending s. 403.52, F.S.; changing the short title to the  
8 "Florida Electric Transmission Line Siting Act"; amending  
9 s. 403.521, F.S.; revising legislative intent; amending s.  
10 403.522, F.S.; revising definitions; defining "licensee";  
11 amending s. 403.523, F.S.; revising powers and duties of  
12 the Department of Environmental Protection; requiring the  
13 department to collect and process fees, to prepare a  
14 project impact analysis, to act as clerk for the siting  
15 board, and to administer and manage the terms and  
16 conditions of the certification order and supporting  
17 documents and records; amending s. 403.524, F.S.; revising  
18 provisions for applicability, certification, and  
19 exemptions under the act; requiring the application to  
20 contain the starting point and ending point of a  
21 transmission line specifically defined by the applicant  
22 and verified by the commission; revising provisions for  
23 notice by an electric utility of its intent to construct

24 | an exempted transmission line; amending s. 403.525, F.S.;  
25 | providing for powers and duties of the administrative law  
26 | judge designated by the Division of Administrative  
27 | Hearings to conduct the required hearings; amending s.  
28 | 403.5251, F.S.; revising application procedures and  
29 | schedules; providing for the formal date of certification  
30 | application filing and commencement of the certification  
31 | review process; requiring the department to prepare a  
32 | proposed schedule of dates for determination of  
33 | completeness and other significant dates to be followed  
34 | during the certification process; providing for the formal  
35 | date of application distribution; requiring the applicant  
36 | to file notice of distribution and notice of filing of the  
37 | application; amending s. 403.5252, F.S.; revising  
38 | timeframes and procedures for determination of  
39 | completeness of the application; requiring the department  
40 | to consult with affected agencies; revising requirements  
41 | for the department to file a statement of its  
42 | determination of completeness with the Division of  
43 | Administrative Hearings, the applicant, and all parties  
44 | within a certain time after distribution of the  
45 | application; revising requirements for the applicant to  
46 | file a statement with the department, the division, and  
47 | all parties, if the department determines the application  
48 | is not complete; providing for that statement to notify  
49 | the department that the information will not be provided;  
50 | revising timeframes and procedures for contests of the  
51 | determination by the department; providing for parties to

52 | a hearing on the issue of completeness; repealing s.  
53 | 403.5253, F.S., relating to determination of sufficiency  
54 | of application or amendment to the application; amending  
55 | s. 403.526, F.S.; revising criteria and procedures for  
56 | preliminary statements of issues, reports, and studies;  
57 | revising timeframes; requiring the preliminary statement  
58 | of issues from each affected agency be submitted to all  
59 | parties; revising criteria for the Department of Community  
60 | Affairs' report; requiring the Department of  
61 | Transportation to prepare an impact report; providing for  
62 | project impact reports from other agencies; revising  
63 | required content of the reports; providing for notice of  
64 | any agency nonprocedural requirements not listed in the  
65 | application; providing for failure to provide such  
66 | notification; providing for a recommendation for approval  
67 | or denial of the application; providing for receipt of an  
68 | affirmative determination of need to be a condition  
69 | precedent to further processing of the application;  
70 | requiring the department to prepare a project impact  
71 | analysis to be filed with the administrative law judge and  
72 | served on all parties within a certain timeframe; amending  
73 | s. 403.527, F.S.; revising procedures and timeframes for  
74 | the certification hearing conducted by the administrative  
75 | law judge; revising provisions for notices and publication  
76 | of notices, public hearings held by local governments,  
77 | testimony at the public hearing portion of the  
78 | certification hearing, the order of presentations at the  
79 | hearing, consideration of certain communications by the

80 | administrative law judge, requiring the applicant to pay  
81 | certain expenses and costs, and requiring the  
82 | administrative law judge to issue a recommended order  
83 | disposing of the application; requiring certain notices be  
84 | made in accordance with specified requirements and within  
85 | a certain timeframe; specifying the Department of  
86 | Transportation as a party to the proceedings; providing  
87 | for the administrative law judge to cancel the  
88 | certification hearing and relinquish jurisdiction to the  
89 | department upon request by the applicant or the  
90 | department; requiring the department and the applicant to  
91 | publish notice of such cancellation; providing for parties  
92 | to submit proposed recommended orders to the department  
93 | when the certification hearing has been canceled;  
94 | providing for the department to prepare a recommended  
95 | order for final action by the siting board when the  
96 | hearing has been canceled; amending s. 403.5271, F.S.;  
97 | revising procedures and timeframes for consideration of  
98 | proposed alternate corridors; revising notice  
99 | requirements; providing for notice of the filing of the  
100 | alternate corridor and revised time schedules; providing  
101 | for notice to agencies newly affected by the proposed  
102 | alternate corridor; requiring the person proposing the  
103 | alternate corridor to provide all data to the agencies  
104 | within a certain timeframe; providing for determination by  
105 | the department that the data is not complete; providing  
106 | for withdrawal of the proposed alternate corridor upon  
107 | such determination; providing for agencies to file reports

108 with the applicant and department that address the  
109 proposed alternate corridor; providing for the department  
110 to file with the administrative law judge, the applicant,  
111 and all parties a project impact analysis of the proposed  
112 alternate corridor; providing that the party proposing an  
113 alternate corridor shall have the burden of proof on the  
114 certifiability of the alternate corridor; amending s.  
115 403.5272, F.S.; revising procedures for informational  
116 public meetings; providing for informational public  
117 meetings held by regional planning councils; revising  
118 timeframes; amending s. 403.5275, F.S.; revising  
119 provisions for amendment to the application prior to  
120 certification; amending s. 403.529, F.S.; revising  
121 provisions for final disposition of the application by the  
122 siting board; providing for the administrative law judge's  
123 or department's recommended order; amending s. 403.531,  
124 F.S.; revising provisions for conditions of certification;  
125 amending s. 403.5312, F.S.; requiring the applicant to  
126 file notice of a certified corridor route with the  
127 department; creating s. 403.5317, F.S.; providing  
128 procedures for changes proposed by the licensee after  
129 certification; requiring the department to determine  
130 within a certain time if the proposed change requires  
131 modification of the conditions of certification; requiring  
132 notice to the licensee, all agencies, and all parties of  
133 changes that are approved as not requiring modification of  
134 the conditions of certification; creating s. 403.5363,  
135 F.S.; requiring publication of certain notices by the

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136 applicant, the proponent of an alternate corridor, and the  
 137 department; requiring the department to adopt rules  
 138 specifying the content of such notices; amending s.  
 139 403.5365, F.S.; revising application fees and the  
 140 distribution of fees collected; revising procedures for  
 141 reimbursement of local governments and regional planning  
 142 organizations; repealing s. 403.5369, F.S., relating to  
 143 application of the act to applications prior to a certain  
 144 date; amending s. 403.537, F.S.; revising the schedule for  
 145 notice of a public hearing by the Public Service  
 146 Commission to determine the need for a transmission line;  
 147 amending ss. 373.441, 403.061, 403.0876, and 403.809,  
 148 F.S.; conforming terminology; providing an effective date.  
 149

150 Be It Enacted by the Legislature of the State of Florida:

151  
 152 Section 1. Section 403.52, Florida Statutes, is amended to  
 153 read:

154 403.52 Popular name ~~Short title~~.--Sections 403.52-403.5365  
 155 may be known by the popular name ~~cited as~~ the "Florida Electric  
 156 Transmission Line Siting Act."

157 Section 2. Section 403.521, Florida Statutes, is amended  
 158 to read:

159 403.521 Legislative intent.--The legislative intent of  
 160 this act is to establish a centralized and coordinated licensing  
 161 ~~permitting~~ process for the location of electric transmission  
 162 line corridors and the construction and maintenance of electric  
 163 transmission lines, which necessarily involves several broad

164 interests of the public addressed through the subject matter  
 165 jurisdiction of several agencies. The Legislature recognizes  
 166 that electric transmission lines will have an effect upon  
 167 electric power system reliability, the environment, land use,  
 168 and the welfare of the population. Recognizing the need to  
 169 ensure electric power system reliability and integrity, and in  
 170 order to meet electric ~~electrical~~ energy needs in an orderly and  
 171 timely fashion, the centralized and coordinated licensing  
 172 ~~permitting~~ process established by this act is intended to  
 173 further the legislative goal of ensuring through available and  
 174 reasonable methods that the location of transmission line  
 175 corridors and the construction and maintenance of transmission  
 176 lines produce minimal adverse effects on the environment and  
 177 public health, safety, and welfare while not unduly conflicting  
 178 with the goals established by the applicable local comprehensive  
 179 plan. It is the intent of this act to fully balance the need for  
 180 transmission lines with the broad interests of the public in  
 181 order to effect a reasonable balance between the need for the  
 182 facility as a means of providing reliable, economically  
 183 efficient electric ~~abundant low-cost electrical~~ energy and the  
 184 impact on the public and the environment resulting from the  
 185 location of the transmission line corridor and the construction  
 186 and maintenance of the transmission lines. The Legislature  
 187 intends that the provisions of chapter 120 apply to this act and  
 188 to proceedings pursuant to it except as otherwise expressly  
 189 exempted by other provisions of this act.

