1983

Session Law 83-222

Florida Senate & House of Representatives

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**LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT**

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### Committee Records

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transmission lines, amending s 403 521,
Florida Statutes, providing legislative intent,
amending s 403 522, Florida Statutes,
providing definitions, amending s 403 523,
Florida Statutes, providing powers and duties
of the Department of Environmental Regulation,
amending s 403 524, Florida Statutes,
providing exemptions, amending s 403 525,
Florida Statutes; providing for determination
of application completeness and sufficiency,
amending s 403 526, Florida Statutes,
providing for reports and studies of a proposed
transmission line or corridor, amending s
403 527, Florida Statutes, providing for public
notice and parties to transmission line
certification proceedings; providing for local
public hearings and additional proceedings by
the hearing officer, providing for proposal of
alternate transmission line corridor routes,
amending s 403 5275, Florida Statutes,
providing for amendments to an application for
transmission line certification, amending s
403 529, Florida Statutes, providing for final
disposition of an application by the siting
board, amending s 403 531, Florida Statutes,
providing for the effect of certification,
providing that transmission lines shall comply
with the National Electric Safety Code,
amending s 403.5315, Florida Statutes,
jurisdiction fish and wildlife resources and shall submit its report to the department within 90 days after receipt of the completed application.

(7) Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, or shall by resolution adopt the report prepared by the appropriate regional planning council as required by subsection (8). It shall submit its report or resolution to the department within 90 days after its receipt of the complete application.

(8) Each regional planning council shall prepare a report on the impacts of each proposed transmission line or corridor on matters within its jurisdiction. It shall submit its report within 90 days after its receipt of the complete application.

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

(10) The failure of any agency to submit a report or to submit its report within the allowed time, shall not be grounds for the alteration of any time limitation in this act pursuant to s. 403.528. Neither the failure to submit a report nor the inadequacy of the report shall be grounds to deny or condition certification.

Section 8 Section 403.527, Florida Statutes, is amended to read:

403.527 Notice proceedings, parties, participants --
(1) No later than 15 days after the receipt of an application, the department shall arrange for publication of a
notice of the application and of the proceedings required by this act 4 months after receipt of a complete application by the department; the hearing officer shall conduct a certification hearing pursuant to § 120.57, in proximity to the proposed transmission line or corridor to allow participation by interested parties in the area affected.

(b) The department shall arrange for publication of a joint notice of the certification hearing and other public hearings provided in this section, and of the deadline for filing of notice of intent to be a party. Such notices notice shall be published at least 80 days before the date set for the hearing.

(c) The department shall arrange for publication of a reminder notice in the newspapers specified in paragraph (d), no more than 2 weeks prior to the certification hearing, reminding the public of the date and location of the hearing. This notice shall not constitute a point of entry for intervention in the proceedings.

(d) Notices shall be published in newspapers of general circulation within counties crossed by the transmission line corridors proper for certification. The required newspaper notices, other than the reminder notice, shall be one-half page in size in a standard size or full page in a tabloid size newspaper. These notices shall include a map generally depicting all transmission corridors proper for certification. Newspapers of general circulation shall be the newspaper within a county crossed by a transmission line corridor proper for certification which has the largest daily circulation in that county and has its principal office in that county. If the largest daily circulation newspaper has its principal office outside the county, then the notices shall appear in both the newspaper of the largest circulation and in a newspaper authorized to publish legal notices within the county.

2. (b) In the Florida Administrative Weekly, and
2. (e) By giving notice to any persons who have requested to be placed on the departmental mailing list for this purpose.

The department shall adopt rules specifying the content of notices required by this section. All published notices shall be paid for by the applicant and shall be in addition to the application fee.

[2] No later than 150 days after receipt of a complete application by the department, the hearing officer shall conduct a certification hearing pursuant to § 120.57, at a central location in proximity to the proposed transmission line or corridor. One public hearing where members of the public not a party to the certification hearing may testify shall be held, within the boundaries of each county, at the option of any local government. The local government shall notify the hearing officer and all parties 100 days prior to the certification hearing whether the local government wishes to have such public hearing. The local government shall be responsible for the location of the public hearing. Within 5 days of such notification, the hearing officer shall determine the date of such public hearing, which shall be held before or during the certification hearing. In the event two or more local governments within one county request such a public hearing, the hearing shall be consolidated so that only one such public hearing is held in any county. The location of a consolidated hearing shall be determined by the hearing officer.
officer. If a local government does not request a public
hearing within 100 days prior to the certification hearing,
persons residing within such local governments can testify at
the public hearing portion of the certification hearing.

(3)(a) At the conclusion of the certification
hearing, the hearing officer shall, after consideration of all
evidence of record, issue a recommended order disposing of the
application no later than 50 days after the transcript of the
certification hearing and the public hearings is filed with
the Division of Administrative Hearings.

(b) In the event the hearing officer fails to issue a
recommended order within 50 days after the filing of the
hearing transcript, the hearing officer shall submit a report
to the board with a copy to all parties within 50 days after
the filing of the hearing transcript to advise the board of
the reason for the delay in the issuance of the recommended
order and of the date by which the recommended order will be
issued. 5 months after receipt of the complete application by
the department-

(4)(a) Parties to the proceeding shall be:
1. The applicant
2. The department
3. The commission
4. The Department of Veteran and Community Affairs
5. The Department of Natural Resources
6. The Game and Fresh Water Fish Commission
7- Each water management district in the jurisdiction
of which the proposed transmission line or corridor is to be
located.
8- Any local government in the jurisdiction of which
the proposed transmission line or corridor is to be located.

