



473718

CHAMBER ACTION

Senate

House

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Floor: 19/AD/2R
4/17/2008 10:33 AM

1 Senator Saunders moved the following amendment:

2
3 Senate Amendment (with directory and title amendments)

4 Delete line(s) 3386-3765

5 and insert:

6 Section 52. Section 403.502, Florida Statutes, is amended
7 to read:

8 403.502 Legislative intent.--The Legislature finds that the
9 present and predicted growth in electric power demands in this
10 state requires the development of a procedure for the selection
11 and utilization of sites for electrical generating facilities and
12 the identification of a state position with respect to each
13 proposed site and its associated facilities. The Legislature
14 recognizes that the selection of sites and the routing of
15 associated facilities including transmission lines will have a
16 significant impact upon the welfare of the population, the
17 location and growth of industry, and the use of the natural



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18 resources of the state. The Legislature finds that the efficiency  
19 of the permit application and review process at both the state  
20 and local level would be improved with the implementation of a  
21 process whereby a permit application would be centrally  
22 coordinated and all permit decisions could be reviewed on the  
23 basis of standards and recommendations of the deciding agencies.  
24 It is the policy of this state that, while recognizing the  
25 pressing need for increased power generation facilities, the  
26 state shall ensure through available and reasonable methods that  
27 the location and operation of electrical power plants will  
28 produce minimal adverse effects on human health, the environment,  
29 the ecology of the land and its wildlife, and the ecology of  
30 state waters and their aquatic life and will not unduly conflict  
31 with the goals established by the applicable local comprehensive  
32 plans. It is the intent to seek courses of action that will fully  
33 balance the increasing demands for electrical power plant  
34 location and operation with the broad interests of the public.  
35 Such action will be based on these premises:

36 (1) To assure the citizens of Florida that operation  
37 safeguards are technically sufficient for their welfare and  
38 protection.

39 (2) To effect a reasonable balance between the need for the  
40 facility and the environmental impact resulting from construction  
41 and operation of the facility, including air and water quality,  
42 fish and wildlife, and the water resources and other natural  
43 resources of the state.

44 (3) To meet the need for electrical energy as established  
45 pursuant to s. 403.519.



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46 (4) To assure the citizens of Florida that renewable energy  
47 sources and technologies, as well as conservation measures, are  
48 utilized to the extent reasonably available.

49 Section 53. Section 403.503, Florida Statutes, is amended  
50 to read:

51 403.503 Definitions relating to Florida Electrical Power  
52 Plant Siting Act.--As used in this act:

53 (1) "Act" means the Florida Electrical Power Plant Siting  
54 Act.

55 (2) "Agency," as the context requires, means an official,  
56 officer, commission, authority, council, committee, department,  
57 division, bureau, board, section, or other unit or entity of  
58 government, including a regional or local governmental entity.

59 (3) "Alternative corridor" means an area that is proposed  
60 by the applicant or a third party within which all or part of an  
61 associated electrical transmission line right-of-way is to be  
62 located and that is different from the preferred transmission  
63 line corridor proposed by the applicant. The width of the  
64 alternate corridor proposed for certification for an associated  
65 electrical transmission line may be the width of the proposed  
66 right-of-way or a wider boundary not to exceed a width of one  
67 mile. The area within the alternate corridor may be further  
68 restricted as a condition of certification. The alternate  
69 corridor may include alternate electrical substation sites if the  
70 applicant has proposed an electrical substation as part of the  
71 portion of the proposed electrical transmission line.

72 (4) ~~(3)~~ "Amendment" means a material change in the  
73 information provided by the applicant to the application for  
74 certification made after the initial application filing.



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75        (5)~~(4)~~ "Applicant" means any electric utility which applies  
76 for certification pursuant to the provisions of this act.

77        (6)~~(5)~~ "Application" means the documents required by the  
78 department to be filed to initiate a certification review and  
79 evaluation, including the initial document filing, amendments,  
80 and responses to requests from the department for additional data  
81 and information.

82        (7)~~(6)~~ "Associated facilities" means, for the purpose of  
83 certification, those on-site and off-site facilities which  
84 directly support the construction and operation of the electrical  
85 generating facility ~~power plant~~ such as electrical transmission  
86 lines, substations, and fuel unloading facilities; pipelines  
87 necessary for transporting fuel for the operation of the facility  
88 or other fuel transportation facilities; water or wastewater  
89 transport pipelines; construction, maintenance, and access roads;  
90 and railway lines necessary for transport of construction  
91 equipment or fuel for the operation of the facility.

92        (8)~~(7)~~ "Board" means the Governor and Cabinet sitting as  
93 the siting board.

94        (9)~~(8)~~ "Certification" means the written order of the  
95 board, or Secretary when applicable, approving an application for  
96 the licensing of an electrical power plant, in whole or with such  
97 changes or conditions as the board, or Secretary when applicable,  
98 may deem appropriate.

99        (10)~~(9)~~ "Completeness" means that the application has  
100 addressed all applicable sections of the prescribed application  
101 format, and that those sections are sufficient in  
102 comprehensiveness of data or in quality of information provided  
103 to allow the department to determine whether the application

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104 provides the reviewing agencies adequate information to prepare  
105 the reports required by s. 403.507.

106 ~~(11)-(10)~~ "Corridor" means the proposed area within which an  
107 associated linear facility right-of-way is to be located. The  
108 width of the corridor proposed for certification as an associated  
109 facility, at the option of the applicant, may be the width of the  
110 right-of-way or a wider boundary, not to exceed a width of 1  
111 mile. The area within the corridor in which a right-of-way may be  
112 located may be further restricted by a condition of  
113 certification. After all property interests required for the  
114 right-of-way have been acquired by the licensee, the boundaries  
115 of the area certified shall narrow to only that land within the  
116 boundaries of the right-of-way. The corridors proper for  
117 certification shall be those addressed in the application, in  
118 amendments to the application filed under s. 403.5064, and in  
119 notices of acceptance of proposed alternate corridors filed by an  
120 applicant and the department pursuant to s. 403.5271 as  
121 incorporated by reference in s. 403.5064(1)(b) for which the  
122 required information for the preparation of agency supplemental  
123 reports was filed.

124 ~~(12)-(11)~~ "Department" means the Department of Environmental  
125 Protection.

126 ~~(13)-(12)~~ "Designated administrative law judge" means the  
127 administrative law judge assigned by the Division of  
128 Administrative Hearings pursuant to chapter 120 to conduct the  
129 hearings required by this act.

130 ~~(14)-(13)~~ "Electrical power plant" means, for the purpose of  
131 certification, any steam or solar electrical generating facility  
132 using any process or fuel, including nuclear materials, except  
133 that this term does not include any steam or solar electrical



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134 generating facility of less than 75 megawatts in capacity unless  
135 the applicant for such a facility elects to apply for  
136 certification under this act. This term also includes the site,  
137 all associated facilities that will ~~to~~ be owned by the applicant  
138 that ~~which~~ are physically connected to the ~~electrical power plant~~  
139 site; all associated facilities that ~~or which~~ are indirectly  
140 ~~directly~~ connected to the ~~electrical power plant~~ site by other  
141 proposed associated facilities that will ~~to~~ be owned by the  
142 applicant; ~~r~~ and associated transmission lines that will ~~to~~ be  
143 owned by the applicant that ~~which~~ connect the electrical  
144 generating facility ~~power plant~~ to an existing transmission  
145 network or rights-of-way to ~~of~~ which the applicant intends to  
146 connect. At the applicant's option, this term may include any  
147 offsite associated facilities that ~~which~~ will not be owned by the  
148 applicant; offsite associated facilities that ~~which~~ are owned by  
149 the applicant but which are not directly connected to the  
150 ~~electrical power plant~~ site; any proposed terminal or  
151 intermediate substations or substation expansions connected to  
152 the associated transmission line; or new transmission lines,  
153 upgrades, or improvements of an existing transmission line on any  
154 portion of the applicant's electrical transmission system  
155 necessary to support the generation injected into the system from  
156 the proposed electrical generating facility ~~power plant~~.

157 (15)-(14) "Electric utility" means cities and towns,  
158 counties, public utility districts, regulated electric companies,  
159 electric cooperatives, and joint operating agencies, or  
160 combinations thereof, engaged in, or authorized to engage in, the  
161 business of generating, transmitting, or distributing electric  
162 energy.

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163        ~~(16)-(15)~~ "Federally delegated or approved permit program"  
164 means any environmental regulatory program approved by an agency  
165 of the Federal Government so as to authorize the department to  
166 administer and issue licenses pursuant to federal law, including,  
167 but not limited to, new source review permits, operation permits  
168 for major sources of air pollution, and prevention of significant  
169 deterioration permits under the Clean Air Act (42 U.S.C. ss. 7401  
170 et seq.), permits under ss. 402 and 404 of the Clean Water Act  
171 (33 U.S.C. ss. 1251 et seq.), and permits under the Resource  
172 Conservation and Recovery Act (42 U.S.C. ss. 6901 et seq.).

173        ~~(17)-(16)~~ "License" means a franchise, permit,  
174 certification, registration, charter, comprehensive plan  
175 amendment, development order or permit as defined in chapters 163  
176 and 380, or similar form of authorization required by law,  
177 including permits issued under federally delegated or approved  
178 permit programs, but it does not include a license required  
179 primarily for revenue purposes when issuance of the license is  
180 merely a ministerial act.

181        ~~(18)-(17)~~ "Licensee" means an applicant that has obtained a  
182 certification order for the subject project.

183        ~~(19)-(18)~~ "Local government" means a municipality or county  
184 in the jurisdiction of which the electrical power plant is  
185 proposed to be located.

186        ~~(20)-(19)~~ "Modification" means any change in the  
187 certification order after issuance, including a change in the  
188 conditions of certification.

189        ~~(21)-(20)~~ "Nonprocedural requirements of agencies" means any  
190 agency's regulatory requirements established by statute, rule,  
191 ordinance, zoning ordinance, land development code, or  
192 comprehensive plan, excluding any provisions prescribing forms,

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193 fees, procedures, or time limits for the review or processing of  
194 information submitted to demonstrate compliance with such  
195 regulatory requirements.

196 ~~(22)~~~~(21)~~ "Notice of intent" means that notice which is  
197 filed with the department on behalf of an applicant prior to  
198 submission of an application pursuant to this act and which  
199 notifies the department of an intent to file an application.

200 ~~(23)~~~~(22)~~ "Person" means an individual, partnership, joint  
201 venture, private or public corporation, association, firm, public  
202 service company, political subdivision, municipal corporation,  
203 government agency, public utility district, or any other entity,  
204 public or private, however organized.

205 ~~(24)~~~~(23)~~ "Preliminary statement of issues" means a listing  
206 and explanation of those issues within the agency's jurisdiction  
207 which are of major concern to the agency in relation to the  
208 proposed electrical power plant.

209 ~~(25)~~~~(24)~~ "Public Service Commission" or "commission" means  
210 the agency created pursuant to chapter 350.

211 ~~(26)~~~~(25)~~ "Regional planning council" means a regional  
212 planning council as defined in s. 186.503(4) in the jurisdiction  
213 of which the electrical power plant is proposed to be located.

214 ~~(27)~~~~(26)~~ "Right-of-way" means land necessary for the  
215 construction and maintenance of a connected associated linear  
216 facility, such as a railroad line, pipeline, or transmission line  
217 as owned by or proposed to be certified by the applicant. The  
218 typical width of the right-of-way shall be identified in the  
219 application. The right-of-way shall be located within the  
220 certified corridor and shall be identified by the applicant  
221 subsequent to certification in documents filed with the  
222 department prior to construction.