190 Section 3. Section 403.522, Florida Statutes, is amended  
 191 to read:

192           403.522 Definitions relating to the Florida Electric  
193 Transmission Line Siting Act.--As used in this act:

194           (1) "Act" means the Florida Electric Transmission Line  
195 Siting Act.

196           (2) "Agency," as the context requires, means an official,  
197 officer, commission, authority, council, committee, department,  
198 division, bureau, board, section, or other unit or entity of  
199 government, including a county, municipality, or other regional  
200 or local governmental entity.

201           (3) "Amendment" means a material change in information  
202 provided by the applicant to the application for certification  
203 made after the initial application filing.

204           (4) "Applicant" means any electric utility which applies  
205 for certification pursuant to the provisions of this act.

206           (5) "Application" means the documents required by the  
207 department to be filed to initiate and support a certification  
208 review and evaluation, including the initial document filing,  
209 amendments, and responses to requests from the department for  
210 additional data and information ~~proceeding. An electric utility~~  
211 ~~may file a comprehensive application encompassing all or a part~~  
212 ~~of one or more proposed transmission lines.~~

213           (6) "Board" means the Governor and Cabinet sitting as the  
214 siting board.

215           (7) "Certification" means the approval by the board of a  
216 corridor proper for certification pursuant to subsection (10)  
217 and the construction and maintenance of transmission lines  
218 within such corridor with such changes or conditions as the

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219 board deems appropriate. Certification shall be evidenced by a  
220 written order of the board.

221 (8) "Commission" means the Florida Public Service  
222 Commission.

223 (9) "Completeness" means that the application has  
224 addressed all applicable sections of the prescribed application  
225 format ~~and, but does not mean~~ that those sections are sufficient  
226 in comprehensiveness of data or in quality of information  
227 provided to allow the department to determine whether the  
228 application provides the reviewing agencies adequate information  
229 to prepare the reports required by s. 403.526.

230 (10) "Corridor" means the proposed area within which a  
231 transmission line right-of-way, including maintenance and access  
232 roads, is to be located. The width of the corridor proposed for  
233 certification by an applicant or other party, at the option of  
234 the applicant, may be the width of the transmission line right-  
235 of-way, or a wider boundary, not to exceed a width of one-half ±  
236 mile. The area within the corridor in which a right-of-way may  
237 be located may be further restricted by a condition of  
238 certification. After all property interests required for the  
239 transmission line right-of-way have been acquired by the  
240 applicant, the boundaries of the area certified shall narrow to  
241 only that land within the boundaries of the transmission line  
242 right-of-way, maintenance roads, and access roads. The corridors  
243 proper for certification shall be those addressed in the  
244 application, in amendments to the application filed pursuant to  
245 s. 403.5275, and in notices of acceptance of proposed alternate  
246 corridors filed by an applicant and the department pursuant to

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247 s. 403.5271 for which the required ~~sufficient~~ information for  
248 the preparation of agency supplemental reports was filed.

249 (11) "Department" means the Department of Environmental  
250 Protection.

251 (12) "Electric utility" means cities and towns, counties,  
252 public utility districts, regulated electric companies, electric  
253 cooperatives, regional transmission organizations, independent  
254 transmission system operators, or similar entities created and  
255 approved pursuant to the Federal Energy Regulatory Commission's  
256 Order 2000, and joint operating agencies, or combinations  
257 thereof, engaged in, or authorized to engage in, the business of  
258 generating, transmitting, or distributing electric energy.

259 (13) "License" means a franchise, permit, certification,  
260 registration, charter, comprehensive plan amendment, development  
261 order, or permit as defined in chapters 163 and 380, or similar  
262 form of authorization required by law, but it does not include a  
263 license required primarily for revenue purposes when issuance of  
264 the license is merely a ministerial act.

265 (14) "Licensee" means an applicant that has obtained a  
266 certification order for the subject project.

267 ~~(15)~~ (14) "Local government" means a municipality or county  
268 in the jurisdiction of which the project is proposed to be  
269 located.

270 ~~(16)~~ (15) "Modification" means any change in the  
271 certification order after issuance, including a change in the  
272 conditions of certification.

273 ~~(17)~~ (16) "Nonprocedural requirements of agencies" means  
274 any agency's regulatory requirements established by statute,

275 rule, ordinance, or comprehensive plan, excluding any provisions  
 276 prescribing forms, fees, procedures, or time limits for the  
 277 review or processing of information submitted to demonstrate  
 278 compliance with such regulatory requirements.

279 (18)~~(17)~~ "Person" means an individual, partnership, joint  
 280 venture, private or public corporation, association, firm,  
 281 public service company, political subdivision, municipal  
 282 corporation, government agency, public utility district, or any  
 283 other entity, public or private, however organized.

284 (19)~~(18)~~ "Preliminary statement of issues" means a listing  
 285 and explanation of those issues within the agency's jurisdiction  
 286 which are of major concern to the agency in relation to the  
 287 proposed electric ~~electrical~~ transmission line corridor.

288 (20)~~(19)~~ "Regional planning council" means a regional  
 289 planning council as defined in s. 186.503(4) in the jurisdiction  
 290 of which the project is proposed to be located.

291 ~~(20) "Sufficiency" means that the application is not only  
 292 complete but that all sections are adequate in the  
 293 comprehensiveness of data and in the quality of information  
 294 provided to allow the department to determine whether the  
 295 application provides the reviewing agencies adequate information  
 296 to prepare the reports authorized by s. 403.526.~~

297 (21) "Transmission line" means all structures, all  
 298 maintenance and access roads, and all other facilities that need  
 299 to be constructed, operated, or maintained for the purpose of  
 300 conveying electric power ~~any electrical transmission line~~  
 301 extending from, but not including, an existing or proposed  
 302 substation or power plant to, but not including, an existing or

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303 | proposed transmission network or rights-of-way or substation to  
 304 | which the applicant intends to connect which defines the end of  
 305 | the proposed project and which is designed to operate at 230  
 306 | kilovolts or more. ~~The starting point and ending point of a~~  
 307 | ~~transmission line must be specifically defined by the applicant~~  
 308 | ~~and must be verified by the commission in its determination of~~  
 309 | ~~need. A transmission line includes structures and maintenance~~  
 310 | ~~and access roads that need to be constructed for the project to~~  
 311 | ~~become operational.~~ The transmission line may include, at the  
 312 | applicant's option, any proposed terminal or intermediate  
 313 | substations or substation expansions necessary to serve the  
 314 | transmission line.

315 |         (22) "Transmission line right-of-way" means land necessary  
 316 | for the construction and maintenance of a transmission line. The  
 317 | typical width of the right-of-way shall be identified in the  
 318 | application. The right-of-way shall be located within the  
 319 | certified corridor and shall be identified by the applicant  
 320 | ~~subsequent to certification~~ in documents filed with the  
 321 | department prior to construction.

322 |         (23) "Water management district" means a water management  
 323 | district created pursuant to chapter 373 in the jurisdiction of  
 324 | which the project is proposed to be located.

325 |         Section 4. Section 403.523, Florida Statutes, is amended  
 326 | to read:

327 |             403.523 Department of Environmental Protection; powers and  
 328 | duties.--The department shall have the following powers and  
 329 | duties:

330 (1) To adopt procedural rules pursuant to ss. 120.536(1)  
331 and 120.54 to implement the provisions of this act and to adopt  
332 or amend rules to implement the provisions of subsection (10).

333 (2) To prescribe the form and content of the public  
334 notices and the form, content, and necessary supporting  
335 documentation, and any required studies, for certification  
336 applications. All such data and studies shall be related to the  
337 jurisdiction of the agencies relevant to the application.

338 (3) To receive applications for transmission line and  
339 corridor certifications and initially determine the completeness  
340 ~~and sufficiency~~ thereof.

341 (4) To make or contract for studies of certification  
342 applications. All such studies shall be related to the  
343 jurisdiction of the agencies relevant to the application. For  
344 studies in areas outside the jurisdiction of the department and  
345 in the jurisdiction of another agency, the department may  
346 initiate such studies, but only with the consent of such agency.

347 (5) To administer the processing of applications for  
348 certification and ensure that the applications are processed as  
349 expeditiously as possible.

350 (6) To collect and process ~~require~~ such fees as allowed by  
351 this act.

352 (7) To prepare a report and a project impact ~~written~~  
353 analysis as required by s. 403.526.

354 (8) To prescribe the means for monitoring the effects  
355 arising from the location of the transmission line corridor and  
356 the construction and maintenance of the transmission lines to  
357 assure continued compliance with the terms of the certification.

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358 (9) To make a determination of acceptability of any  
359 alternate corridor proposed for consideration pursuant to s.  
360 403.5271.

361 (10) To set requirements that reasonably protect the  
362 public health and welfare from the electric and magnetic fields  
363 of transmission lines for which an application is filed pursuant  
364 to after the effective date of this act.

365 (11) To act as clerk for the siting board.