Regional planning councils
(b) Any party listed in paragraph (a) of this subsection
may waive its right to participate in these proceedings. If
any listed party fails to file a notice of its intent to be a
party on or before the 30th day prior to the
certification hearing, it shall be deemed to have waived its
right to be a party unless its participation would not
prejudice the rights of any party to the proceeding

(c)(b) Notwithstanding the provisions of chapter 120
to the contrary, upon the filing with the hearing officer
department of a notice of intent to be a party by an agency
described in subparagraph 1., or a petition for intervention
by a person described in subparagraphs 2 and 3 of this
paragraph no later than 30 at least 45 days prior to the date
set for the certification hearing, the following shall also be
certified as a party to the proceeding:
1. Any state agency not listed in paragraph (a) as to
matters within its jurisdiction
2. Any domestic nonprofit corporation or association
formed, in whole or in part, to promote conservation of
natural beauty, to protect the environment, personal health,
or other biological values; to preserve historical sites, to
promote consumer interests, to represent labor, commercial, or
industrial groups, or to promote orderly development of the
area in which the proposed transmission line or corridor is to
be located

(e) Notwithstanding paragraph (d), failure of an
agency described in subparagraph (e) to file a notice of
intent to be a party within the time provided herein shall
constitute a waiver of the right of that agency to participate
as a party in the proceeding.
(d) Other parties may include any person, including a person enumerated in subparagraph (b) who has failed to timely file a notice of intent to be a party,

3. Any person whose substantial interests are affected and being determined by the proceeding and who timely files a motion to intervene pursuant to chapter 112 and applicable rules intervention pursuant to this paragraph may be granted at the discretion of the hearing officer and upon such conditions as may be prescribed any time prior to the commencement of the certification hearing.

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

(d)(a) No later than 50 days prior to the certification hearing, any party may propose alternate transmission line corridor routes for consideration pursuant to the provisions of this act by filing a notice of proposed alternate corridor with the hearing officer and all parties. Such filing shall include the most recent U S G S 1:24000 quadrangle maps specifically delineating the corridor boundaries, a description of the proposed corridor, and a statement of the reasons the proposed alternate should be certified.

(b) Within 5 working days of receipt of such notice, the applicant and the department shall file with the hearing officer and all parties a notice of acceptance or rejection of a proposed alternate corridor for consideration. If the alternate corridor is rejected by either the applicant or the department, the certification hearing and the public hearings shall be held as scheduled. If both the applicant and the department accept a proposed alternate corridor for consideration, the certification hearing and the public hearings shall be rescheduled, if necessary and not to exceed 80 days from the previous certification hearing, to provide sufficient time for the publication of notice pursuant to subsection (1), for the agencies listed under 403.526 to file supplementary reports addressing the proposed alternate corridors at least 30 days prior to the certification hearing, and for agencies to submit supplementary notice pursuant to s. 403.531(2) at least 30 days prior to the certification hearing.

(c) Each party proposing an alternate corridor shall have the burden of providing data to the agencies listed in s. 403.526 necessary for the preparation of a supplementary report on the proposed alternate corridor within a time period established by the department, and the burden of proof on the certifiability of the alternate corridor at the certification hearing pursuant to s. 403.529(3). Nothing in this act shall be construed as requiring the applicant or agencies not proposing the alternate to submit data in support of such alternate corridor.

(d) Notwithstanding the rejection of a proposed alternate corridor by either the applicant or the department, any party may present evidence at the certification hearing to show that a corridor proper for certification does not satisfy the criteria listed in s. 403.529 or that a rejected alternate corridor would meet the criteria set forth in s. 403.529. No evidence shall be admitted at the certification hearing on any alternate corridor, however, unless the alternate corridor was proposed by the filing of a notice at least 50 days prior to the certification hearing pursuant to this subsection. If a rejected alternate corridor is determined to be the corridor

CODING Words in smooth through type are deletions from existing law, words underlined are additions.
that would meet the criteria set forth in § 403.529(3), the
board shall deny certification or shall allow the applicant to
submit an amended application to include such a corridor.

(e) If an alternate corridor is accepted by the
applicant and the department pursuant to a notice of
acceptance as provided in this subsection and such corridor is
ultimately determined to be the corridor that would meet the
criteria set forth in § 403.529(3), the board shall certify
that corridor.

(6) When appropriate, any person may be given an
opportunity to present oral or written communications to the
hearing officer. If the hearing officer proposes to consider
such communications, all parties shall be given an opportunity
to cross-examine or challenge or rebut such communications.

(7) The hearing officer shall have all powers and
duties granted to hearing officers by chapter 120 and by the
laws and rules of the department, including the authority to
resolve disputes over the completeness or sufficiency of an
application for certification.

Section 9. Section 403.5275, Florida Statutes, is
amended to read:

403.5275 Amendment to the application --

(1) Any amendment made to the application shall be
sent by the applicant to the hearing officer and to all
parties to the proceeding. No additional fee shall be
required for the submittal of an amendment to the application.

