

1 A bill to be entitled
2 An act relating to linear facilities; amending s.
3 163.3221, F.S.; revising the definition of the term
4 "development" to exclude work by certain utility
5 providers on utility infrastructure on certain rights-
6 of-way or corridors; revising the definition to
7 exclude the creation or termination of distribution
8 and transmission corridors; amending s. 380.04, F.S.;
9 revising the definition of the term "development" to
10 exclude work by certain utility providers on utility
11 infrastructure on certain rights-of-way or corridors;
12 revising the definition to exclude the creation or
13 termination of distribution and transmission
14 corridors; amending s. 403.511, F.S.; requiring the
15 consideration of a certain variance standard when
16 including conditions for the certification of an
17 electrical power plant; clarifying that the Public
18 Service Commission has exclusive jurisdiction to
19 require underground transmission lines; amending s.
20 403.531, F.S.; requiring the consideration of a
21 certain variance standard when including conditions
22 for the certification of a proposed transmission line
23 corridor; clarifying that the Public Service
24 Commission has exclusive jurisdiction to require
25 underground transmission lines; providing an effective

26 | date.

27 |

28 | Be It Enacted by the Legislature of the State of Florida:

29 |

30 | Section 1. Paragraph (b) of subsection (4) of section
31 | 163.3221, Florida Statutes, is amended to read:

32 | 163.3221 Florida Local Government Development Agreement
33 | Act; definitions.—As used in ss. 163.3220-163.3243:

34 | (4) "Development" means the carrying out of any building
35 | activity or mining operation, the making of any material change
36 | in the use or appearance of any structure or land, or the
37 | dividing of land into three or more parcels.

38 | (b) The following operations or uses shall not be taken
39 | for the purpose of this act to involve "development":

40 | 1. Work by a highway or road agency or railroad company
41 | for the maintenance or improvement of a road or railroad track,
42 | if the work is carried out on land within the boundaries of the
43 | right-of-way.

44 | 2. Work by any utility and other persons engaged in the
45 | distribution or transmission of gas, electricity, or water, for
46 | the purpose of inspecting, repairing, or renewing on established
47 | rights-of-way or corridors, or constructing on established or to
48 | be established rights-of-way or corridors, any sewers, mains,
49 | pipes, cables, utility tunnels, power lines, towers, poles,
50 | tracks, or the like.

51 3. Work for the maintenance, renewal, improvement, or
 52 alteration of any structure, if the work affects only the
 53 interior or the color of the structure or the decoration of the
 54 exterior of the structure.

55 4. The use of any structure or land devoted to dwelling
 56 uses for any purpose customarily incidental to enjoyment of the
 57 dwelling.

58 5. The use of any land for the purpose of growing plants,
 59 crops, trees, and other agricultural or forestry products;
 60 raising livestock; or for other agricultural purposes.

61 6. A change in use of land or structure from a use within
 62 a class specified in an ordinance or rule to another use in the
 63 same class.

64 7. A change in the ownership or form of ownership of any
 65 parcel or structure.

66 8. The creation or termination of rights of access,
 67 riparian rights, easements, distribution and transmission
 68 corridors, covenants concerning development of land, or other
 69 rights in land.

70 Section 2. Paragraphs (b) and (h) of subsection (3) of
 71 section 380.04, Florida Statutes, are amended to read:

72 380.04 Definition of development.—

73 (3) The following operations or uses shall not be taken
 74 for the purpose of this chapter to involve "development" as
 75 defined in this section:

76 (b) Work by any utility and other persons engaged in the
77 distribution or transmission of gas, electricity, or water, for
78 the purpose of inspecting, repairing, or renewing on established
79 rights-of-way or corridors, or constructing on established or to
80 be established rights-of-way or corridors, any sewers, mains,
81 pipes, cables, utility tunnels, power lines, towers, poles,
82 tracks, or the like. This provision conveys no property interest
83 and does not eliminate any applicable notice requirements to
84 affected land owners.

85 (h) The creation or termination of rights of access,
86 riparian rights, easements, distribution and transmission
87 corridors, covenants concerning development of land, or other
88 rights in land.

89 Section 3. Paragraph (b) of subsection (2) and subsection
90 (4) of section 403.511, Florida Statutes, are amended to read:

91 403.511 Effect of certification.—

92 (2)

93 (b)1. Except as provided in subsection (4), and in
94 consideration of the standard for granting variances pursuant to
95 s. 403.201, the certification may include conditions which
96 constitute variances, exemptions, or exceptions from
97 nonprocedural requirements of the department or any agency which
98 were expressly considered during the proceeding, including, but
99 not limited to, any site specific criteria, standards, or
100 limitations under local land use and zoning approvals which

101 affect the proposed electrical power plant or its site, unless
102 waived by the agency and which otherwise would be applicable to
103 the construction and operation of the proposed electrical power
104 plant.

105 2. No variance, exemption, exception, or other relief
106 shall be granted from a state statute or rule for the protection
107 of endangered or threatened species, aquatic preserves,
108 Outstanding National Resource Waters, or Outstanding Florida
109 Waters or for the disposal of hazardous waste, except to the
110 extent authorized by the applicable statute or rule or except
111 upon a finding in the certification order that the public
112 interests set forth in s. 403.509(3) in certifying the
113 electrical power plant at the site proposed by the applicant
114 overrides the public interest protected by the statute or rule
115 from which relief is sought.

116 (4) This act shall not affect in any way the Public
117 Service Commission's ratemaking powers or its exclusive
118 jurisdiction to require transmission lines to be located
119 underground ~~of the Public Service Commission~~ under chapter 366;
120 nor shall this act in any way affect the right of any local
121 government to charge appropriate fees or require that
122 construction be in compliance with applicable building
123 construction codes.

124 Section 4. Paragraph (b) of subsection (2) and subsection
125 (4) of section 403.531, Florida Statutes, are amended to read:

126 403.531 Effect of certification.—

127 (2)

128 (b) In consideration of the standard for granting
129 variances pursuant to s. 403.201, the certification may include
130 conditions that constitute variances and exemptions from
131 nonprocedural standards or rules of the department or any other
132 agency which were expressly considered during the certification
133 review unless waived by the agency as provided in s. 403.526 and
134 which otherwise would be applicable to the location of the
135 proposed transmission line corridor or the construction,
136 operation, and maintenance of the transmission lines.

137 (4) This act does not in any way affect the commission's
138 ratemaking powers or its exclusive jurisdiction to require
139 transmission lines to be located underground ~~of the commission~~
140 under chapter 366. This act does not in any way affect the right
141 of any local government to charge appropriate fees or require
142 that construction be in compliance with the National Electrical
143 Safety Code, as prescribed by the commission.

144 Section 5. This act shall take effect upon becoming a law.