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223        ~~(28)-(27)~~ "Site" means any proposed location within which  
224 will be located ~~wherein~~ an electrical power plant's generating  
225 facility and on-site support facilities ~~plant~~, or an ~~electrical~~  
226 ~~power plant~~ alteration or addition of electrical generating  
227 facilities and on-site on-location support facilities resulting  
228 in an increase in generating capacity, ~~will be located~~, including  
229 offshore sites within state jurisdiction.

230        ~~(29)-(28)~~ "State comprehensive plan" means that plan set  
231 forth in chapter 187.

232        ~~(30)-(29)~~ "Ultimate site capacity" means the maximum gross  
233 generating capacity for a site as certified by the board, or  
234 Secretary when applicable, unless otherwise specified as nte  
235 generating capacity.

236        ~~(31)-(30)~~ "Water management district" means a water  
237 management district, created pursuant to chapter 373, in the  
238 jurisdiction of which the electrical power plant is proposed to  
239 be located.

240        Section 54. Section 403.504, Florida Statutes, is amended  
241 to read:

242        403.504 Department of Environmental Protection; powers and  
243 duties enumerated.--The department shall have the following  
244 powers and duties in relation to this act:

245        (1) To adopt rules pursuant to ss. 120.536(1) and 120.54 to  
246 implement the provisions of this act, including rules setting  
247 forth environmental precautions to be followed in relation to the  
248 location, construction, and operation of electrical power plants.

249        (2) To prescribe the form and content of the public notices  
250 and the notice of intent and the form, content, and necessary  
251 supporting documentation and studies to be prepared by the

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252 applicant for electrical power plant ~~site~~ certification  
253 applications.

254 (3) To receive applications for electrical power plant site  
255 certifications and to determine the completeness and sufficiency  
256 thereof.

257 (4) To make, or contract for, studies of electrical power  
258 plant ~~site~~ certification applications.

259 (5) To administer the processing of applications for  
260 electric power plant ~~site~~ certifications and to ensure that the  
261 applications are processed as expeditiously as possible.

262 (6) To require such fees as allowed by this act.

263 (7) To conduct studies and prepare a project analysis under  
264 s. 403.507.

265 (8) To prescribe the means for monitoring the effects  
266 arising from the construction and operation of electrical power  
267 plants to assure continued compliance with terms of the  
268 certification.

269 (9) To determine whether an alternate corridor proposed for  
270 consideration under s. 403.5064(4) is acceptable.

271 (10)-(9) To issue final orders after receipt of the  
272 administrative law judge's order relinquishing jurisdiction  
273 pursuant to s. 403.508(6).

274 (11)-(10) To act as clerk for the siting board.

275 (12)-(11) To administer and manage the terms and conditions  
276 of the certification order and supporting documents and records  
277 for the life of the electrical power plant facility.

278 (13)-(12) To issue emergency orders on behalf of the board  
279 for facilities licensed under this act.

280 Section 55. Subsection (1) of section 403.506, Florida  
281 Statutes, is amended and subsection (3) is added to read:



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282 403.506 Applicability, thresholds, and certification.--

283 (1) The provisions of this act shall apply to any  
284 electrical power plant as defined herein, except that the  
285 provisions of this act shall not apply to any electrical power  
286 plant ~~or steam generating plant~~ of less than 75 megawatts in  
287 gross capacity including its ~~or to any associated facilities~~  
288 ~~substation to be constructed as part of an associated~~  
289 ~~transmission line~~ unless the applicant has elected to apply for  
290 certification of such electrical power plant ~~or substation~~ under  
291 this act. The provisions of this act shall not apply to ~~any unit~~  
292 capacity expansions of 75 ~~35~~ megawatts or less, in the aggregate,  
293 of an existing exothermic reaction cogeneration electrical  
294 generating facility ~~unit~~ that was exempt from this act when it  
295 was originally built; however, this exemption shall not apply if  
296 the unit uses oil or natural gas for purposes other than unit  
297 startup. No construction of any new electrical power plant or  
298 expansion in steam generating capacity as measured by an increase  
299 in the maximum electrical generator rating of any existing  
300 electrical power plant may be undertaken after October 1, 1973,  
301 without first obtaining certification in the manner as herein  
302 provided, except that this act shall not apply to any such  
303 electrical power plant which is presently operating or under  
304 construction or which has, upon the effective date of chapter 73-  
305 33, Laws of Florida, applied for a permit or certification under  
306 requirements in force prior to the effective date of such act.

307 (3) An electric utility may obtain separate licenses,  
308 permits, and approvals for the construction of facilities  
309 necessary to construct an electrical power plant without first  
310 obtaining certification under this act if the utility intends to  
311 locate, license, and construct a proposed or expanded electrical



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312 power plant that uses nuclear materials as fuel. Such facilities  
313 may include, but are not limited to, access and onsite roads,  
314 rail lines, electrical transmission facilities to support  
315 construction, and facilities necessary for waterborne delivery of  
316 construction materials and project components. This exemption  
317 applies to such facilities regardless of whether the facilities  
318 are used for operation of the power plant. The applicant shall  
319 file with the department a statement that declares that the  
320 construction of such facilities is necessary for the timely  
321 construction of the proposed electrical power plant and  
322 identifies those facilities that the applicant intends to seek  
323 licenses for and construct prior to or separate from  
324 certification of the project. The facilities may be located  
325 within or off of the site for the proposed electrical power  
326 plant. The filing of an application under this act does not  
327 affect other applications for separate licenses which are pending  
328 at the time of filing the application. Furthermore, the filing of  
329 an application does not prevent an electric utility from seeking  
330 separate licenses for facilities that are necessary to construct  
331 the electrical power plant. Licenses, permits, or approvals  
332 issued by any state, regional, or local agency for such  
333 facilities shall be incorporated by the department into a final  
334 certification upon completion of construction. Any facilities  
335 necessary for construction of the electrical power plant shall  
336 become part of the certified electrical power plant upon  
337 completion of the electrical power plant's construction. The  
338 exemption in this subsection does not require or authorize agency  
339 rulemaking, and any action taken under this subsection is not  
340 subject to chapter 120. This subsection shall be given



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341 retroactive effect and applies to applications filed after May 1,  
342 2008.

343 Section 56. Subsections (1) and(4) of section 403.5064,  
344 Florida Statutes, are amended to read:

345 403.5064 Application; schedules.--

346 (1) The formal date of filing of a certification  
347 application and commencement of the certification review process  
348 shall be when the applicant submits:

349 (a) Copies of the certification application in a quantity  
350 and format as prescribed by rule to the department and other  
351 agencies identified in s. 403.507(2) (a).

352 (b) A statement affirming that the applicant is opting to  
353 allow consideration of alternate corridors for an associated  
354 transmission line corridors. If alternate corridors are allowed,  
355 at the applicant's option, the portion of the application  
356 addressing associated transmission line corridors shall be  
357 processed pursuant to the schedule set forth in ss. 403.521-  
358 43.526, 403.527(4), and 403.5271, including the opportunity for  
359 the filing of alternate corridors, provided, however, if such  
360 alternate corridors are filed, the certification hearing shall  
361 not be rescheduled as allowed by ss. 403.527(1) (b)1. and 2.

362 (c) ~~(b)~~ The application fee specified under s. 403.518 to  
363 the department.

364 (4) Within 7 days after the filing of an application, the  
365 department shall prepare a proposed schedule of dates for  
366 determination of completeness, submission of statements of  
367 issues, submittal of final reports, and other significant dates  
368 to be followed during the certification process, including dates  
369 for filing notices of appearance to be a party pursuant to s.  
370 403.508(3). If the application includes one or more associated

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371 transmission line corridors, at the request of the applicant  
372 filed concurrently with the application, the department shall  
373 incorporate the application processing schedule of the Florida  
374 electric Transmission Line Siting Act, ss. 403.521-403.526,  
375 403.527(4), and 403.5271 for the associated transmission line  
376 corridors, including the opportunity for the filing and review of  
377 alternate corridors, if a party proposes alternate transmission  
378 line corridor routes for consideration no later than 165 days  
379 prior to the scheduled certification hearing. Notwithstanding an  
380 applicant's option for the transmission line corridor portion of  
381 its application to be processed under the proposed schedule, only  
382 one certification hearing will be held for the entire power plant  
383 in accordance with s. 403.508(2). The proposed ~~This~~ schedule  
384 shall be timely provided by the department to the applicant, the  
385 administrative law judge, all agencies identified pursuant to  
386 subsection (2), and all parties. Within 7 days after the filing  
387 of the proposed schedule, the administrative law judge shall  
388 issue an order establishing a schedule for the matters addressed  
389 in the department's proposed schedule and other appropriate  
390 matters, if any.

391 Section 57. Subsection (1) of section 403.5065,  
392 Florida Statutes, is amended to read:

393 403.5065 Appointment of administrative law judge; powers  
394 and duties.--

395 (1) Within 7 days after receipt of an application, the  
396 department shall request the Division of Administrative Hearings  
397 to designate an administrative law judge to conduct the hearings  
398 required by this act. The division director shall designate an  
399 administrative law judge within 7 days after receipt of the  
400 request from the department. In designating an administrative law

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401 judge for this purpose, the division director shall, whenever  
402 practicable, assign an administrative law judge who has had prior  
403 experience or training in electrical power plant ~~site~~  
404 certification proceedings. Upon being advised that an  
405 administrative law judge has been appointed, the department shall  
406 immediately file a copy of the application and all supporting  
407 documents with the designated administrative law judge, who shall  
408 docket the application.

409 Section 58. Subsection (3) of section 403.50663, Florida  
410 Statutes, is amended to read:

411 403.50663 Informational public meetings.--

412 (3) A local government or regional planning council that  
413 intends to conduct an informational public meeting must provide  
414 notice of the meeting to all parties not less than 15 ~~5~~ days  
415 prior to the meeting and to the general public, in accordance  
416 with the provisions of s. 403.5115(5). The expense for such  
417 notice is eligible for reimbursement under the provisions of s.  
418 403.518(2)(c)1.

419 Section 59. Section 403.50665, Florida Statutes, is amended  
420 to read:

421 403.50665 Land use consistency.--

422 (1) The applicant shall include in the application a  
423 statement on the consistency of the site and ~~or~~ any ~~directly~~  
424 associated facilities that constitute "development," as defined  
425 in s. 380.04, with existing land use plans and zoning ordinances  
426 that were in effect on the date the application was filed and a  
427 full description of such consistency. This information shall  
428 include an identification of those associated facilities that the  
429 applicant believes are exempt from the requirements of land use  
430 plans and zoning ordinances under the provisions of the Local



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431 Government Comprehensive Planning and Land Development Regulation  
432 Act provisions of Chapter 163 and s. 380.04(3).

433 (2) (a) Within 45 days after the filing of the application,  
434 each local government shall file a determination with the  
435 department, the applicant, the administrative law judge, and all  
436 parties on the consistency of the site, and ~~or~~ any ~~directly~~  
437 associated facilities that are not exempt from the requirements  
438 of land use plans and zoning ordinances under the provisions of  
439 chapter 163 and s. 380.04(3), with existing land use plans and  
440 zoning ordinances that were in effect on the date the application  
441 was filed, based on the information provided in the application.  
442 However, this requirement does not apply to any new electrical  
443 generation unit proposed to be constructed and operated:

444 1. On the site of a previously certified electrical power  
445 plant; or

446 2. On the site of a power plant that was not previously  
447 certified that will be wholly contained within the boundaries of  
448 the existing site.

449 (b) The local government may issue its determination up to  
450 55 ~~35~~ days later if the application has been determined  
451 incomplete based in whole or part upon a local government request  
452 for ~~has requested~~ additional information on land use and zoning  
453 consistency as part of the local government's statement on  
454 completeness of the application submitted pursuant to s.  
455 403.5066(1)(a). Incompleteness of information necessary for a  
456 local government to evaluate an application may be claimed by the  
457 local government as cause for a statement of inconsistency with  
458 existing land use plans and zoning ordinances.