However, if a corridor alignment change is proposed by the amendment
per mile shall be submitted to the department for use in

accordance with § 403.523 Amendments required to address
A bill to be entitled

An act relating to siting of electrical transmission lines; amending s. 403.521, Florida Statutes; providing legislative intent; amending s. 403.522, Florida Statutes; providing definitions; amending s. 403.523, Florida Statutes; providing powers and duties of the Department of Environmental Regulation; amending s. 403.524, Florida Statutes; providing exemptions; amending s. 403.525, Florida Statutes; providing for determination of application completeness and sufficiency; amending s. 403.526, Florida Statutes; providing for reports and studies of a proposed transmission line or corridor; amending s. 403.527, Florida Statutes; providing for public notice and parties to transmission line certification proceedings; providing for local public hearings and additional proceedings by the hearing officer, providing for proposal of alternate transmission line corridor routes, amending s. 403.5275, Florida Statutes; providing for amendments to an application for transmission line certification; amending s. 403.529, Florida Statutes; providing for final disposition of an application by the siting board; amending s. 403.531, Florida Statutes; providing for the effect of certification; providing that transmission lines shall comply with the National Electric Safety Code; amending s. 403.5315, Florida Statutes;
(11) The failure of any agency to submit a report, or to submit its report within the allowed time, shall not be grounds for the alteration of any time limitation in this act pursuant to s. 403.528. Neither the failure to submit a report nor the inadequacy of the report shall be grounds to deny or condition certification.

Section 8. Section 403.527, Florida Statutes, is amended to read:

403.527 Notice, proceedings, parties, participants.—

(1)(a) No later than 15 days after the receipt of an application, the department shall arrange for publication of a notice of the application and of the proceedings required by this act. 4 months after receipt of a complete application by the department, the hearing officer shall conduct a certification hearing pursuant to s. 120.571 in proximity to the proposed transmission line or corridor to allow participation by interested citizens in the area affected.

(b) The department shall arrange for publication of a joint notice of the certification hearing and other public hearings provided in this section, and of the deadline for filing of notice of intent to be a party. Such notices shall be published at least 60 days before the date set for the hearing.

(c) The department shall arrange for publication of a reminder notice in the newspapers specified in paragraph (d), no more than 2 weeks prior to the certification hearing, reminding the public of the date and location of the hearing. This notice shall not constitute a point of entry for intervention in the proceedings.

(d) Notices shall be published...

2. (a) In newspapers of general circulation within the counties crossed by the transmission line corridors proper for certification. The required newspaper notices, other than the reminder notice, shall be one-half page in size in a standard size newspaper or full page in a tabloid size newspaper. These notices shall include a map generally depicting all transmission corridors proper for certification. Newspapers of general circulation shall be the newspaper within a county crossed by a transmission line corridor proper for certification which has the largest daily circulation in that county and has its principal office in that county. If the largest daily circulation newspaper has its principal office outside the county, then the notices shall appear in both the newspaper of the largest circulation and in a newspaper authorized to publish legal notices within the county:

2. (b) In the Florida Administrative Weekly, and

2. (c) By giving notice to any persons who have requested to be placed on the departmental mailing list for this purpose.

(e) The department shall adopt rules specifying the content of notices required by this section. All published notices shall be paid for by the applicant and shall be in addition to the application fee. The department shall arrange for publication of notices required by this section.

(2) No later than 150 days after receipt of a complete application by the department, the hearing officer shall conduct a certification hearing pursuant to s. 120.57, at a central location in proximity to the proposed transmission line or corridor. One public hearing where members of the public not a party to the certification hearing may testify shall be held, within the boundaries of each county, at the...
option of any local government. The local government shall notify the hearing officer and all parties 100 days prior to the certification hearing whether the local government wishes to have such public hearing. The local government shall be responsible for the location of the public hearing. Within 5 days of such notification, the hearing officer shall determine the date of such public hearing, which shall be held before or during the certification hearing. In the event two or more local governments within one county request such a public hearing, the hearing shall be consolidated so that only one such public hearing is held in any county. The location of a consolidated hearing shall be determined by the hearing officer. If a local government does not request a public hearing within 100 days prior to the certification hearing, persons residing within such local governments can testify at the public hearing portion of the certification hearing.

(3)(a)(#) At the conclusion of the certification hearing, the hearing officer shall, after consideration of all evidence of record, issue a recommended order disposing of the application no later than 50 days after the transcript of the certification hearing and the public hearings is filed with the Division of Administrative Hearings.

(b) In the event the hearing officer fails to issue a recommended order within 50 days after the filing of the hearing transcript, the hearing officer shall submit a report to the board with a copy to all parties within 50 days after the filing of the hearing transcript to advise the board of the reason for the delay in the issuance of the recommended order and of the date by which the recommended order will be issued. 5 months after receipt of the complete application by the department.

CODING: Words in roman through type are deletions from existing law; words underlined are additions.
2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation of natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites, to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote orderly development of the area in which the proposed transmission line or corridor is to be located.

(e) Notwithstanding paragraph (d), failure of an agency described in subparagraph (b)2 to file a notice of intent to be a party within the time provided herein shall constitute a waiver of the right of that agency to participate as a party in the proceeding.

(d) Other parties may include any person enumerated in subparagraph (b)2 who has failed to timely file a notice of intent to be a party.