366 (12) To administer and manage the terms and conditions of  
367 the certification order and supporting documents and records for  
368 the life of the facility.

369 ~~(11) To present rebuttal evidence on any issue properly~~  
370 ~~raised at the certification hearing.~~

371 Section 5. Section 403.524, Florida Statutes, is amended  
372 to read:

373 403.524 Applicability; ~~and~~ certification; exemptions.--

374 (1) The provisions of this act apply to each transmission  
375 line as defined herein, except a transmission line certified  
376 pursuant to the Florida Electrical Power Plant Siting Act. In  
377 the application, the starting point and ending point of a  
378 transmission line must be specifically defined by the applicant  
379 and must be verified by the commission in its determination of  
380 need.

381 (2) Except as provided in subsection (1), no construction  
382 of any transmission line may be undertaken without first  
383 obtaining certification under this act, but the provisions of  
384 this act do not apply to:

385 (a) Transmission lines for which development approval has  
386 been obtained pursuant to chapter 380.

387 (b) Transmission lines which have been exempted by a  
388 binding letter of interpretation issued under s. 380.06(4), or  
389 in which the Department of Community Affairs or its predecessor  
390 agency has determined the utility to have vested development  
391 rights within the meaning of s. 380.05(18) or s. 380.06(20).

392 (c) Transmission line development in which all  
393 construction is limited to established rights-of-way.  
394 Established rights-of-way include ~~such~~ rights-of-way established  
395 at any time for roads, highways, railroads, gas, water, oil,  
396 electricity, or sewage and any other public purpose rights-of-  
397 way. If an established transmission line right-of-way is used to  
398 qualify for this exemption from the act, the transmission line  
399 right-of-way must have been established at least 5 years prior  
400 to the start of construction of the proposed transmission line.  
401 If an established transmission line right-of-way is relocated to  
402 accommodate a public project, the date of establishment of the  
403 original transmission line right-of-way shall apply to the  
404 relocated transmission line right-of-way for purposes of this  
405 exemption. ~~Except for transmission line rights-of-way,~~  
406 ~~established rights-of-way include rights-of-way created before~~  
407 ~~or after October 1, 1983. For transmission line rights-of-way,~~  
408 ~~established rights-of-way include rights-of-way created before~~  
409 ~~October 1, 1983.~~

410 (d) Transmission lines which are less than 15 miles in  
411 length or which do not cross a county line, unless the applicant  
412 has elected to apply for certification under the act.

413 (3) The exemption of a transmission line under this act  
 414 does not constitute an exemption for the transmission line from  
 415 other applicable permitting processes under other provisions of  
 416 law or local government ordinances.

417 (4) A utility shall notify the department in writing,  
 418 prior to the start of construction, of the electric utility's  
 419 ~~its~~ intent to construct a transmission line exempted pursuant to  
 420 this section. Such notice shall be only for information  
 421 purposes, and no action by the department shall be required  
 422 pursuant to such notice. Notice may be included in any  
 423 demonstration filed with the department prior to the start of  
 424 construction that a new transmission line complies with the  
 425 applicable electric and magnetic field standards.

426 Section 6. Section 403.525, Florida Statutes, is amended  
 427 to read:

428 403.525 Administrative law judge; appointment; powers and  
 429 duties of administrative law judge.--

430 (1) Within 7 days after receipt of an application, whether  
 431 complete or not, the department shall request the Division of  
 432 Administrative Hearings to designate an administrative law judge  
 433 to conduct the hearings required by this act. The division  
 434 director shall designate an administrative law judge to conduct  
 435 the hearings required by this act within 7 days after receipt of  
 436 the request from the department. Whenever practicable, the  
 437 division director shall assign an administrative law judge who  
 438 has had prior experience or training in this type of  
 439 certification proceeding. Upon being advised that an  
 440 administrative law judge has been designated, the department

441 shall immediately file a copy of the application and all  
 442 supporting documents with the administrative law judge, who  
 443 shall docket the application.

444 (2) The administrative law judge shall have all powers and  
 445 duties granted to administrative law judges by chapter 120 and  
 446 by the laws and rules of the department.

447 Section 7. Section 403.5251, Florida Statutes, is amended  
 448 to read:

449 403.5251 Distribution of application; schedules.--

450 (1) The formal date of certification application filing  
 451 and commencement of the certification review process shall be  
 452 the date on which the applicant has submitted to the department  
 453 copies of the certification application in a quantity identified  
 454 by rule and the certification application fee specified under s.  
 455 403.5365. One copy of the application shall be submitted in  
 456 electronic format.

457 (2) Within 7 days after the filing of an application, the  
 458 department shall provide the applicant and the Division of  
 459 Administrative Hearings the names and addresses of those  
 460 affected or other agencies entitled to notice and copies of the  
 461 application and any amendments.

462 ~~(3)~~(2) Within ~~15~~ 7 days after the formal date of the  
 463 application filing ~~completeness has been determined~~, the  
 464 department shall prepare a proposed schedule of dates for  
 465 determination of completeness, submission of statements of  
 466 issues, ~~determination of sufficiency~~, and submittal of final  
 467 reports, ~~from affected and other agencies~~ and other significant  
 468 dates to be followed during the certification process, including

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469 | dates for filing notices of appearances to be a party pursuant  
 470 | to s. 403.527(3)(4). This schedule shall be provided by the  
 471 | department to the applicant, the administrative law judge, and  
 472 | the agencies identified pursuant to subsection (2) (1).

473 |        (4)(3) Within 15 7 days after the filing of the  
 474 | application ~~completeness has been determined~~, the applicant  
 475 | shall distribute copies of the application to all agencies  
 476 | identified by the department pursuant to subsection (2) (1). The  
 477 | applicant shall file a notice that the application has been  
 478 | distributed to the administrative law judge and the department.  
 479 | The formal date of the distribution of the application shall be  
 480 | the date on which such notice is filed. Copies of changes and  
 481 | amendments to the application shall be timely distributed by the  
 482 | applicant to all agencies and parties who have received a copy  
 483 | of the application.

484 |        (5) Notice of the filing of the application shall be made  
 485 | in accordance with the requirements of s. 403.5363 by the  
 486 | applicant no later than 21 days after the application filing.

487 |        Section 8. Section 403.5252, Florida Statutes, is amended  
 488 | to read:

489 |        403.5252 Determination of completeness.--

490 |        (1)(a) The department shall consult with the affected  
 491 | agencies and may include their recommendations on the  
 492 | completeness of the application. Such agencies shall submit to  
 493 | the department recommendations on the completeness of the  
 494 | application within 30 days after the distribution of the  
 495 | application.

496           **(b)** Within ~~45~~ 15 days after distribution receipt of an  
 497 application, the department shall file a statement with the  
 498 Division of Administrative Hearings, ~~and~~ with the applicant, and  
 499 with all parties declaring its position with regard to the  
 500 completeness, ~~not the sufficiency,~~ of the application.

501           **(2)**~~(1)~~ If the department declares the application to be  
 502 incomplete, the applicant, within 15 days after the filing of  
 503 the statement by the department, shall file with the Division of  
 504 Administrative Hearings, ~~and~~ with the department, and with all  
 505 parties a statement:

506           (a) Agreeing with the statement of the department and  
 507 withdrawing the application;

508           (b) Agreeing with the statement of the department and  
 509 agreeing to render amend the application complete without  
 510 withdrawing it by filing additional information necessary to  
 511 make the application complete. The time schedules shall be  
 512 tolled as of the date of the determination that the application  
 513 is not complete, referencing a complete application under this  
 514 act shall not commence until the application is determined  
 515 complete; ~~or~~

516           **(c)** Notifying the department that the information will not  
 517 be supplied, in which case the application shall be processed as  
 518 filed; or

519           **(d)**~~(e)~~ Contesting the statement of the department.

520           **(3)**~~(a)~~~~(2)~~ If the applicant contests the determination by  
 521 the department that an application is incomplete, the  
 522 administrative law judge shall schedule a hearing on the  
 523 statement of completeness. The hearing shall be held as

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524 expeditiously as possible, but not later than 30 days after the  
525 filing of the statement by the department. The administrative  
526 law judge shall render a decision within 10 days after the  
527 hearing.

528 (b) Parties to a hearing on the issue of completeness  
529 shall include the applicant, the department, and any agency that  
530 has jurisdiction over the matter in dispute. Any substantially  
531 affected person who wishes to become a party to the completeness  
532 hearing shall file a motion no later than 10 days prior to the  
533 date of the hearing.

534 (c)(a) If the administrative law judge determines that the  
535 application was not complete ~~as filed~~, the applicant shall  
536 withdraw the application or make such additional submittals as  
537 necessary to complete it. The time schedules referencing a  
538 complete application under this act shall not commence until the  
539 application is determined complete.

540 (d)(b) If the administrative law judge determines that the  
541 application was complete at the time it was declared incomplete  
542 ~~filed~~, the time schedules referencing a complete application  
543 under this act shall commence upon such determination.