459 (c) Notice of the consistency determination shall be  
460 published in accordance with the requirements of s. 403.5115.



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461           (3) (a) If the local government issues a determination that  
462 the proposed site and any non-exempt associated facilities are  
463 ~~electrical power plant~~ is not consistent or in compliance with  
464 local land use plans and zoning ordinances, the applicant may  
465 apply to the local government for the necessary local approval to  
466 address the inconsistencies identified in the local government's  
467 determination.

468           (b) If the applicant makes such an application to the local  
469 government, the time schedules under this act shall be tolled  
470 until the local government issues its revised determination on  
471 land use and zoning or the applicant otherwise withdraws its  
472 application to the local government.

473           (c) If the applicant applies to the local government for  
474 necessary local land use or zoning approval, the local government  
475 shall commence a proceeding to consider the application for land  
476 use or zoning approval within 45 days of receipt of the complete  
477 request, and shall issue a revised determination within 30 days  
478 following the conclusion of that local proceeding., ~~and~~ The time  
479 schedules and notice requirements under this act shall apply to  
480 such revised determination.

481           (4) If any substantially affected person wishes to dispute  
482 the local government's determination, he or she shall file a  
483 petition with the designated administrative law judge ~~department~~  
484 within 21 days after the publication of notice of the local  
485 government's determination. If a hearing is requested, the  
486 provisions of s. 403.508(1) shall apply.

487           (5) The dates in this section may be altered upon agreement  
488 between the applicant, the local government, and the department  
489 pursuant to s. 403.5095.

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490 (6) If it is determined by the local government that the  
491 proposed site or non-exempt ~~directly~~ associated facility does  
492 conform with existing land use plans and zoning ordinances in  
493 effect as of the date of the application and no petition has been  
494 filed, the responsible zoning or planning authority shall not  
495 thereafter change such land use plans or zoning ordinances so as  
496 to foreclose construction and operation of the proposed site or  
497 ~~directly~~ associated facilities unless certification is  
498 subsequently denied or withdrawn.

499 (7) The issue of land use and zoning consistency for any  
500 proposed alternate intermediate electrical substation which is  
501 proposed as part of an alternate electrical transmission line  
502 corridor which is accepted by the applicant and the department  
503 under s. 403.5271(1)(b) shall be addressed in the supplementary  
504 report prepared by the local government on the proposed alternate  
505 corridor and shall be considered as an issue at any final  
506 certification hearing. If such a proposed intermediate  
507 electrical substation is determined to not be consistent with  
508 local land use plans and zoning ordinances, then that alternate  
509 electrical substation shall not be certified.

510 Section 60. Paragraph (a) of subsection (2) of section  
511 403.507, Florida Statutes, is amended to read:

512 403.507 Preliminary statements of issues, reports, project  
513 analyses, and studies.--

514 (2) (a) ~~The No later than 100 days after the certification~~  
515 ~~application has been determined complete, the following agencies~~  
516 shall prepare reports as provided below and shall submit them to  
517 the department and the applicant no later than 100 days after the  
518 certification application has been determined complete, unless a



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519 final order denying the Determination of Need has been issued  
520 under the provisions of s. 403.519:

521       1. The Department of Community Affairs shall prepare a  
522 report containing recommendations which address the impact upon  
523 the public of the proposed electrical power plant, based on the  
524 degree to which the electrical power plant is consistent with the  
525 applicable portions of the state comprehensive plan, emergency  
526 management, and other such matters within its jurisdiction. The  
527 Department of Community Affairs may also comment on the  
528 consistency of the proposed electrical power plant with  
529 applicable strategic regional policy plans or local comprehensive  
530 plans and land development regulations.

531       2. The water management district shall prepare a report as  
532 to matters within its jurisdiction, including but not limited to,  
533 the impact of the proposed electrical power plant on water  
534 resources, regional water supply planning, and district-owned  
535 lands and works.

536       3. Each local government in whose jurisdiction the proposed  
537 electrical power plant is to be located shall prepare a report as  
538 to the consistency of the proposed electrical power plant with  
539 all applicable local ordinances, regulations, standards, or  
540 criteria that apply to the proposed electrical power plant,  
541 including any applicable local environmental regulations adopted  
542 pursuant to s. 403.182 or by other means.

543       4. The Fish and Wildlife Conservation Commission shall  
544 prepare a report as to matters within its jurisdiction.

545       5. Each regional planning council shall prepare a report  
546 containing recommendations that address the impact upon the  
547 public of the proposed electrical power plant, based on the  
548 degree to which the electrical power plant is consistent with the

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549 applicable provisions of the strategic regional policy plan  
550 adopted pursuant to chapter 186 and other matters within its  
551 jurisdiction.

552 6. The Department of Transportation shall address the  
553 impact of the proposed electrical power plant on matters within  
554 its jurisdiction.

555 (b) Any other agency, if requested by the department, shall  
556 also perform studies or prepare reports as to matters within that  
557 agency's jurisdiction which may potentially be affected by the  
558 proposed electrical power plant.

559 Section 61. Subsection (1) of section 403.508, Florida  
560 Statutes, is amended to read:

561 403.508 Land use and certification hearings, parties,  
562 participants.--

563 (1) (a) Within 5 days after the filing of ~~If~~ a petition for  
564 a hearing on land use ~~has been filed~~ pursuant to s. 403.50665,  
565 the designated administrative law judge shall schedule ~~conduct~~ a  
566 land use hearing to be conducted in the county of the proposed  
567 site, ~~or directly~~ associated facility that is not exempt from the  
568 requirements of land use plans and zoning ordinances under the  
569 provisions of chapter 163 and s. 380.043(3), as applicable, as  
570 expeditiously as possible, but not later than 30 days after the  
571 designated administrative law judge's ~~department's~~ receipt of the  
572 petition. The place of such hearing shall be as close as possible  
573 to the proposed site or ~~directly~~ associated facility. If a  
574 petition is filed, the hearing shall be held regardless of the  
575 status of the completeness of the application. ~~However,~~  
576 ~~incompleteness of information necessary for a local government to~~  
577 ~~evaluate an application may be claimed by the local government as~~



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578 ~~cause for a statement of inconsistency with existing land use~~  
579 ~~plans and zoning ordinances under s. 403.50665.~~

580 (b) Notice of the land use hearing shall be published in  
581 accordance with the requirements of s. 403.5115.

582 (c) The sole issue for determination at the land use  
583 hearing shall be whether or not the proposed site or non-exempt  
584 associated facility is consistent and in compliance with existing  
585 land use plans and zoning ordinances. If the administrative law  
586 judge concludes that the proposed site or non-exempt associated  
587 facility is not consistent or in compliance with existing land  
588 use plans and zoning ordinances, the administrative law judge  
589 shall receive at the hearing evidence on, and address in the  
590 recommended order any changes to or approvals or variances under,  
591 the applicable land use plans or zoning ordinances which will  
592 render the proposed site or non-exempt associate facility  
593 consistent and in compliance with the local land use plans and  
594 zoning ordinances.

595 (d) The designated administrative law judge's recommended  
596 order shall be issued within 30 days after completion of the  
597 hearing and shall be reviewed by the board within 60 days after  
598 receipt of the recommended order by the board.

599 (e) If it is determined by the board that the proposed site  
600 or non-exempt associate facility does conform with existing land  
601 use plans and zoning ordinances in effect as of the date of the  
602 application, or as otherwise provided by this act, the  
603 responsible zoning or planning authority shall not thereafter  
604 change such land use plans or zoning ordinances so as to  
605 foreclose construction and operation of the proposed electrical  
606 power plant on the proposed site or ~~directly~~ associated



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607 facilities unless certification is subsequently denied or  
608 withdrawn.

609 (f) If it is determined by the board that the proposed site  
610 or non-exempt associated facility does not conform with existing  
611 land use plans and zoning ordinances, the board may, if it  
612 determines after notice and hearing and upon consideration of the  
613 recommended order on land use and zoning issues that it is in the  
614 public interest to authorize the use of the land ~~as a site for a~~ a  
615 site or associated facility ~~an electrical power plant~~, authorize  
616 a variance or other necessary approval to the adopted land use  
617 plan and zoning ordinances required to render the proposed site  
618 or associated facility consistent with local land use plans and  
619 zoning ordinances. The board's action shall not be controlled by  
620 any other procedural requirements of law. In the event a variance  
621 or other approval is denied by the board, it shall be the  
622 responsibility of the applicant to make the necessary application  
623 for any approvals determined by the board as required to make the  
624 proposed site or associated facility consistent and in compliance  
625 with local land use plans and zoning ordinances. No further  
626 action may be taken on the complete application until the  
627 proposed site or associated facility conforms to the adopted land  
628 use plan or zoning ordinances or the board grants relief as  
629 provided under this act.

630 (2) (a) A certification hearing shall be held by the  
631 designated administrative law judge no later than 265 days after  
632 the application is filed with the department. The certification  
633 hearing shall be held at a location in proximity to the proposed  
634 site. ~~At the conclusion of the certification hearing, the~~  
635 ~~designated administrative law judge shall, after consideration of~~



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636 ~~all evidence of record, submit to the board a recommended order~~  
637 ~~no later than 45 days after the filing of the hearing transcript.~~

638 (b) Notice of the certification hearing and notice of the  
639 deadline for filing of notice of intent to be a party shall be  
640 made in accordance with the requirements of s. 403.5115.

641 Section 62. Subsections (3), (4), and (5) of section 403.509,  
642 Florida Statutes, are amended and a new subsection (4) is added  
643 to read:

644 403.509 Final disposition of application.--

645 (3) In determining whether an application should be  
646 approved in whole, approved with modifications or conditions, or  
647 denied, the board, or secretary when applicable, shall consider  
648 whether, and the extent to which, the location, construction and  
649 operation of the electrical power plant ~~and directly associated~~  
650 ~~facilities and their construction and operation~~ will:

651 (a) Provide reasonable assurance that operational  
652 safeguards are technically sufficient for the public welfare and  
653 protection.

654 (b) Comply with applicable nonprocedural requirements of  
655 agencies.

656 (c) Be consistent with applicable local government  
657 comprehensive plans and land development regulations.

658 (d) Meet the electrical energy needs of the state in an  
659 orderly, reliable, and timely fashion.

660 (e) Effect a reasonable balance between the need for the  
661 facility as established pursuant to s. 403.519 and the impacts  
662 upon air and water quality, fish and wildlife, water resources,  
663 and other natural resources of the state resulting from the  
664 construction and operation of the facility.



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665 (f) Minimize, through the use of reasonable and available  
666 methods, the adverse effects on human health, the environment,  
667 and the ecology of the land and its wildlife and the ecology of  
668 state waters and their aquatic life.

669 (g) Serve and protect the broad interests of the public.

670 (4) (a) Any transmission line corridor certified by the  
671 board, or secretary if applicable, shall meet the criteria of  
672 this section. When more than one transmission line corridor is  
673 proper for certification under s. 403.503(11) and meets the  
674 criteria of this section, the board, or secretary if applicable,  
675 shall certify the transmission line corridor that has the least  
676 adverse impact regarding the criteria in subsection (3),  
677 including costs.

678 (b) If the board, or secretary if applicable, finds that an  
679 alternate corridor rejected pursuant to s. 403.5271 as  
680 incorporated by reference in s. 403.5064(1) (b) meets the criteria  
681 of subsection (3) and has the least adverse impact regarding the  
682 criteria in subsection (3), the board, or secretary if  
683 applicable, shall deny certification or shall allow the applicant  
684 to submit an amended application to include the corridor.