3. Any person whose substantial interests are affected and being determined by the proceeding and who timely files a motion to intervene pursuant to chapter 189 and applicable rules: Intervention pursuant to this paragraph may be granted at the discretion of the hearing officer and upon such conditions as may be prescribed any time prior to the commencement of the certification hearing.

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

(5)(a) No later than 50 days prior to the certification hearing, any party may propose alternate transmission line corridor routes for consideration pursuant to the provisions of this act by filing a notice of proposed alternate corridor with the hearing officer, all parties, and any local governments in whose jurisdiction the alternate is proposed. Such filing shall include the most recent U.S.G.S. 1:24000 quadrangle maps specifically delineating the corridor boundaries, a description of the proposed corridor, and a statement of the reasons the proposed alternate should be certified.

(b) Within 5 working days of receipt of such notice, the applicant and the department shall file with the hearing officer, all parties and any local government in whose jurisdiction the alternate is proposed, a notice of acceptance or rejection of a proposed alternate corridor for consideration. If the alternate corridor is rejected by either the applicant or the department, the certification hearing and the public hearings shall be held as scheduled. If both the applicant and the department accept a proposed alternate corridor for consideration, the certification hearing and the public hearings shall be rescheduled, if necessary and not to exceed 80 days from the previous certification hearing, to provide sufficient time for the publication of notice pursuant to subsection (1), for the agencies listed in s. 403.526 to file supplementary reports addressing the proposed alternate corridors at least 30 days prior to the certification hearing, and for agencies to submit supplementary notice pursuant to s. 403.531(2) at least 30 days prior to the certification hearing.

(c) Each party proposing an alternate corridor shall have the burden of providing data to the agencies listed in s. 403.526 necessary for the preparation of a supplementary report on the proposed alternate corridor within a time period established by the department, and the burden of proof on the certifiability of the alternate corridor at the certification hearing.
hearing pursuant to s. 403.529(3). Nothing in this act shall be construed as requiring the applicant or agencies not proposing the alternate to submit data in support of such alternate corridor.

(d) Notwithstanding the rejection of a proposed alternate corridor by either the applicant or the department, any party may present evidence at the certification hearing to show that a corridor proper for certification does not satisfy the criteria listed in s. 403.529 or that a rejected alternate corridor would meet the criteria set forth in s. 403.529. No evidence shall be admitted at the certification hearing on any alternate corridor, however, unless the alternate corridor was proposed by the filing of a notice at least 50 days prior to the certification hearing pursuant to this subsection. If a rejected alternate corridor is determined to be the corridor that would meet the criteria set forth in s. 403.529(3), the board shall deny certification or shall allow the applicant to submit an amended application to include such a corridor.

(e) If an alternate corridor is accepted by the applicant and the department pursuant to a notice of acceptance as provided in this subsection and such corridor is ultimately determined to be the corridor that would meet the criteria set forth in s. 403.529(3) and (4), the board shall certify that corridor.

(6) When appropriate, any person may be given an opportunity to present oral or written communications to the hearing officer. If the hearing officer proposes to consider such communications, all parties shall be given an opportunity to cross-examine or challenge or rebut such communications.

(7) The hearing officer shall have all powers and duties granted to hearing officers by chapter 120 and by the laws and rules of the department, including the authority to resolve disputes over the completeness or sufficiency of an application for certification.

Section 9. Section 403.5275, Florida Statutes, is amended to read:

403.5275 Amendment to the application.—

(1) Any amendment made to the application shall be sent by the applicant to the hearing officer and to all parties to the proceeding. No additional fee shall be required for the submission of an amendment to the application, if no corridor alignment change is proposed by the amendment. However, if a corridor alignment change is proposed by the applicant, an additional fee of a minimum of $2,000 and $750 per mile shall be submitted to the department for use in accordance with s. 403.523. Amendments required to address issues raised by the department or other parties shall not require an additional fee.

(2) Any amendment to the application made prior to certification shall be disposed of as part of the original certification proceeding. Amendment of the application may be considered "good cause" for alteration of time limits pursuant to s. 403.528.

Section 10. Section 403.528, Florida Statutes, reads.

403.528 Alteration of time limits.—Any time limitation in this act may be altered by the hearing officer upon stipulation between the department and the applicant unless objected to by any party within 5 days after notice or for good cause shown by any party.

Section 11. Section 403.529, Florida Statutes, is amended to read:

403.529 Final disposition of application.—
A bill to be entitled

An act relating to siting of electrical
transmission lines; amending s. 403.521,
Florida Statutes; providing legislative intent;
amending s. 403.522, Florida Statutes;
providing definitions; amending s. 403.523,
Florida Statutes; providing powers and duties
of the Department of Environmental Regulation;
amending s. 403.524, Florida Statutes;
providing exemptions; amending s. 403.525,
Florida Statutes; providing for determination
of application completeness and sufficiency;
amending s. 403.526, Florida Statutes;
providing for reports and studies of a proposed
transmission line or corridor; amending s.
403.527, Florida Statutes; providing for public
notice and parties to transmission line
certification proceedings; providing for local
public hearings and additional proceedings by
the hearing officer; providing for proposal of
alternate transmission line corridor routes;
amending s. 403.5275, Florida Statutes;
providing for amendments to an application for
transmission line certification; amending s.
403.529, Florida Statutes; providing for final
disposition of an application by the siting
board; amending s. 403.531, Florida Statutes;
providing for the effect of certification;
providing that transmission lines shall comply
with the National Electric Safety Code;
amending s. 403.5315, Florida Statutes;