544 Section 9. Section 403.5253, Florida Statutes, is  
545 repealed.

546 Section 10. Section 403.526, Florida Statutes, is amended  
547 to read:

548 403.526 Preliminary statements of issues, reports, project  
549 impact analyses, and studies.--

550 (1) Each affected agency which received an application in  
551 accordance with s. 403.5251 (4) ~~(3)~~ shall submit a preliminary

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552 statement of issues to the department and all parties ~~the~~  
 553 ~~applicant~~ no later than 15 ~~60~~ days after the certification  
 554 application has been determined to be complete ~~distribution of~~  
 555 ~~the complete application~~. Such statements of issues shall be  
 556 made available to each local government for use as information  
 557 for public meetings pursuant to s. 403.5272. The failure to  
 558 raise an issue in this preliminary statement of issues shall not  
 559 preclude the issue from being raised in the agency's report.

560 (2)(a) The following ~~affected~~ agencies shall prepare  
 561 reports as provided below and shall submit them to the  
 562 department and the applicant no later than 60 ~~within 90~~ days  
 563 after the certification application has been determined to be  
 564 complete ~~distribution of the complete application~~:

565 1. The department shall prepare a report as to the impact  
 566 of each proposed transmission line or corridor as it relates to  
 567 matters within its jurisdiction.

568 2. Each water management district in the jurisdiction of  
 569 which a proposed transmission line or corridor is to be located  
 570 shall prepare a report as to the impact on water resources and  
 571 other matters within its jurisdiction.

572 3. The Department of Community Affairs shall prepare a  
 573 report containing recommendations which address the impact upon  
 574 the public of the proposed transmission line or corridor, based  
 575 on the degree to which the proposed transmission line or  
 576 corridor is consistent with the applicable portions of the state  
 577 comprehensive plan, emergency management, and other matters  
 578 within its jurisdiction. The Department of Community Affairs may  
 579 also comment on the consistency of the proposed transmission

580 | line or corridor with applicable strategic regional policy plans  
581 | or local comprehensive plans and land development regulations.

582 |         4. The Fish and Wildlife Conservation Commission shall  
583 | prepare a report as to the impact of each proposed transmission  
584 | line or corridor on fish and wildlife resources and other  
585 | matters within its jurisdiction.

586 |         5. Each local government shall prepare a report as to the  
587 | impact of each proposed transmission line or corridor on matters  
588 | within its jurisdiction, including the consistency of the  
589 | proposed transmission line or corridor with all applicable local  
590 | ordinances, regulations, standards, or criteria that apply to  
591 | the proposed transmission line or corridor, including local  
592 | comprehensive plans, zoning regulations, land development  
593 | regulations, and any applicable local environmental regulations  
594 | adopted pursuant to s. 403.182 or by other means. No change by  
595 | the responsible local government or local agency in local  
596 | comprehensive plans, zoning ordinances, or other regulations  
597 | made after the date required for the filing of the local  
598 | government's report required by this section shall be applicable  
599 | to the certification of the proposed transmission line or  
600 | corridor unless the certification is denied or the application  
601 | is withdrawn.

602 |         6. Each regional planning council shall present a report  
603 | containing recommendations that address the impact upon the  
604 | public of the proposed transmission line or corridor based on  
605 | the degree to which the transmission line or corridor is  
606 | consistent with the applicable provisions of the strategic  
607 | regional policy plan adopted pursuant to chapter 186 and other

608 impacts of each proposed transmission line or corridor on  
609 matters within its jurisdiction.

610 7. The Department of Transportation shall prepare a report  
611 as to the impact of the proposed transmission line or corridor  
612 on roads, railroads, airports, aeronautics, seaports, and other  
613 matters within its jurisdiction.

614 8. Any other agency within the jurisdiction of which the  
615 proposed transmission line and corridor would be located may  
616 prepare a report addressing the impact of the proposed  
617 transmission line or corridor on matters within that agency's  
618 jurisdiction.

619 (b) Each report shall contain:

620 1. A notice of any nonprocedural requirements not  
621 specifically listed in the application from which a variance,  
622 exemption, exception, or other relief is necessary in order for  
623 the board to certify any corridor proposed for certification.  
624 Failure of such notification shall be treated as a waiver from  
625 the nonprocedural requirements of that agency.

626 2. A recommendation for approval or denial of the  
627 application.

628 3. ~~the information on variances required by s. 403.531(2)~~  
629 and Proposed conditions of certification on matters within the  
630 jurisdiction of each agency. For each condition proposed by an  
631 agency, the agency shall list the specific statute, rule, or  
632 ordinance, as applicable, which authorizes the proposed  
633 condition.

634 (c) Each reviewing agency shall initiate the activities  
635 required by this section no later than 15 days after the

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636 ~~complete~~ application is distributed. Each agency shall keep the  
637 applicant and the department informed as to the progress of its  
638 studies and any issues raised thereby.

639 (d) Receipt of an affirmative determination of need by the  
640 submittal deadline for agency reports under paragraph (a) shall  
641 be a condition precedent to further processing of the  
642 application.

643 (3) The department shall prepare a project impact ~~written~~  
644 analysis which contains a compilation of agency reports and  
645 summaries of the material contained therein which shall be filed  
646 with the administrative law judge and served on all parties no  
647 later than 90 ~~135~~ days after the determination that the  
648 application is complete ~~application has been distributed to the~~  
649 ~~affected agencies~~, and which shall include:

650 (a) The studies and reports required by this section and  
651 s. 403.537.

652 (b) Comments received from any other agency or person.

653 (c) The recommendation of the department as to the  
654 disposition of the application, of variances, exemptions,  
655 exceptions, or other relief identified by any party, and of any  
656 proposed conditions of certification which the department  
657 believes should be imposed.

658 (4) The failure of any agency to submit a preliminary  
659 statement of issues or a report, or to submit its preliminary  
660 statement of issues or report within the allowed time, shall not  
661 be grounds for the alteration of any time limitation in this act  
662 pursuant to s. 403.528. Neither the failure to submit a  
663 preliminary statement of issues or a report nor the inadequacy

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664 of the preliminary statement of issues or report shall be  
665 grounds to deny or condition certification.

666 Section 11. Section 403.527, Florida Statutes, is amended  
667 to read:

668 403.527 Certification hearing; Notice, proceedings,  
669 parties, participants.--

670 ~~(1)(a) No later than 15 days after an application has been~~  
671 ~~determined complete, the applicant shall arrange for publication~~  
672 ~~of a notice of the application and of the proceedings required~~  
673 ~~by this act. Such notice shall give notice of the provisions of~~  
674 ~~s. 403.531(1) and (2).~~

675 ~~(b) The applicant shall arrange for publication of a~~  
676 ~~notice of the certification hearing and other public hearings~~  
677 ~~provided for in this section and notice of the deadline for~~  
678 ~~filing of notice of intent to be a party. Such notices shall be~~  
679 ~~published at least 80 days before the date set for the hearing.~~

680 ~~(c) The applicant shall arrange for publication of a~~  
681 ~~reminder notice in the newspapers specified in paragraph (d) no~~  
682 ~~more than 10 days prior to the certification hearing, reminding~~  
683 ~~the public of the date and location of the hearing. This notice~~  
684 ~~shall not constitute a point of entry for intervention in the~~  
685 ~~proceeding.~~

686 ~~(d) Notices to be published by the applicant shall be~~  
687 ~~published in newspapers of general circulation within counties~~  
688 ~~crossed by the transmission line corridors proper for~~  
689 ~~certification. The required newspaper notices, other than the~~  
690 ~~reminder notice, shall be one half page in size in a standard~~  
691 ~~size newspaper or a full page in a tabloid size newspaper and~~

692 ~~published in a section of the newspaper other than the legal~~  
 693 ~~notices section. These notices shall include a map generally~~  
 694 ~~depicting all transmission corridors proper for certification. A~~  
 695 ~~newspaper of general circulation shall be the newspaper within a~~  
 696 ~~county crossed by a transmission line corridor proper for~~  
 697 ~~certification which newspaper has the largest daily circulation~~  
 698 ~~in that county and has its principal office in that county. If~~  
 699 ~~the newspaper with the largest daily circulation has its~~  
 700 ~~principal office outside the county, then the notices shall~~  
 701 ~~appear in both the newspaper having the largest circulation in~~  
 702 ~~that county and in a newspaper authorized to publish legal~~  
 703 ~~notices in that county.~~

704 ~~(e) The department shall publish in the Florida~~  
 705 ~~Administrative Weekly notices of the application; of the~~  
 706 ~~certification hearing; of the hearing before the board; and of~~  
 707 ~~stipulations, proposed agency action, or petitions for~~  
 708 ~~modification.~~

709 ~~(f) The department shall adopt rules specifying the~~  
 710 ~~content of notices required by this section. All notices~~  
 711 ~~published by the applicant shall be paid for by the applicant~~  
 712 ~~and shall be in addition to the application fee.~~

713 ~~(1)(a)(2) No later than 125 ~~185~~ days after the application~~  
 714 ~~has been determined complete receipt of a complete application~~  
 715 ~~by the department, the administrative law judge shall conduct a~~  
 716 ~~certification hearing pursuant to ss. 120.569 and 120.57 at a~~  
 717 ~~central location in proximity to the proposed transmission line~~  
 718 ~~or corridor.~~

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719           **(b)** One public hearing where members of the public who are  
 720 not parties to the certification hearing may testify shall be  
 721 held within the boundaries of each county, at the option of any  
 722 local government.