685 (c) If the board, or secretary if applicable, finds that  
686 two or more of the corridors that comply with subsection (3) have  
687 the least adverse impacts regarding the criteria in subsection  
688 (3), including costs, and that the corridors are substantially  
689 equal in adverse impacts regarding the criteria in subsection  
690 (3), including costs, the board, or secretary if applicable,  
691 shall certify the corridor preferred by the applicant if the  
692 corridor is one proper for certification under s. 403.503(11).

693 (5)-(4)- The department's action on a federally required new  
694 source review or prevention of significant deterioration permit





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695 shall differ from the actions taken by the siting board regarding  
696 the certification if the federally approved state implementation  
697 plan requires such a different action to be taken by the  
698 department. Nothing in this part shall be construed to displace  
699 the department's authority as the final permitting entity under  
700 the federally approved permit program. Nothing in this part shall  
701 be construed to authorize the issuance of a new source review or  
702 prevention of significant deterioration permit which does not  
703 conform to the requirements of the federally approved state  
704 implementation plan.

705 (6)-(5) For certifications issued by the board in regard to  
706 the properties and works of any agency which is a party to the  
707 certification hearing, the board shall have the authority to  
708 decide issues relating to the use, the connection thereto, or the  
709 crossing thereof, for the electrical power plant and directly  
710 associated facilities and to direct any such agency to execute,  
711 within 30 days after the entry of certification, the necessary  
712 license or easement for such use, connection, or crossing,  
713 subject only to the conditions set forth in such certification.  
714 For certifications issued by the department in regard to the  
715 properties and works of any agency which is a party to the  
716 proceeding, any stipulation filed pursuant to s. 403.508(6)(a)  
717 must include a stipulation regarding any issues relating to the  
718 use, the connection thereto, or the crossing thereof, for the  
719 electrical power plant. Any agency stipulating to the use,  
720 connection to, or crossing of its property must agree to execute,  
721 within 30 days after the entry of certification, the necessary  
722 license or easement for such use, connection, or crossing,  
723 subject only to the conditions set forth in such certification.

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724 Section 63. Subsections (1), and (6) of section 403.511,  
725 Florida Statutes, are amended to read:

726 403.511 Effect of certification.--

727 (1) Subject to the conditions set forth therein, any  
728 certification shall constitute the sole license of the state and  
729 any agency as to the approval of the location of the site and any  
730 associated facility and the construction and operation of the  
731 proposed electrical power plant, except for the issuance of  
732 department licenses required under any federally delegated or  
733 approved permit program and except as otherwise provided in  
734 subsection (4).

735 (6) No term or condition of an electrical power plant a  
736 ~~site~~ certification shall be interpreted to supersede or control  
737 the provisions of a final operation permit for a major source of  
738 air pollution issued by the department pursuant to s. 403.0872 to  
739 a facility certified under this part.

740 Section 64. Subsection (1) of section 403.5112, Florida  
741 Statutes, is amended to read:

742 403.5112 Filing of notice of certified corridor route.--

743 (1) Within 60 days after certification of an ~~a directly~~  
744 associated linear facility pursuant to this act, the applicant  
745 shall file, in accordance with s. 28.222, with the department and  
746 the clerk of the circuit court for each county through which the  
747 corridor will pass, a notice of the certified route.

748 Section 65. Section 403.5113, Florida Statutes, is amended  
749 to read:

750 403.5113 Postcertification amendments and review.--

751 (1) POSTCERTIFICATION AMENDMENTS.--

752 (a) If, subsequent to certification by the board, a  
753 licensee proposes any material change to the application and



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754 revisions or amendments thereto, as certified, the licensee shall  
755 submit a written request for amendment and a description of the  
756 proposed change to the application to the department. Within 30  
757 days after the receipt of the request for the amendment, the  
758 department shall determine whether the proposed change to the  
759 application requires a modification of the conditions of  
760 certification.

761 ~~(a)(2)~~ If the department concludes that the change would  
762 not require a modification of the conditions of certification,  
763 the department shall provide written notification of the approval  
764 of the proposed amendment to the licensee, all agencies, and all  
765 other parties.

766 ~~(c)(3)~~ If the department concludes that the change would  
767 require a modification of the conditions of certification, the  
768 department shall provide written notification to the licensee  
769 that the proposed change to the application requires a request  
770 for modification pursuant to s. 403.516.

771 ~~(2)(4)~~ POSTCERTIFICATION REVIEW.--Postcertification  
772 submittals filed by the licensee with one or more agencies are  
773 for the purpose of monitoring for compliance with the issued  
774 certification and must be reviewed by the agencies on an  
775 expedited and priority basis because each facility certified  
776 under this act is a critical infrastructure facility. In no event  
777 shall a postcertification review be completed in more than 90  
778 days after complete information is submitted to the reviewing  
779 agencies.

780 Section 66. Section 403.5115, Florida Statutes, is amended  
781 to read:

782 403.5115 Public notice.--



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783 (1) The following notices are to be published by the  
784 applicant:

785 (a) Notice of the filing of a notice of intent under s.  
786 403.5063, which shall be published within 21 days after the  
787 filing of the notice. The notice shall be published as specified  
788 by subsection (2), except that the newspaper notice shall be one-  
789 fourth page in size in a standard size newspaper or one-half page  
790 in size in a tabloid size newspaper.

791 (b) Notice of filing of the application, which shall  
792 include a description of the proceedings required by this act,  
793 within 21 days after the date of the application filing. Such  
794 notice shall give notice of the provisions of s. 403.511(1) and  
795 (2).

796 (c) If applicable, notice of the land use determination  
797 made pursuant to s. 403.50665(2)~~(1)~~ within 21 days after the  
798 deadline for the filing of the determination is filed.

799 (d) If applicable, notice of the land use hearing, which  
800 shall be published as specified in subsection (2), no later than  
801 15 days before the hearing.

802 (e) Notice of the certification hearing and notice of the  
803 deadline for filing notice of intent to be a party, which shall  
804 be published as specified in subsection (2), at least 65 days  
805 before the date set for the certification hearing. If one or more  
806 alternate corridors have been accepted for consideration, the  
807 notice of the certification hearing shall include a map of all  
808 corridors proposed for certification.

809 (f) Notice of revised deadline for filing alternate  
810 corridors, if the certification hearing is rescheduled to a date  
811 other than as published in the notice of filing of the  
812 application. This notice shall be published at least 185 days



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813 before the rescheduled certification hearing and as specified in  
814 paragraph (2) except no map is required and the size of the  
815 notice shall be no less than six square inches.

816 (g) ~~(f)~~ Notice of the cancellation of the certification  
817 hearing, if applicable, no later than 3 days before the date of  
818 the originally scheduled certification hearing. The newspaper  
819 notice shall be one-fourth page in size in a standard size  
820 newspaper or one-half page in size in a tabloid size newspaper.

821 (h) ~~(g)~~ Notice of modification when required by the  
822 department, based on whether the requested modification of  
823 certification will significantly increase impacts to the  
824 environment or the public. Such notice shall be published as  
825 specified under subsection (2):

826 1. Within 21 days after receipt of a request for  
827 modification. The newspaper notice shall be of a size as directed  
828 by the department commensurate with the scope of the  
829 modification.

830 2. If a hearing is to be conducted in response to the  
831 request for modification, then notice shall be published no later  
832 than 30 days before the hearing.

833 ~~(h) Notice of a supplemental application, which shall be~~  
834 ~~published as specified in paragraph (b) and subsection (2).~~

835 ~~(i) Notice of existing site certification pursuant to s.~~  
836 ~~403.5175. Notices shall be published as specified in paragraph~~  
837 ~~(b) and subsection (2).~~

838 (2) Notices provided by the applicant shall be published in  
839 newspapers of general circulation within the county or counties  
840 in which the proposed electrical power plant will be located. The  
841 newspaper notices, unless otherwise specified, shall be at least  
842 one-half page in size in a standard size newspaper or a full page



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843 in a tabloid size newspaper. These notices shall include a map  
844 generally depicting the project and all associated facilities  
845 corridors. A newspaper of general circulation shall be the  
846 newspaper which has the largest daily circulation in that county  
847 and has its principal office in that county. If the newspaper  
848 with the largest daily circulation has its principal office  
849 outside the county, the notices shall appear in both the  
850 newspaper having the largest circulation in that county and in a  
851 newspaper authorized to publish legal notices in that county.

852 (3) All notices published by the applicant shall be paid  
853 for by the applicant and shall be in addition to the application  
854 fee.

855 (4) The department shall arrange for publication of the  
856 following notices in the manner specified by chapter 120 and  
857 provide copies of those notices to any persons who have requested  
858 to be placed on the departmental mailing list for this purpose  
859 for each case for which an application has been received by the  
860 department:

861 (a) Notice of the filing of the notice of intent within 15  
862 days after receipt of the notice.

863 (b) Notice of the filing of the application, no later than  
864 21 days after the application filing.

865 (c) Notice of the land use determination made pursuant to  
866 s. 403.50665(2)(1) within 21 days after the deadline for the  
867 filing of the determination is filed.

868 (d) Notice of the land use hearing before the  
869 administrative law judge, if applicable, no later than 15 days  
870 before the hearing.

871 (e) Notice of the land use hearing before the board, if  
872 applicable.



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873 (f) Notice of the certification hearing at least 45 days  
874 before the date set for the certification hearing.

875 (g) Notice of revised deadline for filing alternate  
876 corridors, if the certification hearing is rescheduled to a date  
877 other than as published in the notice of filing of the  
878 application. This notice shall be published at least 185 days  
879 before the rescheduled certification hearing.

880 (h) ~~(g)~~ Notice of the cancellation of the certification  
881 hearing, if applicable, no later than 3 days prior to the date of  
882 the originally scheduled certification hearing.

883 (i) ~~(h)~~ Notice of the hearing before the board, if  
884 applicable.

885 (j) ~~(i)~~ Notice of stipulations, proposed agency action, or  
886 petitions for modification.

887 (5) A local government or regional planning council that  
888 proposes to conduct an informational public meeting pursuant to  
889 s. 403.50663 must publish notice of the meeting in a newspaper of  
890 general circulation within the county or counties in which the  
891 proposed electrical power plant will be located no later than 7  
892 days prior to the meeting. A newspaper of general circulation  
893 shall be the newspaper which has the largest daily circulation in  
894 that county and has its principal office in that county. If the  
895 newspaper with the largest daily circulation has its principal  
896 office outside the county, the notices shall appear in both the  
897 newspaper having the largest circulation in that county and in a  
898 newspaper authorized to publish legal notices in that county.

899 (6) (a) A good faith effort shall be made by the applicant  
900 to provide direct written notice of the filing of an application  
901 for certification by U.S. mail or hand delivery no later than 45  
902 days after filing of the application to all local landowners

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903 whose property, as noted in the most recent local government tax  
904 records, and residences, are located within the following  
905 distances of the proposed project:

906 1. Five miles of the proposed main site boundaries of the  
907 proposed electrical power plant.

908 2. One-quarter mile of the proposed boundaries of all  
909 linear associated facilities extending away from the main site  
910 boundary, such as any proposed electrical transmission line  
911 corridors as defined in s. 403.522(22).

912 (b) No later than 60 days from the filing of an application  
913 for certification, the applicant shall file a list with the  
914 department's Siting Coordination Office of landowners and  
915 residences that were notified.

916 (7) (a) A good faith effort shall be made by the proponent  
917 of an alternate corridor to provide direct written notice of the  
918 filing of an alternate corridor for certification by U.S. mail or  
919 hand delivery of the filing of no later than 30 days after filing  
920 of the alternate corridor to all local landowners whose property,  
921 as noted in the most recent local government tax records, and  
922 residences, are located within one-quarter mile of the proposed  
923 boundaries of the proposed alternate transmission line corridor  
924 that includes a transmission line as defined in s. 403.522(22).