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Section 8. Section 403.527, Florida Statutes, is amended to read:

403.527 Notice, proceedings, parties, participants.—

(1)(a) No later than 30 days after the receipt of an application, the department shall arrange for publication of a notice of the application and of the proceedings required by this act. 4-months-after-receipt-of-a-complete-application-by the-department-the-hearing-officer-shall-conduct-a certification-hearing-pursuant-to-s.120.57, in-proximity-to the-proposed-transmission-line-or-corridor-to-allow participation-by-interested-citizens-in-the-area-affected.

(b) The department shall arrange for publication of a notice of the certification hearing and other public hearings provided in this section, and of the deadline for filing of notice of intent to be a party. Such Notice of the certification hearing shall be published at least 60 days before the date set for the hearing. Notice of any other public hearing held pursuant to this section shall be published at least 45 days before the date set for the hearing.

(c) The department shall arrange for publication of a reminder notice in the newspapers specified in paragraph (d), no more than 2 weeks prior to the certification hearing, reminding the public of the date and location of the hearing. This notice shall not constitute a point of entry for intervention in the proceedings.

(d) Notices shall be published: In newspapers of general circulation within counties crossed by the transmission line corridors proper for certification. The required newspaper notices, other than the reminder notice, shall be one-half page in size in a standard

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size newspaper or full page in a tabloid size newspaper.

These notices shall include a map generally depicting all
transmission corridors proper for certification. Newspapers
of general circulation shall be the newspaper within a county
crossed by a transmission line corridor proper for
certification which has the largest daily circulation in that
county and has its principal office in that county. If the
largest daily circulation newspaper has its principal office
outside the county, then the notices shall appear in both the
newspaper of the largest circulation and in a newspaper
authorized to publish legal notices within the county;

2. (b) In the Florida Administrative Weekly; and
3. (c) By giving notice to any persons who have
requested to be placed on the departmental mailing list for
this purpose.

(e) The department shall adopt rules specifying the
content of notices required by this section. All published
notices shall be paid for by the applicant and shall be in
addition to the application fee. The department shall arrange
for publication of notices required by this section.

(2) No later than 160 days after receipt of a complete
application by the department, the hearing officer shall
conduct a certification hearing pursuant to s. 120.57, at a
central location in proximity to the proposed transmission
line or corridor. One public hearing where members of the
public not a party to the certification hearing may testify
shall be held, within the boundaries of each county, at the
option of any local government. The local government shall
notify the hearing officer and all parties 145 days prior to
the certification hearing whether the local government wishes
to have such public hearing. The local government shall be
responsible for the location of the public hearing. Within 5

days of such notification, the hearing officer shall determine
the date of such public hearing, which shall be held within 80
days of the filing of a complete application. In the event
two or more local governments within one county request such a
public hearing, the hearing shall be consolidated so that only
one such public hearing is held in any county. The location
of a consolidated hearing shall be determined by the hearing
officer. If a local government does not request a public
hearing within 145 days prior to the certification hearing,
persons residing within such local governments can testify at
the public hearing portion of the certification hearing.

(3)(a)(2) At the conclusion of the certification
hearing, the hearing officer shall, after consideration of all
evidence of record, issue a recommended order disposing of the
application no later than 40 days after the transcript of the
certification hearing and the public hearings is filed with
the Division of Administrative Hearings.

(b) In the event the hearing officer fails to issue a
recommended order within 40 days after the filing of the
hearing transcript, the hearing officer shall submit a report
to the board with a copy to all parties within 40 days after
the filing of the hearing transcript to advise the board of
the reason for the delay in the issuance of the recommended
order and of the date by which the recommended order will be
issued. 5-months after receipt of the complete application by
the department.

(4)(a) Parties to the proceeding shall be include:

1. The applicant.
2. The department.
3. The commission.
4. The Department of Veteran-are Community Affairs.

5. The Department of Natural Resources.

6. The Game and Fresh Water Fish Commission.

7. Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located.

8. Any local government in the jurisdiction of which the proposed transmission line or corridor is to be located.

9. Regional planning councils.

(b) Any party listed in paragraph (a) this subsection may waive its right to participate in these proceedings. If any listed party fails to file a notice of its intent to be a party on or before the 30th 15th day prior to the certification hearing, it shall be deemed to have waived its right to be a party unless its participation would not prejudice the rights of any party to the proceeding.

(c) Notwithstanding the provisions of chapter 120 to the contrary, upon the filing with the hearing officer department of a notice of intent to be a party by an agency described in subparagraph 1., or a petition for intervention by a person described in subparagraphs 2. and 3. of this paragraph no later than 30 at least 15 days prior to the date set for the certification hearing, the following shall also be parties to the proceeding:

1. Any water management district or a state agency not listed in paragraph (a) as to matters within its jurisdiction.

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

(c) Notwithstanding paragraph (d), failure of an agency described in subparagraph (b) to file a notice of intent to be a party within the time provided hereunder shall constitute a waiver of the right of that agency to participate as a party in the proceeding.