723           **1.** The local government shall notify the administrative  
 724 law judge and all parties not later than 40 ~~50~~ days after the  
 725 application has been determined ~~receipt of a complete~~  
 726 ~~application~~ as to whether the local government wishes to have  
 727 such a public hearing. The local government shall be responsible  
 728 for determining the location of the public hearing.

729           **2.** Within 5 days after ~~of~~ such notification, the  
 730 administrative law judge shall determine the date of such public  
 731 hearing, which shall be held before or during the certification  
 732 hearing. In the event two or more local governments within one  
 733 county request such a public hearing, the hearing shall be  
 734 consolidated so that only one such public hearing is held in any  
 735 county. The location of a consolidated hearing shall be  
 736 determined by the administrative law judge.

737           **3.** If a local government does not request a public hearing  
 738 within 40 ~~50~~ days after the application has been determined  
 739 ~~receipt of a complete application~~, persons residing within the  
 740 jurisdiction of such local government may testify at the public  
 741 hearing portion of the certification hearing.

742           **(c)** The order of presentation at the certification  
 743 hearing, unless otherwise changed by the administrative law  
 744 judge to ensure the orderly presentation of witnesses and  
 745 evidence, shall be:

746           **1.** The applicant.

747           2. The department.  
 748           3. State agencies.  
 749           4. Regional agencies, including regional planning councils  
 750 and water management districts.

751           5. Local governments.

752           6. Other parties.

753           (d) When appropriate, any person may be given an  
 754 opportunity to present oral or written communications to the  
 755 administrative law judge. If the administrative law judge  
 756 proposes to consider such communications, all parties shall be  
 757 given an opportunity to cross-examine, challenge, or rebut such  
 758 communications.

759           (e) The applicant shall pay those expenses and costs  
 760 associated with the conduct of the hearings and the recording  
 761 and transcription of the proceedings.

762           (2) Notice of the certification hearing and other public  
 763 hearings provided for in this section and notice of the deadline  
 764 for filing of notice of intent to be a party shall be made in  
 765 accordance with the requirements of s. 403.5363. Such notices  
 766 shall be published at least 65 days before the date set for the  
 767 certification hearing.

768           ~~(3)(a) At the conclusion of the certification hearing, the~~  
 769 ~~administrative law judge shall, after consideration of all~~  
 770 ~~evidence of record, issue a recommended order disposing of the~~  
 771 ~~application no later than 60 days after the transcript of the~~  
 772 ~~certification hearing and the public hearings is filed with the~~  
 773 ~~Division of Administrative Hearings.~~

774 ~~(b) In the event the administrative law judge fails to~~  
 775 ~~issue a recommended order within 60 days after the filing of the~~  
 776 ~~hearing transcript, the administrative law judge shall submit a~~  
 777 ~~report to the board with a copy to all parties within 60 days~~  
 778 ~~after the filing of the hearing transcript to advise the board~~  
 779 ~~of the reason for the delay in the issuance of the recommended~~  
 780 ~~order and of the date by which the recommended order will be~~  
 781 ~~issued.~~

782 (3)~~(4)~~(a) Parties to the proceeding shall be:

- 783 1. The applicant.
- 784 2. The department.
- 785 3. The commission.
- 786 4. The Department of Community Affairs.
- 787 5. The Fish and Wildlife Conservation Commission.
- 788 6. The Department of Transportation.

789 ~~7.6.~~ Each water management district in the jurisdiction of  
 790 which the proposed transmission line or corridor is to be  
 791 located.

792 ~~8.7.~~ The local government.

793 ~~9.8.~~ The regional planning council.

794 (b) Any party listed in paragraph (a), other than the  
 795 department or the applicant, may waive its right to participate  
 796 in these proceedings. If any listed party fails to file a notice  
 797 of its intent to be a party on or before the 30th day prior to  
 798 the certification hearing, such party shall be deemed to have  
 799 waived its right to be a party unless its participation would  
 800 not prejudice the rights of any party to the proceeding.

801 (c) Notwithstanding the provisions of chapter 120 to the  
 802 contrary, upon the filing with the administrative law judge of a  
 803 notice of intent to be a party by an agency or corporation or  
 804 association described in subparagraphs 1. and 2. or a petition  
 805 for intervention by a person described in subparagraph 3. no  
 806 later than 30 days prior to the date set for the certification  
 807 hearing, the following shall also be parties to the proceeding:

808 1. Any agency not listed in paragraph (a) as to matters  
 809 within its jurisdiction.

810 2. Any domestic nonprofit corporation or association  
 811 formed, in whole or in part, to promote conservation of natural  
 812 beauty; to protect the environment, personal health, or other  
 813 biological values; to preserve historical sites; to promote  
 814 consumer interests; to represent labor, commercial, or  
 815 industrial groups; or to promote comprehensive planning or  
 816 orderly development of the area in which the proposed  
 817 transmission line or corridor is to be located.

818 3. Any person whose substantial interests are affected and  
 819 being determined by the proceeding.

820 (d) Any agency whose properties or works may be affected  
 821 shall be made a party upon the request of the agency or any  
 822 party to this proceeding.

823 (4)(a) At the conclusion of the certification hearing, the  
 824 administrative law judge shall, after consideration of all  
 825 evidence of record, issue a recommended order disposing of the  
 826 application no later than 45 days after the transcript of the  
 827 certification hearing and the public hearings is filed with the  
 828 Division of Administrative Hearings.

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829        (b) In the event the administrative law judge fails to  
830 issue a recommended order within 45 days after the filing of the  
831 hearing transcript, the administrative law judge shall submit a  
832 report to the siting board with a copy to all parties within 60  
833 days after the filing of the hearing transcript to advise the  
834 siting board of the reason for the delay in the issuance of the  
835 recommended order and of the date by which the recommended order  
836 will be issued.

837        (5)(a) No later than 25 days prior to the conduct of the  
838 certification hearing, the department or the applicant may  
839 request that the administrative law judge cancel the  
840 certification hearing and relinquish jurisdiction to the  
841 department if all parties to the proceeding stipulate that there  
842 are no disputed issues of fact to be raised at the certification  
843 hearing.

844        (b) The administrative law judge shall issue an order  
845 granting or denying the request within 5 days.

846        (c) If the administrative law judge grants the request, no  
847 later than 7 days prior to the date of the originally scheduled  
848 certification hearing, the department and the applicant shall  
849 publish notices of the cancellation of the certification hearing  
850 in accordance with s. 403.5363.

851        (d) If the administrative law judge grants the request,  
852 within 30 days after the administrative law judge's order  
853 relinquishing jurisdiction, the department shall prepare a  
854 recommended order, including proposed conditions of  
855 certification, for final action by the siting board. Parties may  
856 submit proposed recommended orders to the department no later

857 than 10 days after the administrative law judge issues his or  
 858 her order relinquishing jurisdiction.

859 ~~(5) When appropriate, any person may be given an~~  
 860 ~~opportunity to present oral or written communications to the~~  
 861 ~~administrative law judge. If the administrative law judge~~  
 862 ~~proposes to consider such communications, all parties shall be~~  
 863 ~~given an opportunity to cross-examine or challenge or rebut such~~  
 864 ~~communications.~~

865 ~~(6) The administrative law judge shall have all powers and~~  
 866 ~~duties granted to administrative law judges by chapter 120 and~~  
 867 ~~by the laws and rules of the department, including the authority~~  
 868 ~~to resolve disputes over the completeness or sufficiency of an~~  
 869 ~~application for certification.~~

870 ~~(7) The order of presentation at the certification~~  
 871 ~~hearing, unless otherwise changed by the administrative law~~  
 872 ~~judge to ensure the orderly presentation of witnesses and~~  
 873 ~~evidence, shall be:~~

874 ~~(a) The applicant.~~

875 ~~(b) The department.~~

876 ~~(c) State agencies.~~

877 ~~(d) Regional agencies, including regional planning~~  
 878 ~~councils and water management districts.~~

879 ~~(e) Local governments.~~

880 ~~(f) Other parties.~~

881 ~~(8) The applicant shall pay those expenses and costs~~  
 882 ~~associated with the conduct of the hearings and the recording~~  
 883 ~~and transcription of the proceedings.~~

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884 Section 12. Subsections (1) and (3) of section 403.5271,  
885 Florida Statutes, are amended to read:

886 403.5271 Alternate corridors.--

887 (1) No later than 50 days prior to the originally  
888 scheduled certification hearing, any party may propose alternate  
889 transmission line corridor routes for consideration pursuant to  
890 the provisions of this act.