925 (b) No later than 45 days from the filing of an alternate  
926 corridor for certification, the proponent of an alternate  
927 corridor shall file a list with the department's Siting  
928 Coordination Office of landowners and residences that were  
929 notified.

930 Section 67. Subsection (1) of section 403.516, Florida  
931 Statutes, is amended to read:

932 403.516 Modification of certification.--





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933 (1) A certification may be modified after issuance in any  
934 one of the following ways:

935 (a) The board may delegate to the department the authority  
936 to modify specific conditions in the certification.

937 (b)1. The department may modify specific conditions of a  
938 ~~site~~ certification which are inconsistent with the terms of any  
939 federally delegated or approved permit for the certified  
940 electrical power plant.

941 2. Such modification may be made without further notice if  
942 the matter has been previously noticed under the requirements for  
943 any federally delegated or approved permit program.

944 (c) The licensee may file a petition for modification with  
945 the department, or the department may initiate the modification  
946 upon its own initiative.

947 1. A petition for modification must set forth:

948 a. The proposed modification.

949 b. The factual reasons asserted for the modification.

950 c. The anticipated environmental effects of the proposed  
951 modification.

952 2. The department may modify the terms and conditions of  
953 the certification if no party to the certification hearing  
954 objects in writing to such modification within 45 days after  
955 notice by mail to such party's last address of record, and if no  
956 other person whose substantial interests will be affected by the  
957 modification objects in writing within 30 days after issuance of  
958 public notice.

959 3. If objections are raised or the department denies the  
960 request, the applicant or department may file a request for a  
961 hearing on the modification with the department. Such request  
962 shall be handled pursuant to chapter 120.



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963           4. Requests referred to the Division of Administrative  
964 Hearings shall be disposed of in the same manner as an  
965 application, but with time periods established by the  
966 administrative law judge commensurate with the significance of  
967 the modification requested.

968           (d) As required by s. 403.511(5).

969           Section 68. Subsection (1) of section 403.517, Florida  
970 Statutes, is amended to read:

971           403.517 Supplemental applications for sites certified for  
972 ultimate site capacity.--

973           (1) (a) Supplemental applications may be submitted for  
974 certification of the construction and operation of electrical  
975 power plants to be located at sites which have been previously  
976 certified for an ultimate site capacity pursuant to this act.  
977 Supplemental applications shall be limited to electrical power  
978 plants using the fuel type previously certified for that site.  
979 Such applications shall include all new ~~directly~~ associated  
980 facilities that support the construction and operation of the  
981 electrical power plant.

982           (b) The review shall use the same procedural steps and  
983 notices as for an initial application.

984           (c) The time limits for the processing of a complete  
985 supplemental application shall be designated by the department  
986 commensurate with the scope of the supplemental application, but  
987 shall not exceed any time limitation governing the review of  
988 initial applications for ~~site~~ certification pursuant to this act,  
989 it being the legislative intent to provide shorter time  
990 limitations for the processing of supplemental applications for  
991 electrical power plants to be constructed and operated at sites



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992 which have been previously certified for an ultimate site  
993 capacity.

994 (d) Any time limitation in this section or in rules adopted  
995 pursuant to this section may be altered pursuant to s. 403.5095.

996 Section 69. Subsection (1), subsection (2), and subsection  
997 (3) of section 403.5175, Florida Statutes, are amended to read:

998 403.5175 Existing electrical power plant site  
999 certification.--

1000 (1) An electric utility that owns or operates an existing  
1001 electrical power plant as defined in s. 403.503(14) ~~s.~~  
1002 ~~403.503(13)~~ may apply for certification of an existing power  
1003 plant and its site in order to obtain all agency licenses  
1004 necessary to ensure compliance with federal or state  
1005 environmental laws and regulation using the centrally  
1006 coordinated, one-stop licensing process established by this part.  
1007 An application for ~~site~~ certification under this section must be  
1008 in the form prescribed by department rule. Applications must be  
1009 reviewed and processed using the same procedural steps and  
1010 notices as for an application for a new facility, except that a  
1011 determination of need by the Public Service Commission is not  
1012 required.

1013 (2) An application for certification under this section  
1014 must include:

1015 (a) A description of the site and existing power plant  
1016 installations, and associated facilities;

1017 (b) A description of all proposed changes or alterations to  
1018 the site and ~~or electrical power plant,~~ including all new  
1019 associated facilities that are the subject of the application;

1020 (c) A description of the environmental and other impacts  
1021 caused by the existing utilization of the site and ~~directly~~

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1022 associated facilities, and the operation of the electrical power  
1023 plant that is the subject of the application, and of the  
1024 environmental and other benefits, if any, to be realized as a  
1025 result of the proposed changes or alterations if certification is  
1026 approved and such other information as is necessary for the  
1027 reviewing agencies to evaluate the proposed changes and the  
1028 expected impacts;

1029 (d) The justification for the proposed changes or  
1030 alterations;

1031 (e) Copies of all existing permits, licenses, and  
1032 compliance plans authorizing utilization of the site and directly  
1033 associated facilities or operation of the electrical power plant  
1034 that is the subject of the application.

1035 (3) The land use and zoning determination requirements of  
1036 s. 403.50665 do not apply to an application under this section if  
1037 the applicant does not propose to expand the boundaries of the  
1038 existing site or to add additional offsite associated facilities  
1039 that are not exempt from the provisions of s. 403.50665. If the  
1040 applicant proposes to expand the boundaries of the existing site  
1041 or to add additional offsite facilities that are not exempt from  
1042 the provisions of s. 403.50665 to accommodate portions of the  
1043 electrical generating facility plant or associated facilities, a  
1044 land use and zoning determination shall be made as specified in  
1045 s. 403.50665; provided, however, that the sole issue for  
1046 determination is whether the proposed site expansion or  
1047 additional non-exempt associated facilities are is consistent and  
1048 in compliance with the existing land use plans and zoning  
1049 ordinances.

1050 Section 70. Section 403.518, Florida Statutes, is amended  
1051 to read:

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1052           403.518 Fees; disposition.--The department shall charge the  
1053 applicant the following fees, as appropriate, which, unless  
1054 otherwise specified, shall be paid into the Florida Permit Fee  
1055 Trust Fund:

1056           (1) A fee for a notice of intent pursuant to s. 403.5063,  
1057 in the amount of \$2,500, to be submitted to the department at the  
1058 time of filing of a notice of intent. The notice-of-intent fee  
1059 shall be used and disbursed in the same manner as the application  
1060 fee.

1061           (2) An application fee, which shall not exceed \$200,000.  
1062 The fee shall be fixed by rule on a sliding scale related to the  
1063 size, type, ultimate site capacity, or increase in electrical  
1064 generating capacity proposed by the application.

1065           (a) Sixty percent of the fee shall go to the department to  
1066 cover any costs associated with coordinating the review and  
1067 acting upon the application, to cover any field services  
1068 associated with monitoring construction and operation of the  
1069 facility, and to cover the costs of the public notices published  
1070 by the department.

1071           (b) The following percentages shall be transferred to the  
1072 Operating Trust Fund of the Division of Administrative Hearings  
1073 of the Department of Management Services:

1074           1. Five percent to compensate expenses from the initial  
1075 exercise of duties associated with the filing of an application.

1076           2. An additional 5 percent if a land use hearing is held  
1077 pursuant to s. 403.508.

1078           3. An additional 10 percent if a certification hearing is  
1079 held pursuant to s. 403.508.

1080           (c)1. Upon written request with proper itemized accounting  
1081 within 90 days after final agency action by the board, Secretary

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1082 when applicable, or withdrawal of the application, the agencies  
1083 that prepared reports pursuant to s. 403.507 or participated in a  
1084 hearing pursuant to s. 403.508 may submit a written request to  
1085 the department for reimbursement of expenses incurred during the  
1086 certification proceedings. The request shall contain an  
1087 accounting of expenses incurred which may include time spent  
1088 reviewing the application, preparation of any studies required of  
1089 the agencies by this act, agency travel and per diem to attend  
1090 any hearing held pursuant to this act, and for any ~~agency or~~  
1091 local government's or regional planning council's provision of  
1092 notice of public meetings ~~or hearings~~ required as a result of the  
1093 application for certification. The department shall review the  
1094 request and verify that the expenses are valid. Valid expenses  
1095 shall be reimbursed; however, in the event the amount of funds  
1096 available for reimbursement is insufficient to provide for full  
1097 compensation to the agencies requesting reimbursement,  
1098 reimbursement shall be on a prorated basis.

1099 2. If the application review is held in abeyance for more  
1100 than 1 year, the agencies may submit a request for reimbursement.  
1101 This time period shall be measured from the date the applicant  
1102 has provided written notification to the department that it  
1103 desires to have application review process placed on hold. The  
1104 fee disbursement shall be processed in accordance with  
1105 subparagraph 1.

1106 (d) If any sums are remaining, the department shall retain  
1107 them for its use in the same manner as is otherwise authorized by  
1108 this act; provided, however, that if the certification  
1109 application is withdrawn, the remaining sums shall be refunded to  
1110 the applicant within 90 days after the submittal of the written  
1111 notification of withdrawal.

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1112 (3) (a) A certification modification fee, which shall not  
1113 exceed \$30,000. The department shall establish rules for  
1114 determining such a fee based on the number of agencies involved  
1115 in the review, equipment redesign, change in site size, type,  
1116 increase in generating capacity proposed, or change in an  
1117 associated ~~linear~~ facility location.

1118 (b) The fee shall be submitted to the department with a  
1119 petition for modification pursuant to s. 403.516. This fee shall  
1120 be established, disbursed, and processed in the same manner as  
1121 the application fee in subsection (2), except that the Division  
1122 of Administrative Hearings shall not receive a portion of the fee  
1123 unless the petition for certification modification is referred to  
1124 the Division of Administrative Hearings for hearing. If the  
1125 petition is so referred, only \$10,000 of the fee shall be  
1126 transferred to the Operating Trust Fund of the Division of  
1127 Administrative Hearings of the Department of Management Services.

1128 (4) A supplemental application fee, not to exceed \$75,000,  
1129 to cover all reasonable expenses and costs of the review,  
1130 processing, and proceedings of a supplemental application. This  
1131 fee shall be established, disbursed, and processed in the same  
1132 manner as the certification application fee in subsection (2).

1133 (5) An existing ~~site~~ certification application fee, not to  
1134 exceed \$200,000, to cover all reasonable costs and expenses of  
1135 the review processing and proceedings for certification of an  
1136 existing power plant site under s. 403.5175. This fee must be  
1137 established, disbursed, and processed in the same manner as the  
1138 certification application fee in subsection (2).

1139 (6) (a) An application fee for an alternate corridor filed  
1140 pursuant to s. 403.5064(4). The application fee shall be \$750  
1141 per mile for each mile of the alternate corridor located within

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1142 an existing electric transmission line right-of-way or within an  
1143 existing right-of-way for a road, highway, railroad, or other  
1144 aboveground linear facility, or \$1,000 per mile for each mile of  
1145 an electric transmission line corridor proposed to be located  
1146 outside the existing right-of-way.

1147 Section 71. Subsection (4) of section 403.519, Florida  
1148 Statutes, is amended to read:

1149 403.519 Exclusive forum for determination of need.--

1150 (4) In making its determination on a proposed electrical  
1151 power plant using nuclear materials or synthesis gas produced by  
1152 integrated gasification combined cycle power plant as fuel, the  
1153 commission shall hold a hearing within 90 days after the filing  
1154 of the petition to determine need and shall issue an order  
1155 granting or denying the petition within 135 days after the date  
1156 of the filing of the petition. The commission shall be the sole  
1157 forum for the determination of this matter and the issues  
1158 addressed in the petition, which accordingly shall not be  
1159 reviewed in any other forum, or in the review of proceedings in  
1160 such other forum. In making its determination to either grant or  
1161 deny the petition, the commission shall consider the need for  
1162 electric system reliability and integrity, including fuel  
1163 diversity, the need for base-load generating capacity, the need  
1164 for adequate electricity at a reasonable cost, and whether  
1165 renewable energy sources and technologies, as well as  
1166 conservation measures, are utilized to the extent reasonably  
1167 available.