(d) Other parties may include any person, including a person enumerated in subparagraph (b) who has failed to timely file a notice of intent to be a party.

3. Any person whose substantial interests are affected and being determined by the proceeding and who timely files a motion to intervene pursuant to chapter 126 and applicable rules, intervention pursuant to this paragraph may be granted at the discretion of the hearing officer and upon such conditions as may be prescribed anytime prior to the commencement of the certification hearing.

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

(5) (a) No later than 60 days prior to the certification hearing, any party may propose alternate transmission line corridor routes for consideration pursuant to the provisions of this act by filing a notice of proposed alternate corridor with the hearing officer, all parties, and any local governments in whose jurisdiction the alternate is proposed. Such filing shall include the most recent U.S.G.S. 1:24000 quadrangle maps specifically delineating the corridor boundaries, a description of the proposed corridor, and a
statement of the reasons the proposed alternate should be certified.

(b) Within 5 working days of receipt of such notice, the applicant and the department shall file with the hearing officer and all parties a notice of acceptance or rejection of a proposed alternate corridor for consideration. If the alternate corridor is rejected by the applicant and the department, the certification hearing and the public hearings shall be held as scheduled. If both the applicant and the department accept a proposed alternate corridor for consideration, the certification hearing and the public hearings shall be rescheduled, if necessary.

(c) If rescheduled, the certification hearing shall be held no more than 80 days from the previously scheduled certification hearing, to provide sufficient time:

1. For the publication of notice pursuant to paragraphs (1)(b) and (c);

2. For the agencies listed in s. 403.526 to file supplementary reports addressing the proposed alternate corridors at least 30 days prior to the certification hearing;

3. For local governments to hold public hearings in accordance with subsection (2), at least 45 days prior to the rescheduled certification hearing. However, the local governments shall notify the hearing officer and all parties if they intend to hold such hearing within 45 days of the filing of the alternate in order for notice to be published pursuant to paragraphs (1)(b) and (c); and

4. For agencies to submit supplementary notice pursuant to s. 403.531(2) at least 30 days prior to the certification hearing.
(d) Each party proposing an alternate corridor shall have the burden of providing data to the agencies listed in s. 403.526 necessary for the preparation of a supplementary report on the proposed alternate corridor within a time period established by the department, and the burden of proof on the certifiability of the alternate corridor at the certification hearing pursuant to s. 403.529(3). Nothing in this act shall be construed as requiring the applicant or agencies not proposing the alternate to submit data in support of such alternate corridor.

(e) Notwithstanding the rejection of a proposed alternate corridor by the applicant and the department, any party may present evidence at the certification hearing to show that a corridor proposed for certification does not satisfy the criteria listed in s. 403.529 or that a rejected alternate corridor would meet the criteria set forth in s. 403.529. No evidence shall be admitted at the certification hearing on any alternate corridor, however, unless the alternate corridor was proposed by the filing of a notice at least 50 days prior to the certification hearing pursuant to this subsection. If a rejected alternate corridor is determined to be the corridor that would meet the criteria set forth in s. 403.529(3), the board shall deny certification or shall allow the applicant to submit an amended application to include such a corridor.

(f) If an alternate corridor is accepted by the applicant and the department pursuant to a notice of acceptance as provided in this subsection and such corridor is ultimately determined to be the corridor that would meet the criteria set forth in s. 403.529(3) and (4), the board shall certify that corridor.
When appropriate, any person may be given an opportunity to present oral or written communications to the hearing officer. If the hearing officer proposes to consider such communications, all parties shall be given an opportunity to cross-examine or challenge or rebut such communications.

The hearing officer shall have all powers and duties granted to hearing officers by chapter 120 and by the laws and rules of the department, including the authority to resolve disputes over the completeness or sufficiency of an application for certification.

Section 9. Section 403.5275, Florida Statutes, is amended to read:

403.5275 Amendment to the application.--

(1) Any amendment made to the application shall be sent by the applicant to the hearing officer and to all parties to the proceeding. No additional fee shall be required for the submittal of an amendment to the application, if no corridor alignment change is proposed by the amendment. However, if a corridor alignment change is proposed by the applicant, an additional fee of a minimum of $2,000 and $750 per mile shall be submitted to the department for use in accordance with s. 403.523. Amendments required to address issues raised by the department or other parties shall not require an additional fee.

(2) Any amendment to the application made prior to certification shall be disposed of as part of the original certification proceeding. Amendment of the application may be considered "good cause" for alteration of time limits pursuant to s. 403.528.

Section 10. Section 403.528, Florida Statutes, reads:
PCB 4 (2nd Draft)

A bill to be entitled

An act relating to siting of electrical
transmission lines; amending s. 403.521,
Florida Statutes; providing legislative intent;
amending s. 403.522, Florida Statutes;
providing definitions; amending s. 403.523,
Florida Statutes; providing powers and duties
of the Department of Environmental Regulation;
amending s. 403.524, Florida Statutes;
providing exemptions; amending s. 403.525,
Florida Statutes; providing for determination
of application completeness and sufficiency;
amending s. 403.526, Florida Statutes;
providing for reports and studies of a proposed
transmission line or corridor; amending s.
403.527, Florida Statutes; providing for public
notice and parties to transmission line
certification proceedings; providing for local
public hearings and additional proceedings by
the hearing officer; providing for proposal of
alternate transmission line corridor routes;
creating s. 403.5271, Florida Statutes,
relating to informational public meetings;
amending s. 403.5275, Florida Statutes;
providing for amendments to an application for
transmission line certification; amending s.
403.528, Florida Statutes, providing for
objection to time limitation alterations;
amending s. 403.529, Florida Statutes;
providing for final disposition of an
application by the siting board; amending s.
403.5291, Florida Statutes,
(11) The failure of any agency to submit a preliminary report or report, or to submit its preliminary report or report within the allowed time, shall not be grounds for the alteration of any time limitation in this act pursuant to s. 403.528. Neither the failure to submit a preliminary report or report nor the inadequacy of the preliminary report or report shall be grounds to deny or condition certification.