891 (a) A notice of any such proposed alternate corridor shall  
892 be filed with the administrative law judge, all parties, and any  
893 local governments in whose jurisdiction the alternate corridor  
894 is proposed. Such filing shall include the most recent United  
895 States Geological Survey 1:24,000 quadrangle maps specifically  
896 delineating the corridor boundaries, a description of the  
897 proposed corridor, and a statement of the reasons the proposed  
898 alternate corridor should be certified.

899 (b)1. Within 7 days after receipt of such notice, the  
900 applicant and the department shall file with the administrative  
901 law judge and all parties a notice of acceptance or rejection of  
902 a proposed alternate corridor for consideration. If the  
903 alternate corridor is rejected either by the applicant or the  
904 department, the certification hearing and the public hearings  
905 shall be held as scheduled. If both the applicant and the  
906 department accept a proposed alternate corridor for  
907 consideration, the certification hearing and the public hearings  
908 shall be rescheduled, if necessary.

909 2. If rescheduled, the certification hearing shall be held  
910 no more than 100 ~~90~~ days after the previously scheduled  
911 certification hearing, unless additional time is needed due to

912 the alternate corridor crossing a local government jurisdiction  
 913 not previously affected, in which case the remainder of the  
 914 schedule listed below shall be appropriately adjusted by the  
 915 administrative law judge to allow that local government to  
 916 prepare a report pursuant to s. 403.526(2)(a)5.

917 (c) Notice of the filing of the alternate, of the revised  
 918 time schedules, of the deadline for newly affected persons and  
 919 agencies to file notice of intent to become a party, of the  
 920 rescheduled hearing date, and of the proceedings pursuant to s.  
 921 403.527(1)(b) and (e) shall be published in accordance with the  
 922 requirements of s. 403.5363 at least 65 days prior to the  
 923 rescheduled hearing.

924 (d) Within 21 ~~25~~ days after acceptance of an alternate  
 925 corridor by the department and the applicant, the party  
 926 proposing an alternate corridor shall have the burden of  
 927 providing all additional data to the agencies listed in s.  
 928 403.526(2), and newly affected agencies, necessary for the  
 929 preparation of a supplementary report on the proposed alternate  
 930 corridor.

931 (e)1. Reviewing agencies shall advise the department of  
 932 their completeness issues no later than 12 days after the  
 933 submittal of the data required by paragraph (d). ~~If the~~  
 934 ~~department determines~~ Within 15 days after receipt of such data,  
 935 the department shall issue a determination of completeness.

936 2. If the department determines that the this additional  
 937 data required by paragraph (d) is not complete insufficient, the  
 938 party proposing the alternate corridor shall file such  
 939 additional data that corrects the incompleteness. This

940 additional data must be submitted ~~insufficiency~~ within 15 days  
941 after the filing of the department's determination.

942 3. If such additional information data is determined by  
943 the department within 15 days after receipt to be incomplete  
944 insufficient, such incompleteness ~~insufficiency~~ of data shall be  
945 deemed a withdrawal of the proposed alternate corridor. ~~The~~  
946 ~~party proposing an alternate corridor shall have the burden of~~  
947 ~~proof on the certifiability of the alternate corridor at the~~  
948 ~~certification hearing pursuant to s. 403.529(4). Nothing in this~~  
949 ~~act shall be construed as requiring the applicant or agencies~~  
950 ~~not proposing the alternate corridor to submit data in support~~  
951 ~~of such alternate corridor.~~

952 (f) The agencies listed in s. 403.526(2) and any newly  
953 affected agencies shall file supplementary reports with the  
954 applicant and department that address ~~addressing~~ the proposed  
955 alternate corridors no later than 30 ~~60~~ days after the  
956 ~~additional data is~~ submitted pursuant to paragraph (d) ~~(e)~~ is  
957 determined to be complete.

958 (g) The agency reports on alternate corridors shall  
959 include all information required by s. 403.526(2) ~~agencies shall~~  
960 ~~submit supplementary notice pursuant to s. 403.531(2) at the~~  
961 ~~time of filing of their supplemental report.~~

962 (h) The department shall file with the administrative law  
963 judge, the applicant, and all parties a project impact ~~prepare a~~  
964 ~~written~~ analysis consistent with s. 403.526(3) at least 29 days  
965 prior to the rescheduled certification hearing addressing the  
966 proposed alternate corridor.

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967           (3)(a) Notwithstanding the rejection of a proposed  
 968 alternate corridor by the applicant or the department, any party  
 969 may present evidence at the certification hearing to show that a  
 970 corridor proper for certification does not satisfy the criteria  
 971 listed in s. 403.529 or that a rejected alternate corridor would  
 972 meet the criteria set forth in s. 403.529. No evidence shall be  
 973 admitted at the certification hearing on any alternate corridor,  
 974 unless the alternate corridor was proposed by the filing of a  
 975 notice at least 50 days prior to the originally scheduled  
 976 certification hearing pursuant to this section. Rejected  
 977 alternate corridors shall be considered by the board as provided  
 978 in s. 403.529(4) and (5).

979           (b) The party proposing an alternate corridor shall have  
 980 the burden of proof on the certifiability of the alternate  
 981 corridor at the certification hearing pursuant to s. 403.529(4).  
 982 Nothing in this act shall be construed as requiring the  
 983 applicant or agencies not proposing the alternate corridor to  
 984 submit data in support of such alternate corridor.

985           Section 13. Section 403.5272, Florida Statutes, is amended  
 986 to read:

987           403.5272 ~~Local governments;~~ Informational public  
 988 meetings.--

989           (1) Local governments or regional planning councils may  
 990 hold informational public meetings in addition to the hearings  
 991 specifically authorized by this act on any matter associated  
 992 with the transmission line proceeding. Such informational public  
 993 meetings should be held no later than 30 ~~30~~ days after the  
 994 application has been determined complete ~~is filed~~. The purpose

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995 | of an informational public meeting is for the local government  
 996 | or regional planning council to further inform the general  
 997 | public about the transmission line proposed, obtain comments  
 998 | from the public, and formulate its recommendation with respect  
 999 | to the proposed transmission line.

1000 |       (2) Informational public meetings shall be held solely at  
 1001 | the option of each local government or regional planning  
 1002 | council. It is the legislative intent that local governments or  
 1003 | regional planning councils attempt to hold such public meetings.  
 1004 | Parties to the proceedings under this act shall be encouraged to  
 1005 | attend; however, no party other than the applicant and the  
 1006 | department shall be required to attend such informational public  
 1007 | hearings.

1008 |       (3) The failure to hold an informational public meeting or  
 1009 | the procedure used for the informational public meeting shall  
 1010 | not be grounds for the alteration of any time limitation in this  
 1011 | act pursuant to s. 403.528 or grounds to deny or condition  
 1012 | certification.

1013 |       Section 14. Subsection (1) of section 403.5275, Florida  
 1014 | Statutes, is amended to read:

1015 |       403.5275 Amendment to the application.--

1016 |       (1) Any amendment made to the application prior to  
 1017 | certification shall be sent by the applicant to the  
 1018 | administrative law judge and to all parties to the proceeding.

1019 |       Section 15. Subsections (1) and (2) and paragraph (e) of  
 1020 | subsection (4) of section 403.529, Florida Statutes, are amended  
 1021 | to read:

1022 |       403.529 Final disposition of application.--

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1023           (1) Within 30 days after receipt of the administrative law  
1024 judge's or the department's recommended order, the board shall  
1025 act upon the application by written order, approving in whole,  
1026 approving with such conditions as the board deems appropriate,  
1027 or denying the certification and stating the reasons for  
1028 issuance or denial.

1029           (2) The issues that may be raised in any hearing before  
1030 the board shall be limited to matters raised in the  
1031 certification proceeding before the administrative law judge or  
1032 raised in the administrative law judge's or department's  
1033 recommended order. All parties, or their representatives, or  
1034 persons who appear before the board shall be subject to the  
1035 provisions of s. 120.66.

1036           (4) In determining whether an application should be  
1037 approved in whole, approved with modifications or conditions, or  
1038 denied, the board shall consider whether, and the extent to  
1039 which, the location of the transmission line corridor and the  
1040 construction and maintenance of the transmission line will:

1041           (e) Effect a reasonable balance between the need for the  
1042 transmission line as a means of providing reliable, economically  
1043 efficient electric ~~abundant low-cost electrical~~ energy and the  
1044 impact upon the public and the environment resulting from the  
1045 location of the transmission line corridor and maintenance of  
1046 the transmission lines.

1047           Section 16. Subsections (2) and (3) of section 403.531,  
1048 Florida Statutes, are amended to read:

1049           403.531 Effect of certification.--

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1050           (2)(a) The certification shall authorize the licensee  
 1051 ~~applicant~~ to locate the transmission line corridor and to  
 1052 construct and maintain the transmission lines subject only to  
 1053 the conditions of certification set forth in such certification.