1168 (a) The applicant's petition shall include:

- 1169 1. A description of the need for the generation capacity.  
1170 2. A description of how the proposed nuclear or integrated  
1171 gasification combined cycle power plant will enhance the





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1172 reliability of electric power production within the state by  
1173 improving the balance of power plant fuel diversity and reducing  
1174 Florida's dependence on fuel oil and natural gas.

1175 3. A description of and a nonbinding estimate of the cost  
1176 of the nuclear or integrated gasification combined cycle power  
1177 plant, including any costs associated with new, enlarged, or  
1178 relocated electrical transmission lines or facilities of any size  
1179 that are necessary to serve the nuclear power plant.

1180 4. The annualized base revenue requirement for the first 12  
1181 months of operation of the nuclear or integrated gasification  
1182 combined cycle power plant.

1183 5. Information on whether there were any discussions with  
1184 any electric utilities regarding ownership of a portion of the  
1185 nuclear or integrated gasification combined cycle power plant by  
1186 such electric utilities.

1187 (b) In making its determination, the commission shall take  
1188 into account matters within its jurisdiction, which it deems  
1189 relevant, including whether the nuclear or integrated  
1190 gasification combined cycle power plant will:

1191 1. Provide needed base-load capacity.

1192 2. Enhance the reliability of electric power production  
1193 within the state by improving the balance of power plant fuel  
1194 diversity and reducing Florida's dependence on fuel oil and  
1195 natural gas.

1196 3. Provide the most cost-effective source of power, taking  
1197 into account the need to improve the balance of fuel diversity,  
1198 reduce Florida's dependence on fuel oil and natural gas, reduce  
1199 air emission compliance costs, and contribute to the long-term  
1200 stability and reliability of the electric grid.



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1201 (c) No provision of rule 25-22.082, Florida Administrative  
1202 Code, shall be applicable to a nuclear or integrated gasification  
1203 combined cycle power plant sited under this act, including  
1204 provisions for cost recovery, and an applicant shall not  
1205 otherwise be required to secure competitive proposals for power  
1206 supply prior to making application under this act or receiving a  
1207 determination of need from the commission.

1208 (d) The commission's determination of need for a nuclear or  
1209 integrated gasification combined cycle power plant shall create a  
1210 presumption of public need and necessity and shall serve as the  
1211 commission's report required by s. 403.507(4)(a). An order  
1212 entered pursuant to this section constitutes final agency action.  
1213 Any petition for reconsideration of a final order on a petition  
1214 for need determination shall be filed within 5 days after the  
1215 date of such order. The commission's final order, including any  
1216 order on reconsideration, shall be reviewable on appeal in the  
1217 Florida Supreme Court. Inasmuch as delay in the determination of  
1218 need will delay siting of a nuclear or integrated gasification  
1219 combined cycle power plant or diminish the opportunity for  
1220 savings to customers under the federal Energy Policy Act of 2005,  
1221 the Supreme Court shall proceed to hear and determine the action  
1222 as expeditiously as practicable and give the action precedence  
1223 over matters not accorded similar precedence by law.

1224 (e) After a petition for determination of need for a  
1225 nuclear or integrated gasification combined cycle power plant has  
1226 been granted, the right of a utility to recover any costs  
1227 incurred prior to commercial operation, including, but not  
1228 limited to, costs associated with the siting, design, licensing,  
1229 or construction of the plant and new, expanded, or relocated  
1230 electrical transmission lines or facilities of any size that are



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1231 necessary to serve the nuclear power plant, shall not be subject  
1232 to challenge unless and only to the extent the commission finds,  
1233 based on a preponderance of the evidence adduced at a hearing  
1234 before the commission under s. 120.57, that certain costs were  
1235 imprudently incurred. Proceeding with the construction of the  
1236 nuclear or integrated gasification combined cycle power plant  
1237 following an order by the commission approving the need for the  
1238 nuclear or integrated gasification combined cycle power plant  
1239 under this act shall not constitute or be evidence of imprudence.  
1240 Imprudence shall not include any cost increases due to events  
1241 beyond the utility's control. Further, a utility's right to  
1242 recover costs associated with a nuclear or integrated  
1243 gasification combined cycle power plant may not be raised in any  
1244 other forum or in the review of proceedings in such other forum.  
1245 Costs incurred prior to commercial operation shall be recovered  
1246 pursuant to chapter 366.

1247 Section 72. Subsection (1) of section 403.5252, Florida  
1248 Statutes, is amended to read:

1249 403.5252 Determination of completeness.--

1250 (1) (a) Within 30 days after the filing ~~distribution~~ of an  
1251 application, the affected agencies shall file a statement with  
1252 the department containing the recommendations of each agency  
1253 concerning the completeness of the application for certification.

1254 (b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the  
1255 application ~~completeness statements of each agency~~, the  
1256 department shall file a statement with the Division of  
1257 Administrative Hearings, with the applicant, and with all parties  
1258 declaring its position with regard to the completeness of the  
1259 application. The statement of the department shall be based upon  
1260 its consultation with the affected agencies.

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1261 Section 73. Subsection (1), subsection (2) of section  
1262 403.526, Florida Statutes, are amended to read:

1263 403.526 Preliminary statements of issues, reports, and  
1264 project analyses; studies.--

1265 (1) Each affected agency that is required to file a report  
1266 in accordance with this section shall submit a preliminary  
1267 statement of issues to the department and all parties no later  
1268 than the submittal of each agency's recommendation that the  
1269 application is complete ~~50 days after the filing of the~~  
1270 ~~application. Such statements of issues shall be made available to~~  
1271 ~~each local government for use as information for public meetings~~  
1272 ~~held under s. 403.5272.~~ The failure to raise an issue in this  
1273 preliminary statement of issues does not preclude the issue from  
1274 being raised in the agency's report.

1275 (2) (a) The following agencies shall prepare reports as  
1276 provided below and shall submit them to the department and the  
1277 applicant no later than 90 days after the filing of the  
1278 application, unless a final order denying the Determination of  
1279 Need has been issued under the provisions of s. 403.537:

1280 1. The department shall prepare a report as to the impact  
1281 of each proposed transmission line or corridor as it relates to  
1282 matters within its jurisdiction.

1283 2. Each water management district in the jurisdiction of  
1284 which a proposed transmission line or corridor is to be located  
1285 shall prepare a report as to the impact on water resources and  
1286 other matters within its jurisdiction.

1287 3. The Department of Community Affairs shall prepare a  
1288 report containing recommendations which address the impact upon  
1289 the public of the proposed transmission line or corridor, based  
1290 on the degree to which the proposed transmission line or corridor



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1291 | is consistent with the applicable portions of the state  
1292 | comprehensive plan, emergency management, and other matters  
1293 | within its jurisdiction. The Department of Community Affairs may  
1294 | also comment on the consistency of the proposed transmission line  
1295 | or corridor with applicable strategic regional policy plans or  
1296 | local comprehensive plans and land development regulations.

1297 |         4. The Fish and Wildlife Conservation Commission shall  
1298 | prepare a report as to the impact of each proposed transmission  
1299 | line or corridor on fish and wildlife resources and other matters  
1300 | within its jurisdiction.

1301 |         5. Each local government shall prepare a report as to the  
1302 | impact of each proposed transmission line or corridor on matters  
1303 | within its jurisdiction, including the consistency of the  
1304 | proposed transmission line or corridor with all applicable local  
1305 | ordinances, regulations, standards, or criteria that apply to the  
1306 | proposed transmission line or corridor, including local  
1307 | comprehensive plans, zoning regulations, land development  
1308 | regulations, and any applicable local environmental regulations  
1309 | adopted pursuant to s. 403.182 or by other means. A change by the  
1310 | responsible local government or local agency in local  
1311 | comprehensive plans, zoning ordinances, or other regulations made  
1312 | after the date required for the filing of the local government's  
1313 | report required by this section is not applicable to the  
1314 | certification of the proposed transmission line or corridor  
1315 | unless the certification is denied or the application is  
1316 | withdrawn.

1317 |         6. Each regional planning council shall present a report  
1318 | containing recommendations that address the impact upon the  
1319 | public of the proposed transmission line or corridor based on the  
1320 | degree to which the transmission line or corridor is consistent



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1321 with the applicable provisions of the strategic regional policy  
1322 plan adopted under chapter 186 and other impacts of each proposed  
1323 transmission line or corridor on matters within its jurisdiction.

1324 7. The Department of Transportation shall prepare a report  
1325 as to the impact of the proposed transmission line or corridor on  
1326 state roads, railroads, airports, aeronautics, seaports, and  
1327 other matters within its jurisdiction.

1328 8. The commission shall prepare a report containing its  
1329 determination under s. 403.537, and the report may include the  
1330 comments from the commission with respect to any other subject  
1331 within its jurisdiction.

1332 9. Any other agency, if requested by the department, shall  
1333 also perform studies or prepare reports as to subjects within the  
1334 jurisdiction of the agency which may potentially be affected by  
1335 the proposed transmission line.

1336 (b) Each report must contain:

1337 1. A notice of any nonprocedural requirements not  
1338 specifically listed in the application from which a variance,  
1339 exemption, exception, or other relief is necessary in order for  
1340 the proposed corridor to be certified. Failure to include the  
1341 notice shall be treated as a waiver from the nonprocedural  
1342 requirements of that agency.

1343 2. A recommendation for approval or denial of the  
1344 application.

1345 3. The proposed conditions of certification on matters  
1346 within the jurisdiction of each agency. For each condition  
1347 proposed by an agency, the agency shall list the specific  
1348 statute, rule, or ordinance, as applicable, which authorizes the  
1349 proposed condition.

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1350 (c) Each reviewing agency shall initiate the activities  
1351 required by this section no later than 15 days after the  
1352 application is filed. Each agency shall keep the applicant and  
1353 the department informed as to the progress of its studies and any  
1354 issues raised thereby.

1355 (d) When an agency whose agency head is a collegial body,  
1356 such as a commission, board, or council, is required to submit a  
1357 report pursuant to this section and is required by its own  
1358 internal procedures to have the report reviewed by its agency  
1359 head prior to finalization, the agency may submit to the  
1360 department a draft version of the report by the deadline  
1361 indicated in paragraph (a), and shall submit a final version of  
1362 the report after review by the agency head, no later than 15 days  
1363 after the deadline indicated in paragraph (a).

1364 (e) Receipt of an affirmative determination of need from  
1365 the commission by the submittal deadline for agency reports under  
1366 paragraph (a) is a condition precedent to further processing of  
1367 the application.

1368 Section 74. Subsection (4), and (6) of section 403.527,  
1369 Florida Statutes, are amended to read:

1370 403.527 Certification hearing, parties, participants.--

1371 (4) (a) One public hearing where members of the public who  
1372 are not parties to the certification hearing may testify shall be  
1373 held in conjunction with the certification hearing.

1374 (b) Upon the request of the local government, one public  
1375 hearing where members of the public who are not parties to the  
1376 certification hearing and who reside within the jurisdiction of  
1377 the local government may testify shall be held within the  
1378 boundaries of each county in which a local government that made  
1379 such a request is located, ~~at the option of any local government.~~



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1380        (c)(a) A local government shall notify the administrative  
1381 law judge and all parties not later than 80 days prior to the  
1382 certification hearing ~~21 days after the application has been~~  
1383 ~~determined complete~~ as to whether the local government wishes to  
1384 have a public hearing within the boundaries of its county. ~~If a~~  
1385 ~~filing for an alternate corridor is accepted for consideration~~  
1386 ~~under s. 403.5271(1) by the department and the applicant, any~~  
1387 ~~newly affected local government must notify the administrative~~  
1388 ~~law judge and all parties not later than 10 days after the data~~  
1389 ~~concerning the alternate corridor has been determined complete as~~  
1390 ~~to whether the local government wishes to have such a public~~  
1391 ~~hearing~~. The local government is responsible for providing the  
1392 location of the public hearing if held separately from the  
1393 certification hearing.