Section 8. Section 403.527, Florida Statutes, is amended to read:

403.527 Notice, proceedings, parties, participants.--
(1) (a) No later than 15 days after the receipt of an application, the department shall arrange for publication of a notice of the application and of the proceedings required by this act. 4-months-after-receipt-of-a-complete-application-by the-department-the-hearing-officer-shall-conduct-a certification-hearing-pursuant-to-s-120.57-in-proximity-to the-proposed-transmission-line-or-corridor-to-allow participation-by-interested-citizens-in-the-area-affected.

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

(c) The department shall arrange for publication of a reminder notice in the newspapers specified in paragraph (d), no more than 2 weeks prior to the certification hearing, reminding the public of the date and location of the hearing. This notice shall not constitute a point of entry for intervention in the proceedings.

(d) Notices shall be published:
In newspapers of general circulation within counties crossed by the transmission line corridors proper for certification. The required newspaper notices, other than the reminder notice, shall be one-half page in size in a standard size newspaper or full page in a tabloid size newspaper. These notices shall include a map generally depicting all transmission corridors proper for certification. Newspapers of general circulation shall be the newspaper within a county crossed by a transmission line corridor proper for certification which has the largest daily circulation in that county and has its principal office in that county. If the largest daily circulation newspaper has its principal office outside the county, then the notices shall appear in both the newspaper of the largest circulation and in a newspaper authorized to publish legal notices within the county;

2. By giving notice to any persons who have requested to be placed on the departmental mailing list for this purpose.

(e) The department shall adopt rules specifying the content of notices required by this section. All published notices shall be paid for by the applicant and shall be in addition to the application fee. The department shall arrange for publication of notices required by this section.

(2) No later than 150 days after receipt of a complete application by the department, the hearing officer shall conduct a certification hearing pursuant to s. 120.57, at a central location in proximity to the proposed transmission line or corridor. One public hearing where members of the public not a party to the certification hearing may testify shall be held, within the boundaries of each county, at the following times and places:

CODING: Words in struck through type are deletions from existing law. Words underlined are additions.
option of any local government. The local government shall notify the hearing officer and all parties not later than 50 days after the receipt of a complete application as to whether the local government wishes to have such public hearing. The local government shall be responsible for the location of the public hearing. Within 5 days of such notification, the hearing officer shall determine the date of such public hearing, which shall be held before or during the certification hearing. In the event two or more local governments within one county request such a public hearing, the hearing shall be consolidated so that only one such public hearing is held in any county. The location of a consolidated hearing shall be determined by the hearing officer. If a local government does not request a public hearing within 50 days after the receipt of a complete application, persons residing within such local governments can testify at the public hearing portion of the certification hearing.

(3)(a) At the conclusion of the certification hearing, the hearing officer shall, after consideration of all evidence of record, issue a recommended order disposing of the application no later than 50 days after the transcript of the certification hearing and the public hearings is filed with the Division of Administrative Hearings.

(b) In the event the hearing officer fails to issue a recommended order within 50 days after the filing of the hearing transcript, the hearing officer shall submit a report to the board with a copy to all parties within 50 days after the filing of the hearing transcript to advise the board of the reason for the delay in the issuance of the recommended order and of the date by which the recommended order will be issued.
1. The applicant.
2. The department.
3. The commission.
4. The Department of Veteran and Community Affairs.
5. The Department of Natural Resources.
6. The Game and Fresh Water Fish Commission.
7. Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located.
8. Any local government in the jurisdiction of which the proposed transmission line or corridor is to be located.
9. Regional planning councils.

(b) Any party listed in subsection (a) may waive its right to participate in these proceedings. If any listed party fails to file a notice of its intent to be a party on or before the 30th day prior to the certification hearing, it shall be deemed to have waived its right to be a party unless its participation would not prejudice the rights of any party to the proceeding.

(c) Notwithstanding the provisions of chapter 120 to the contrary, upon the filing with the hearing officer of a notice of intent to be a party by an agency described in subparagraph 1., or a petition for intervention by a person described in subparagraphs 2. and 3. of this paragraph no later than 30 days prior to the date set for the certification hearing, the following shall also be parties to the proceeding:
1. Any state agency not listed in paragraph (a) as to matters within its jurisdiction.

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

3. Any person whose substantial interests are affected and being determined by the proceeding and who timely files a motion to intervene pursuant to chapter 120 and applicable rules—intervention pursuant to this paragraph may be granted at the discretion of the hearing officer and upon such conditions as may be prescribed any time prior to the commencement of the certification hearing.