1054           (b) The certification may include conditions which  
 1055 constitute variances and exemptions from nonprocedural standards  
 1056 or regulations of the department or any other agency, which were  
 1057 expressly considered during the certification review proceeding  
 1058 unless waived by the agency as provided s. 403.526 ~~below~~ and  
 1059 which otherwise would be applicable to the location of the  
 1060 proposed transmission line corridor or the construction and  
 1061 maintenance of the transmission lines. ~~Each party shall notify~~  
 1062 ~~the applicant and other parties at the time scheduled for the~~  
 1063 ~~filing of the agency reports of any nonprocedural requirements~~  
 1064 ~~not specifically listed in the application from which a~~  
 1065 ~~variance, exemption, exception, or other relief is necessary in~~  
 1066 ~~order for the board to certify any corridor proposed for~~  
 1067 ~~certification. Failure of such notification shall be treated as~~  
 1068 ~~a waiver from the nonprocedural requirements of that agency.~~

1069           (3)(a) The certification shall be in lieu of any license,  
 1070 permit, certificate, or similar document required by any agency  
 1071 pursuant to, but not limited to, chapter 125, chapter 161,  
 1072 chapter 163, chapter 166, chapter 186, chapter 253, chapter 258,  
 1073 chapter 298, chapter 370, chapter 373, chapter 376, chapter 380,  
 1074 chapter 381, chapter 387, chapter 403, chapter 404, or the  
 1075 Florida Transportation Code, ~~or 33 U.S.C. s. 1341.~~

1076           (b) On certification, any license, easement, or other  
 1077 interest in state lands, except those the title of which is

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1078 vested in the Board of Trustees of the Internal Improvement  
 1079 Trust Fund, shall be issued by the appropriate agency as a  
 1080 ministerial act. The applicant shall be required to seek any  
 1081 necessary interest in state lands the title to which is vested  
 1082 in the Board of Trustees of the Internal Improvement Trust Fund  
 1083 from the board of trustees before, during, or after the  
 1084 certification proceeding, and certification may be made  
 1085 contingent upon issuance of the appropriate interest in realty.  
 1086 However, neither the applicant nor any party to the  
 1087 certification proceeding may directly or indirectly raise or  
 1088 relitigate any matter which was or could have been an issue in  
 1089 the certification proceeding in any proceeding before the Board  
 1090 of Trustees of the Internal Improvement Trust Fund wherein the  
 1091 applicant is seeking a necessary interest in state lands, but  
 1092 the information presented in the certification proceeding shall  
 1093 be available for review by the board of trustees and its staff.

1094 Section 17. Section 403.5312, Florida Statutes, is amended  
 1095 to read:

1096 403.5312 Filing ~~Recording~~ of notice of certified corridor  
 1097 route.--

1098 (1) Within 60 days after certification of a directly  
 1099 associated transmission line pursuant to ss. 403.501-403.518 or  
 1100 a transmission line corridor pursuant to ss. 403.52-403.5365,  
 1101 the applicant shall file, in accordance with s. 28.222, with the  
 1102 department and the clerk of the circuit court for each county  
 1103 through which the corridor will pass, a notice of the certified  
 1104 route.

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1105       (2) The notice shall consist of maps or aerial photographs  
 1106 in the scale of 1:24,000 which clearly show the location of the  
 1107 certified route and shall state that the certification of the  
 1108 corridor will result in the acquisition of rights-of-way within  
 1109 the corridor. Each clerk shall record the filing in the official  
 1110 record of the county for the duration of the certification or  
 1111 until such time as the applicant certifies to the department and  
 1112 the clerk that all lands required for the transmission line  
 1113 rights-of-way within the corridor have been acquired within such  
 1114 county, whichever is sooner.

1115       (3) The recording of this notice shall not constitute a  
 1116 lien, cloud, or encumbrance on real property.

1117       Section 18. Section 403.5317, Florida Statutes, is created  
 1118 to read:

1119       403.5317 Postcertification amendments.--

1120       (1) If, subsequent to certification by the board, a  
 1121 licensee proposes any material change to the application, and  
 1122 revisions or amendments thereto, as certified, the licensee  
 1123 shall submit to the department a written request for amendment  
 1124 and description of the proposed change to the application. The  
 1125 department shall, within 30 days after the receipt of the  
 1126 request for the amendment, determine whether the proposed change  
 1127 to the application requires a modification of the conditions of  
 1128 certification.

1129       (2) If the department concludes that the change would not  
 1130 require a modification of the conditions of certification, the  
 1131 department shall notify, in writing, the licensee, all agencies,  
 1132 and all parties of the approval of the proposed amendment.

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1133       (3) If the department concludes that the change would  
 1134 require a modification of the conditions of certification, the  
 1135 department shall notify the licensee that the proposed change to  
 1136 the application requires a request for modification pursuant to  
 1137 s. 403.5315.

1138       Section 19. Section 403.5363, Florida Statutes, is created  
 1139 to read:

1140       403.5363 Public notices, requirements.--

1141       (1)(a) The applicant shall arrange for the publication of  
 1142 the following notices. Such notices shall be published in  
 1143 newspapers of general circulation within counties crossed by the  
 1144 transmission line corridors proper for certification:

1145       1. Notice of the submittal of the application, which shall  
 1146 include a description of the proceedings required by this act.  
 1147 Such notice shall give notice of the provisions of s. 403.531(1)  
 1148 and (2) and the notice of the deadline for filing of notice of  
 1149 intent to be a party.

1150       2. Notice of the certification hearing.

1151       3. Notice of the cancellation of the certification  
 1152 hearing, if applicable.

1153       4. Notice of filing of a modification proposal submitted  
 1154 pursuant to s. 403.5315, if the department determines that the  
 1155 modification would require relocation or expansion of the  
 1156 transmission line right-of-way or a certified substation.

1157       (b) The proponent of an alternate corridor shall arrange  
 1158 for the publication of the filing of the alternate, of the  
 1159 revised time schedules, of the deadline for newly affected  
 1160 persons and agencies to file notice of intent to become a party,

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1161 and of the rescheduled hearing dates. Such notices shall be  
 1162 published in newspapers of general circulation within counties  
 1163 crossed by the proposed alternate corridor.

1164 (c) The department shall arrange for publication of the  
 1165 following notices in the manner specified by chapter 120:

- 1166 1. Notice of the submittal of the application and the  
 1167 deadline to become a party.
- 1168 2. Notice of any administrative hearings on certification.
- 1169 3. Notice of the cancellation of the certification  
 1170 hearings, if applicable.
- 1171 4. Notice of the hearing before the siting board.
- 1172 5. Notice of stipulations, proposed agency action, or  
 1173 petitions for modification.

1174 (2) The department shall adopt rules specifying the  
 1175 content of notices required by this section. All notices  
 1176 published by the applicant shall be paid for by the applicant  
 1177 and shall be in addition to the application fee.

1178 Section 20. Section 403.5365, Florida Statutes, is amended  
 1179 to read:

1180 403.5365 Fees; disposition.--The department shall charge  
 1181 the applicant the following fees, as appropriate, which, unless  
 1182 otherwise specified, shall be paid into the Florida Permit Fee  
 1183 Trust Fund:

- 1184 (1) An application fee of \$150,000 ~~\$100,000~~, plus \$750 per  
 1185 mile for each mile of corridor in which the transmission line  
 1186 right-of-way is proposed to be located within an existing  
 1187 electric ~~electrical~~ transmission line right-of-way or within any  
 1188 existing right-of-way for any road, highway, railroad, or other

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1189 aboveground linear facility, or \$1,000 per mile for each mile of  
 1190 electric transmission line corridor proposed to be located  
 1191 outside such existing right-of-way.

1192 (a) Fifty ~~Sixty~~ percent of the fee shall go to the  
 1193 department to cover any costs associated with coordinating the  
 1194 review of ~~reviewing and acting upon~~ the application and any  
 1195 costs for ~~field~~ services associated with monitoring construction  
 1196 and operation of the electric transmission line facility.

1197 (b) The following sums ~~Twenty percent of the fees~~  
 1198 ~~specified under this section, except postcertification fees,~~  
 1199 shall be transferred to the Administrative Trust Fund of the  
 1200 Division of Administrative Hearings of the Department of  
 1201 Management Services:

1202 1. Five percent to compensate for expenses from the  
 1203 initial exercise of duties associated with the filing of an  
 1204 application.

1205 2. An additional 10 percent if an administrative hearing  
 1206 pursuant to s. 403.527 is held.

1207 (c) Upon written request with proper itemized accounting  
 1208 within 90 days after final agency action by the board or  
 1209 withdrawal of the application, the agencies that prepared  
 1210 reports pursuant to s. 403.526 or s. 403.5271 or participated in  
 1211 a hearing pursuant to s. 403.527 or s. 403.5271 may submit a  
 1212 written request to the department for reimbursement of expenses  
 1213 incurred during the certification proceedings. The request shall  
 1214 contain an accounting of expenses incurred, which may include  
 1215 time spent reviewing the application, ~~department shall reimburse~~  
 1216 ~~the expenses and costs of the Department of Community Affairs,~~

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1217 ~~the Fish and Wildlife Conservation Commission, the water~~  
 1218 ~~management district, regional planning council, and local~~  
 1219 ~~government in the jurisdiction of which the transmission line is~~  
 1220 ~~to be located. Such reimbursement shall be authorized for the~~  
 1221 preparation of any studies required of the agencies by this act,  
 1222 ~~and for~~ agency travel and per diem to attend any hearing held  
 1223 pursuant to this act, and ~~for~~ the local government's or regional  
 1224 planning council's provision of additional notice of the  
 1225 informational public meetings ~~government to participate in the~~  
 1226 ~~proceedings. The department shall review the request and verify~~  
 1227 that the expenses are valid. Valid expenses shall be reimbursed;  
 1228 however, in the event the amount of funds available for  
 1229 reimbursement allocation is insufficient to provide for full  
 1230 compensation ~~complete reimbursement~~ to the agencies requesting  
 1231 reimbursement, reimbursement shall be on a prorated basis.