1394        (d)(b) Within 5 days after notification, the administrative  
1395 law judge shall determine the date of the public hearing, which  
1396 shall be held before or during the certification hearing. If two  
1397 or more local governments within one county request a public  
1398 hearing, the hearing shall be consolidated so that only one  
1399 public hearing is held in any county. The location of a  
1400 consolidated hearing shall be determined by the administrative  
1401 law judge.

1402        (e)(e) If a local government does not request a public  
1403 hearing by the deadline specified in subparagraph 1. ~~within 21~~  
1404 ~~days after the application has been determined complete, then~~  
1405 members of the public who are not parties to the certification  
1406 hearing and who reside ~~persons residing~~ within the jurisdiction  
1407 of the local government may testify during the ~~that portion of~~  
1408 ~~the certification hearing held under the provisions of paragraph~~  
1409 (4) (a) at which public testimony is heard.



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1410 (6) (a) No later than 29 ~~25~~ days before the certification  
1411 hearing, the department or the applicant may request that the  
1412 administrative law judge cancel the certification hearing and  
1413 relinquish jurisdiction to the department if all parties to the  
1414 proceeding stipulate that there are no disputed issues of  
1415 material fact or law ~~to be raised at the certification hearing.~~

1416 (b) The administrative law judge shall issue an order  
1417 granting or denying the request within 5 days.

1418 (c) If the administrative law judge grants the request, the  
1419 department and the applicant shall publish notices of the  
1420 cancellation of the certification hearing in accordance with s.  
1421 403.5363.

1422 (d)1. If the administrative law judge grants the request,  
1423 the department shall prepare and issue a final order in  
1424 accordance with s. 403.529(1) (a).

1425 2. Parties may submit proposed final orders to the  
1426 department no later than 10 days after the administrative law  
1427 judge issues an order relinquishing jurisdiction.

1428 Section 75. Subsection (1) of section 403.5271, Florida  
1429 Statutes, is amended to read:

1430 403.5271 Alternate corridors.--

1431 (1) No later than 45 days before the originally scheduled  
1432 certification hearing, any party may propose alternate  
1433 transmission line corridor routes for consideration under the  
1434 provisions of this act.

1435 (a) A notice of a proposed alternate corridor must be filed  
1436 with the administrative law judge, all parties, and any local  
1437 governments in whose jurisdiction the alternate corridor is  
1438 proposed. The filing must include the most recent United States  
1439 Geological Survey 1:24,000 quadrangle maps specifically



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1440 delineating the corridor boundaries, a description of the  
1441 proposed corridor, and a statement of the reasons the proposed  
1442 alternate corridor should be certified.

1443 (b)1. Within 7 days after receipt of the notice, the  
1444 applicant and the department shall file with the administrative  
1445 law judge and all parties a notice of acceptance or rejection of  
1446 a proposed alternate corridor for consideration. If the alternate  
1447 corridor is rejected by the applicant or the department, the  
1448 certification hearing and the public hearings shall be held as  
1449 scheduled. If both the applicant and the department accept a  
1450 proposed alternate corridor for consideration, the certification  
1451 hearing and the public hearings shall be rescheduled, if  
1452 necessary. If a filing for an alternate corridor is accepted for  
1453 consideration by the department and the applicant, any newly  
1454 affected local government must notify the administrative law  
1455 judge and all parties not later than 65 days prior to the  
1456 rescheduled certification hearing as to whether the local  
1457 government wishes to have such a public hearing. The local  
1458 government is responsible for providing the location of the  
1459 public hearing if held separately from the certification hearing.  
1460 The provisions of s. 403.527(4) (b) and (c) shall apply. Notice  
1461 of the local hearings shall be published in accordance with s.  
1462 403.5363.

1463 2. If rescheduled, the certification hearing shall be held  
1464 no more than 90 days after the previously scheduled certification  
1465 hearing, unless the data submitted under paragraph (d) is  
1466 determined to be incomplete, in which case the rescheduled  
1467 certification hearing shall be held no more than 105 days after  
1468 the previously scheduled certification hearing. If additional  
1469 time is needed due to the alternate corridor crossing a local



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1470 government jurisdiction that was not previously affected, the  
1471 remainder of the schedule listed below shall be appropriately  
1472 adjusted by the administrative law judge to allow that local  
1473 government to prepare a report pursuant to s. 403.526(2)(a)5.  
1474 Notice that the certification hearing has been deferred due to  
1475 the acceptance of the alternate corridor shall be published in  
1476 accordance with s. 403.5363.

1477 (c) Notice of the filing of the alternate corridor, ~~of the~~  
1478 ~~revised time schedules, of the deadline for newly affected~~  
1479 ~~persons and agencies to file notice of intent to become a party,~~  
1480 ~~of the rescheduled hearing date, and of the proceedings~~ shall be  
1481 published by the alternate proponent in accordance with s.  
1482 403.5363(2) and (6). If the notice is not timely published or  
1483 does not meet the notice requirements, the alternate shall be  
1484 deemed withdrawn.

1485 (d) Within 21 days after acceptance of an alternate  
1486 corridor by the department and the applicant, the party proposing  
1487 an alternate corridor shall have the burden of providing all data  
1488 to the agencies listed in s. 403.526(2) and newly affected  
1489 agencies necessary for the preparation of a supplementary report  
1490 on the proposed alternate corridor.

1491 (e)1. Reviewing agencies shall advise the department of any  
1492 issues concerning completeness no later than 15 days after the  
1493 submittal of the data required by paragraph (d). Within 22 days  
1494 after receipt of the data, the department shall issue a  
1495 determination of completeness.

1496 2. If the department determines that the data required by  
1497 paragraph (d) is not complete, the party proposing the alternate  
1498 corridor must file such additional data to correct the



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1499 incompleteness. This additional data must be submitted within 14  
1500 days after the determination by the department.

1501 3. Reviewing agencies may advise the department of any  
1502 issues concerning completeness of the additional data within 10  
1503 days after the filing by the party proposing the alternate  
1504 corridor. If the department, within 14 days after receiving the  
1505 additional data, determines that the data remains incomplete, the  
1506 incompleteness of the data is deemed a withdrawal of the proposed  
1507 alternate corridor. The department may make its determination  
1508 based on recommendations made by other affected agencies.

1509 (f) The agencies listed in s. 403.526(2) and any newly  
1510 affected agencies shall file supplementary reports with the  
1511 applicant and the department which address the proposed alternate  
1512 corridors no later than 24 days after the data submitted pursuant  
1513 to paragraph (d) or paragraph (e) is determined to be complete.

1514 (g) The agency reports on alternate corridors must include  
1515 all information required by s. 403.526(2).

1516 (h) When an agency whose agency head is a collegial body,  
1517 such as a commission, board, or council, is required to submit a  
1518 report pursuant to this section and is required by its own  
1519 internal procedures to have the report reviewed by its agency  
1520 head prior to finalization, the agency may submit to the  
1521 department a draft version of the report by the deadline  
1522 indicated in paragraph (f), and shall submit a final version of  
1523 the report after review by the agency head no later than 7 days  
1524 after the deadline indicated in paragraph (f).

1525 (i) The department shall file with the administrative law  
1526 judge, the applicant, and all parties a project analysis  
1527 consistent with s. 403.526(3) no more than 16 days after  
1528 submittal of agency reports on the proposed alternate corridor.

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1529 Section 76. Subsection (3) of section 403.5272, Florida  
1530 Statutes, is amended to read:

1531 403.5272 Informational public meetings.--

1532 (3) A local government or regional planning council that  
1533 intends to conduct an informational public meeting must provide  
1534 notice of the meeting, with notice sent to all parties listed in  
1535 s. 403.527(2)(a), not less than 15 ~~5~~ days before the meeting and  
1536 to the general public, in accordance with the provisions of s.  
1537 403.5363(4).

1538 Section 77. Subsection (1) of section 403.5312, Florida  
1539 Statutes, is amended to read:

1540 403.5312 Filing of notice of certified corridor route.--

1541 (1) Within 60 days after certification of a ~~directly~~  
1542 ~~associated transmission line under ss. 403.501-403.518 or a~~  
1543 transmission line corridor under ss. 403.52-403.5365, the  
1544 applicant shall file with the department and, in accordance with  
1545 s. 28.222, with the clerk of the circuit court for each county  
1546 through which the corridor will pass, a notice of the certified  
1547 route.

1548 Section 78. Section 403.5363, Florida Statutes, is amended  
1549 to read:

1550 403.5363 Public notices; requirements.--

1551 (1)(a) The applicant shall arrange for the publication of  
1552 the notices specified in paragraph (b).

1553 1. The notices shall be published in newspapers of general  
1554 circulation within counties crossed by the transmission line  
1555 corridors proper for certification. The required newspaper  
1556 notices ~~for filing of an application and for the certification~~  
1557 ~~hearing shall be one-half page in size in a standard-size~~  
1558 ~~newspaper or a full page in a tabloid-size newspaper and~~



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1559 published in a section of the newspaper other than the section  
1560 for legal notices. ~~These two notices must include a map generally~~  
1561 ~~depicting all transmission corridors proper for certification.~~ A  
1562 newspaper of general circulation shall be the newspaper within a  
1563 county crossed by a transmission line corridor proper for  
1564 certification which newspaper has the largest daily circulation  
1565 in that county and has its principal office in that county. If  
1566 the newspaper having the largest daily circulation has its  
1567 principal office outside the county, the notices must appear in  
1568 both the newspaper having the largest circulation in that county  
1569 and in a newspaper authorized to publish legal notices in that  
1570 county.

1571 2. The department shall adopt rules specifying the content  
1572 of the newspaper notices.

1573 3. All notices published by the applicant shall be paid for  
1574 by the applicant and shall be in addition to the application fee.

1575 (b) Public notices that must be published under this  
1576 section include:

1577 1. The notice of the filing of an application, which must  
1578 include a description of the proceedings required by this act.  
1579 The notice must describe the provisions of s. 403.531(1) and (2)  
1580 and give the date by which notice of intent to be a party or a  
1581 petition to intervene in accordance with s. 403.527(2) must be  
1582 filed. This notice must be published no more than 21 days after  
1583 the application is filed. The notice shall, at a minimum, be  
1584 one-half page in size in a standard-size newspaper or a full page  
1585 in a tabloid-size newspaper. The notice must include a map  
1586 generally depicting all transmission corridors proper for  
1587 certification.



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1588           2. The notice of the certification hearing and any ~~other~~  
1589 public hearing held permitted under s. 403.527(4). The notice  
1590 must include the date by which a person wishing to appear as a  
1591 party must file the notice to do so. The notice of the originally  
1592 scheduled certification hearing must be published at least 65  
1593 days before the date set for the certification hearing. The  
1594 notice shall meet the same size and map requirements required in  
1595 subparagraph 1.

1596           3. The notice of the cancellation of the certification  
1597 hearing under s. 403.527(6), if applicable. The notice must be  
1598 published at least 3 days before the date of the originally  
1599 scheduled certification hearing. The notice shall, at a minimum,  
1600 be one-quarter page in size in a standard-size newspaper or one-  
1601 half page in a tabloid-size newspaper. The notice shall not  
1602 require a map to be included.

1603           4. The notice of the deferment of the certification hearing  
1604 due to the acceptance of an alternate corridor under s.  
1605 403.5272(1)(b)2. The notice must be published at least 7 days  
1606 before the date of the originally scheduled certification  
1607 hearing. The notice shall, at a minimum, be one-eighth page in  
1608 size in a standard-size newspaper or one-quarter page in a  
1609 tabloid-size newspaper. The notice shall not require a map to be  
1610 included.

1611           5. If the notice of the rescheduled certification hearing  
1612 required of an alternate proponent under s. 403.5271(1)(c) is not  
1613 timely published or does not meet the notice requirements such  
1614 that an alternate corridor is withdrawn under the provisions of  
1615 s. 403.5271(1)(c), the notice of rescheduled hearing and any  
1616 local hearings shall be provided by the applicant at least 30  
1617 days prior to the rescheduled certification hearing.



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1618        6.4. The notice of the filing of a proposal to modify the  
1619 certification submitted under s. 403.5315, if the department  
1620 determines that the modification would require relocation or  
1621 expansion of the transmission line right-of-way or a certified  
1622 substation.

1623        (2) Each ~~The~~ proponent of an alternate corridor shall  
1624 arrange for newspaper notice of the publication of the filing of  
1625 the proposal for an alternate corridor. If there is more than  
1626 one alternate proponent, the proponents may jointly publish  
1627 notice, so long as the content requirements below are met and the  
1628 maps are legible.

1629        (a) The notice shall specify, the revised time schedules,  
1630 the date by which newly affected persons or agencies may file the  
1631 notice of intent to become a party, ~~and~~ the date of the  
1632 rescheduled hearing, and any public hearing held under s.  
1633 403.527(1)(b)1.

1634        (b) A notice listed in this subsection must be published in  
1635 a newspaper of general circulation within the county or counties  
1636 crossed by the proposed alternate corridor and comply with the  
1637 content, size, and map requirements set forth in this section  
1638 paragraph (1)(a).

1639        (c) The notice of the alternate corridor proposal must be  
1640 published not less than 45 50 days before the rescheduled  
1641 certification hearing.

1642        (3) The department shall arrange for the publication of the  
1643 following notices in the manner specified by chapter 120:

1644        (a) The notice of the filing of an application and the date  
1645 by which a person intending to become a party must file a  
1646 petition to intervene or a notice of intent to be a party. The



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1647 notice must be published no later than 21 days after the  
1648 application has been filed.

1649 (b) The notice of any administrative hearing for  
1650 certification, if applicable. The notice must be published not  
1651 less than 65 days before the date set for a hearing, except that  
1652 notice for a rescheduled certification hearing after acceptance  
1653 of an alternative corridor must be published not less than 50  
1654 days before the date set for the hearing.

1655 (c) The notice of the cancellation of a certification  
1656 hearing under s. 403.527(6), if applicable. The notice must be  
1657 published not later than 7 days before the date of the originally  
1658 scheduled certification hearing.

1659 (d) The notice of the deferment of the certification  
1660 hearing due to the acceptance of an alternate corridor under s.  
1661 403.527(1)(b)2. The notice must be published at least 7 days  
1662 before the date of the originally scheduled certification  
1663 hearing.

1664 (e)~~(d)~~ The notice of the hearing before the siting board,  
1665 if applicable.

1666 (f)~~(e)~~ The notice of stipulations, proposed agency action,  
1667 or a petition for modification.

1668 (4) A local government or regional planning council that  
1669 proposes to conduct an informational public meeting pursuant to  
1670 s. 403.5272 must publish notice of the meeting in a newspaper of  
1671 general circulation within the county or counties in which the  
1672 proposed electrical transmission line will be located no later  
1673 than 7 days prior to the meeting. A newspaper of general  
1674 circulation shall be the newspaper which has the largest daily  
1675 circulation in that county and has its principal office in that  
1676 county. If the newspaper with the largest daily circulation has



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1677 its principal office outside the county, the notices shall appear  
1678 in both the newspaper having the largest circulation in that  
1679 county and in a newspaper authorized to publish legal notices in  
1680 that county.

1681 (5) (a) A good faith effort shall be made by the applicant  
1682 to provide direct notice of the filing of an application for  
1683 certification by U.S. mail or hand delivery no later than 45 days  
1684 after filing of the application to all local landowners whose  
1685 property, as noted in the most recent local government tax  
1686 records, and residences, are located within one-quarter mile of  
1687 the proposed boundaries of the proposed electrical transmission  
1688 line corridors, that include a transmission line defined by s.  
1689 403.522(22).

1690 (b) No later than 60 days after the filing of an application  
1691 for certification, the applicant shall file a list with the  
1692 department's Siting Coordination Office of landowners and  
1693 residences that were notified.

1694 (6) (a) A good faith effort shall be made by the proponent  
1695 of an alternate corridor to provide direct notice of the filing  
1696 of an alternate corridor for certification by U.S. mail or hand  
1697 delivery of the filing of no later than 30 days after filing of  
1698 the alternate corridor to all local landowners whose property, as  
1699 noted in the most recent local government tax records, and  
1700 residences, are located within one-quarter mile of the proposed  
1701 boundaries of the proposed alternate transmission line corridor  
1702 that includes a transmission line defined by 403.522(22).

1703 (b) No later than 45 days after the filing of an alternate  
1704 corridor for certification, the proponent of an alternate  
1705 corridor shall file a list with the department's Siting



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1706 Coordination Office of landowners and residences that were  
1707 notified.

1708 Section 79. Subsection (1) of section 403.5365, Florida  
1709 Statutes, is amended to read:

1710 403.5365 Fees; disposition.--The department shall charge  
1711 the applicant the following fees, as appropriate, which, unless  
1712 otherwise specified, shall be paid into the Florida Permit Fee  
1713 Trust Fund:

1714 (1) An application fee.

1715 (a) The application fee shall be \$100,000, plus \$750 per  
1716 mile for each mile of corridor in which the transmission line  
1717 right-of-way is proposed to be located within an existing  
1718 electric transmission line right-of-way or within any existing  
1719 right-of-way for any road, highway, railroad, or other  
1720 aboveground linear facility, or \$1,000 per mile for each mile of  
1721 electric transmission line corridor proposed to be located  
1722 outside the existing right-of-way.

1723 (b) Sixty percent of the fee shall go to the department to  
1724 cover any costs associated with coordinating the review of and  
1725 acting upon the application and any costs for field services  
1726 associated with monitoring construction and operation of the  
1727 electric transmission line facility.

1728 (c) The following percentages shall be transferred to the  
1729 Operating Trust Fund of the Division of Administrative Hearings  
1730 of the Department of Management Services:

1731 1. Five percent to compensate for expenses from the initial  
1732 exercise of duties associated with the filing of an application.

1733 2. An additional 10 percent if an administrative hearing  
1734 under s. 403.527 is held.



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1735 (d)1. Upon written request with proper itemized accounting  
1736 within 90 days after final agency action by the siting board or  
1737 the department or written notification of the withdrawal of the  
1738 application, the agencies that prepared reports under s. 403.526  
1739 or s. 403.5271 or participated in a hearing under s. 403.527 or  
1740 s. 403.5271 may submit a written request to the department for  
1741 reimbursement of expenses incurred during the certification  
1742 proceedings. The request must contain an accounting of expenses  
1743 incurred, which may include time spent reviewing the application,  
1744 preparation of any studies required of the agencies by this act,  
1745 agency travel and per diem to attend any hearing held under this  
1746 act, and for the local government or regional planning council  
1747 providing additional notice of the informational public meeting.  
1748 The department shall review the request and verify whether a  
1749 claimed expense is valid. Valid expenses shall be reimbursed;  
1750 however, if the amount of funds available for reimbursement is  
1751 insufficient to provide for full compensation to the agencies,  
1752 reimbursement shall be on a prorated basis.

1753 2. If the application review is held in abeyance for more  
1754 than 1 year, the agencies may submit a request for reimbursement  
1755 under subparagraph 1. This time period shall be measured from the  
1756 date the applicant has provided written notification to the  
1757 department that it desires to have the application review process  
1758 placed on hold. The fee disbursement shall be processed in  
1759 accordance with subparagraph 1.

1760 (e) If any sums are remaining, the department shall retain  
1761 them for its use in the same manner as is otherwise authorized by  
1762 this section; however, if the certification application is  
1763 withdrawn, the remaining sums shall be refunded to the applicant



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1764 within 90 days after submittal of the written notification of  
1765 withdrawal.

1766  
1767 (renumber subsequent sections)

1768  
1769  
1770 ===== T I T L E A M E N D M E N T =====

1771 And the title is amended as follows:

1772 Delete line(s) 256-299

1773 and insert:

1774 for the content of the rule; amending s. 403.502, F.S.;

1775 providing legislative intent; amending s. 403.503, F.S.;

1776 defining the term "alternate corridor" and redefining the

1777 term "corridor" for purposes of the Florida Electrical

1778 Power Plant Siting Act; amending s. 403.504, F.S.;

1779 requiring the Department of Environmental Protection to

1780 determine whether a proposed alternate corridor is

1781 acceptable; amending s. 403.506, F.S.; exempting an

1782 electric utility from obtaining certification under the

1783 Florida Electrical Power Plant Siting Act before

1784 constructing facilities for a power plant using nuclear

1785 materials as fuel; providing that a utility may obtain

1786 separate licenses, permits, and approvals for such

1787 construction under certain circumstances; exempting such

1788 provisions from review under ch. 120, F.S.; amending s.

1789 403.5064, F.S.; requiring an applicant to submit a

1790 statement to the department if such applicant opts for

1791 consideration of alternate corridors; amending s.

1792 403.5065, F.S.; providing for conforming changes; amending

1793 s. 403.50663, F.S.; providing for notice of meeting to the

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1794 | general public; amending s. 403.50665, F.S.; requiring an  
1795 | application to include a statement on the consistency of  
1796 | directly associated facilities constituting a  
1797 | "development"; requiring the Department of Environmental  
1798 | Protection to address at the certification hearing the  
1799 | issue of compliance with land use plans and zoning  
1800 | ordinances for a proposed substation located in or along  
1801 | an alternate corridor; amending s. 403.507, F.S.;  
1802 | providing for reports to be submitted to the department no  
1803 | later than 100 days after certification application has  
1804 | been determined complete; amending s. 403.508, F.S.;  
1805 | providing for land use and certification hearings;  
1806 | amending s. 403.509, F.S.; requiring the Governor and  
1807 | Cabinet sitting as the siting board to certify the  
1808 | corridor having the least adverse impact; authorizing the  
1809 | board to deny certification or allow a party to amend its  
1810 | proposal; amending s. 403.511, F.S.; providing for  
1811 | conforming changes; amending s. 403.5112, F.S.; providing  
1812 | for filing of notice; amending s. 403.5113, F.S.;  
1813 | providing for postcertification amendments and  
1814 | postcertification review; amending s. 403.5115, F.S.;  
1815 | requiring the applicant proposing the alternate corridor  
1816 | to publish all notices relating to the application;  
1817 | requiring that such notices comply with certain  
1818 | requirements; requiring that notices be published at least  
1819 | 45 days before the rescheduled certification hearing;  
1820 | amending ss. 403.516, 403.517, and 403.5175, F.S.;  
1821 | providing conforming changes and cross-references;  
1822 | amending s. 403.518, F.S.; authorizing the Department of  
1823 | Environmental Protection to charge an application fee for

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1824 | an alternate corridor; amending ss. 403.519, 403.5252,  
1825 | 403.526, 403.527, 403.5271, 403.5272, 403.5312, 403.5363,  
1826 | 403.5365, and 403.814, F.S., relating to determinations of  
1827 | need and general permits; conforming provisions to changes  
1828 | made by the act; amending s. 403.7031, F.S.;