1232 (d) If any sums are remaining, the department shall retain  
 1233 them for its use in the same manner as is otherwise authorized  
 1234 by this section; ~~provided,~~ however, ~~that~~ if the certification  
 1235 application is withdrawn prior to the initial determination on  
 1236 completeness, one-half of the application fee ~~the remaining sums~~  
 1237 shall be refunded to the applicant within 90 days after  
 1238 withdrawal.

1239 (2) An amendment fee.

1240 (a) If no corridor alignment change is proposed by the  
 1241 amendment, no amendment fee shall be charged.

1242 (b) If a corridor alignment change pursuant to s.  
 1243 403.5275(2) is proposed by the applicant, an additional fee of a

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1244 minimum of \$2,000 and \$750 per mile shall be submitted to the  
1245 department for use in accordance with this act.

1246 (c) If an amendment is required to address issues,  
1247 including alternate corridors pursuant to s. 403.5271, raised by  
1248 the department or other parties, no fee for such amendment shall  
1249 be charged.

1250 (3) A certification modification fee.

1251 (a) If no corridor alignment change is proposed by the  
1252 licensee ~~applicant~~, the modification fee shall be \$4,000.

1253 (b) If a corridor alignment change is proposed by the  
1254 licensee ~~applicant~~, the fee shall be \$1,000 for each mile of  
1255 realignment plus an amount not to exceed \$10,000 to be fixed by  
1256 rule on a sliding scale based on the load-carrying capability  
1257 and configuration of the transmission line for use in accordance  
1258 with subsection (2).

1259 Section 21. Section 403.5369, Florida Statutes, is  
1260 repealed.

1261 Section 22. Paragraphs (a) and (c) of subsection (1) of  
1262 section 403.537, Florida Statutes, are amended to read:

1263 403.537 Determination of need for transmission line;  
1264 powers and duties.--

1265 (1)(a) Upon request by an applicant or upon its own  
1266 motion, the Florida Public Service Commission shall schedule a  
1267 public hearing, after notice, to determine the need for a  
1268 transmission line regulated by the Florida Electric Transmission  
1269 Line Siting Act, ss. 403.52-403.5365. Such notice shall be  
1270 published at least 21 ~~45~~ days before the date set for the  
1271 hearing and shall be published in at least one-quarter page size

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1272 notice in newspapers of general circulation, in the Florida  
 1273 Administrative Weekly, by giving notice to counties and regional  
 1274 planning councils in whose jurisdiction the transmission line  
 1275 could be placed, and by giving notice to any persons who have  
 1276 requested to be placed on the mailing list of the commission for  
 1277 this purpose. Within 21 days after receipt of a request for  
 1278 determination by an applicant, the commission shall set a date  
 1279 for the hearing. The hearing shall be held pursuant to s. 350.01  
 1280 within 45 days after the filing of the request, and a decision  
 1281 shall be rendered within 60 days after such filing.

1282 (c) The determination by the commission of the need for  
 1283 the transmission line, as defined in s. 403.522(21), is binding  
 1284 on all parties to any certification proceeding pursuant to the  
 1285 Florida Electric Transmission Line Siting Act and is a condition  
 1286 precedent to the conduct of the certification hearing prescribed  
 1287 therein. An order entered pursuant to this section constitutes  
 1288 final agency action.

1289 Section 23. Subsection (3) of section 373.441, Florida  
 1290 Statutes, is amended to read:

1291 373.441 Role of counties, municipalities, and local  
 1292 pollution control programs in permit processing.--

1293 (3) The department shall review environmental resource  
 1294 permit applications for electrical distribution and transmission  
 1295 lines and other facilities related to the production,  
 1296 transmission, and distribution of electricity which are not  
 1297 certified under ss. 403.52-403.5365, the Florida Electric  
 1298 Transmission Line Siting Act, regulated under this part.

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1299 Section 24. Subsection (30) of section 403.061, Florida  
1300 Statutes, is amended to read:

1301 403.061 Department; powers and duties.--The department  
1302 shall have the power and the duty to control and prohibit  
1303 pollution of air and water in accordance with the law and rules  
1304 adopted and promulgated by it and, for this purpose, to:

1305 (30) Establish requirements by rule that reasonably  
1306 protect the public health and welfare from electric and magnetic  
1307 fields associated with existing 230 kV or greater electrical  
1308 transmission lines, new 230 kV and greater electrical  
1309 transmission lines for which an application for certification  
1310 under the Florida Electric Transmission Line Siting Act, ss.  
1311 403.52-403.5365, is not filed, new or existing electrical  
1312 transmission or distribution lines with voltage less than 230  
1313 kV, and substation facilities. Notwithstanding any other  
1314 provision in this chapter or any other law of this state or  
1315 political subdivision thereof, the department shall have  
1316 exclusive jurisdiction in the regulation of electric and  
1317 magnetic fields associated with all electrical transmission and  
1318 distribution lines and substation facilities. However, nothing  
1319 herein shall be construed as superseding or repealing the  
1320 provisions of s. 403.523(1) and (10).

1321  
1322 The department shall implement such programs in conjunction with  
1323 its other powers and duties and shall place special emphasis on  
1324 reducing and eliminating contamination that presents a threat to  
1325 humans, animals or plants, or to the environment.

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1326           Section 25. Paragraph (a) of subsection (3) of section  
 1327 403.0876, Florida Statutes, is amended to read:  
 1328           403.0876 Permits; processing.--  
 1329           (3)(a) The department shall establish a special unit for  
 1330 permit coordination and processing to provide expeditious  
 1331 processing of department permits which the district offices are  
 1332 unable to process expeditiously and to provide accelerated  
 1333 processing of certain permits or renewals for economic and  
 1334 operating stability. The ability of the department to process  
 1335 applications pursuant to this subsection in a more timely manner  
 1336 than allowed by subsections (1) and (2) is dependent upon the  
 1337 timely exchange of information between the applicant and the  
 1338 department and the intervention of outside parties as allowed by  
 1339 law. An applicant may request the processing of its permit  
 1340 application by the special unit if the application is from an  
 1341 area of high unemployment or low per capita income, is from a  
 1342 business or industry that is the primary employer within an  
 1343 area's labor market, or is in an industry with respect to which  
 1344 the complexities involved in the review of the application  
 1345 require special skills uniquely available in the headquarters  
 1346 office. The department may require the applicant to waive the  
 1347 90-day time limitation for department issuance or denial of the  
 1348 permit once for a period not to exceed 90 days. The department  
 1349 may require a special fee to cover the direct cost of processing  
 1350 special applications in addition to normal permit fees and  
 1351 costs. The special fee may not exceed \$10,000 per permit  
 1352 required. Applications for renewal permits, but not applications  
 1353 for initial permits, required for facilities pursuant to the

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1354 Electrical Power Plant Siting Act or the Florida Electric  
 1355 Transmission Line Siting Act may be processed under this  
 1356 subsection. Personnel staffing the special unit shall have  
 1357 lengthy experience in permit processing.

1358 Section 26. Paragraph (b) of subsection (3) of section  
 1359 403.809, Florida Statutes, is amended to read:

1360 403.809 Environmental districts; establishment; managers;  
 1361 functions.--

1362 (3)

1363 (b) The processing of all applications for permits,  
 1364 licenses, certificates, and exemptions shall be accomplished at  
 1365 the district center or the branch office, except for those  
 1366 applications specifically assigned elsewhere in the department  
 1367 under s. 403.805 or to the water management districts under s.  
 1368 403.812 and those applications assigned by interagency agreement  
 1369 as provided in this act. However, the secretary, as head of the  
 1370 department, may not delegate to district or subdistrict  
 1371 managers, water management districts, or any unit of local  
 1372 government the authority to act on the following types of permit  
 1373 applications:

1374 1. Permits issued under s. 403.0885, except such permit  
 1375 issuance may be delegated to district managers.

1376 2. Construction of major air pollution sources.

1377 3. Certifications under the Florida Electrical Power Plant  
 1378 Siting Act or the Florida Electric Transmission Line Siting Act  
 1379 and the associated permit issued under s. 403.0885, if  
 1380 applicable.

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1381 |           4. Permits issued under s. 403.0885 to steam electric  
1382 | generating facilities regulated pursuant to 40 C.F.R. part 423.  
1383 |           5. Permits issued under s. 378.901.  
1384 |           Section 27. This act shall take effect upon becoming a  
1385 | law.