4. Any agency whose properties or works may be affected shall be made a party upon the request of the agency or any party to this proceeding.

5. No later than 50 days prior to the certification hearing, any party may propose alternate transmission line corridor routes for consideration pursuant...
to the provisions of this act by filing a notice of proposed alternate corridor with the hearing officer, all parties, and any local governments in whose jurisdiction the alternate is proposed. Such filing shall include the most recent U.S.G.S. 1:24000 quadrangle maps specifically delineating the corridor boundaries, a description of the proposed corridor, and a statement of the reasons the proposed alternate should be certified.

(b) Within 5 working days of receipt of such notice, the applicant and the department shall file with the hearing officer and all parties a notice of acceptance or rejection of a proposed alternate corridor for consideration. If the alternate corridor is rejected either by the applicant or the department, the certification hearing and the public hearings shall be held as scheduled. If both the applicant and the department accept a proposed alternate corridor for consideration, the certification hearing and the public hearings shall be rescheduled, if necessary.

(c) If rescheduled, the certification hearing shall be held no more than 80 days from the previously scheduled certification hearing, to provide sufficient time:

1. For the publication of notice pursuant to paragraphs (1)(b) and (c);

2. For the agencies listed in s. 403.526 to file supplementary reports addressing the proposed alternate corridors at least 30 days prior to the certification hearing;

3. For agencies to submit supplementary notice pursuant to s. 403.531(2) at least 30 days prior to the certification hearing.

(d) Each party proposing an alternate corridor shall have the burden of providing data to the agencies listed in s.
403.526 necessary for the preparation of a supplementary report on the proposed alternate corridor within a time period established by the department, and the burden of proof on the certifiability of the alternate corridor at the certification hearing pursuant to s. 403.529(3). Nothing in this act shall be construed as requiring the applicant or agencies not proposing the alternate to submit data in support of such alternate corridor.

(e) Notwithstanding the rejection of a proposed alternate corridor by the applicant or the department, any party may present evidence at the certification hearing to show that a corridor proper for certification does not satisfy the criteria listed in s. 403.529 or that a rejected alternate corridor would meet the criteria set forth in s. 403.529. No evidence shall be admitted at the certification hearing on any alternate corridor, however, unless the alternate corridor was proposed by the filing of a notice at least 50 days prior to the certification hearing pursuant to this subsection.

Rejected alternate corridors shall be considered by the board as provided in s. 403.529(3) and (4).

(f) If an alternate corridor is accepted by the applicant and the department pursuant to a notice of acceptance as provided in this subsection and such corridor is ultimately determined to be the corridor that would meet the criteria set forth in s. 403.529(3) and (4), the board shall certify that corridor.

(6)(4) When appropriate, any person may be given an opportunity to present oral or written communications to the hearing officer. If the hearing officer proposes to consider such communications, all parties shall be given an opportunity to cross-examine or challenge or rebut such communications.
The hearing officer shall have all powers and duties granted to hearing officers by chapter 120 and by the laws and rules of the department, including the authority to resolve disputes over the completeness or sufficiency of an application for certification.

Section 9. Section 403.5271, Florida Statutes, is created to read:

403.5271 Local governments; informational public meetings.--

(1) Local governments may hold informational public meetings in addition to the hearings specifically authorized by this act on any matter associated with the transmission line proceeding. Such informational public meetings should be held no later than 80 days after the application is filed. The purpose of the informational public meeting is to have the local government further inform the general public about the transmission line proposed, obtain comments from the public, and formulate the local government's recommendation for the proposed transmission line.

(2) All informational public meetings shall be held solely at the option of each local government. It is the legislative intent that local governments should attempt to hold such public meetings. Parties to the proceedings under this act shall be encouraged to attend, however no party shall be required to attend such informational public hearings.

(3) Failure to hold an informational public meeting or the procedure used for the informational public meeting shall not be grounds for the alteration of any time limitation in this act pursuant to s. 403.528 or be grounds to deny or condition certification.
A bill to be entitled
An act relating to siting of electrical
transmission lines; amending s. 403.521,
Florida Statutes; providing legislative intent;
amending s. 403.522, Florida Statutes;
providing definitions; amending s. 403.523,
Florida Statutes; providing duties of the Department of Environmental Regulation;
amending s. 403.524, Florida Statutes;
providing exceptions; amending s. 403.525,
Florida Statutes; providing for determination
of application completeness and sufficiency;
amending s. 403.526, Florida Statutes;
providing for reports and studies of a proposed
transmission line or corridor; amending s.
403.527, Florida Statutes; providing for public
notice and parties to transmission line
certification proceedings; providing for local
public hearings and additional proceedings by
the hearing officer; providing for proposal of
alternate transmission line corridor routes;
creating s. 403.5271, Florida Statutes,
relating to informational public meetings;
amending s. 403.5275, Florida Statutes;
providing for amendments to an application for
transmission line certification; amending s.
403.528, Florida Statutes, providing for
objection to time limitation alterations;
amending s. 403.529, Florida Statutes;
providing for final disposition of an
application by the siting board; amending s.
1
certification on matters within each agency's jurisdiction.

For each condition proposed by an agency, the agency shall list the specific statute, rule or ordinance, as applicable, which authorizes the proposed condition.

(10) Each reviewing agency shall initiate the activities required by this section no later than 15 days after the complete application is filed. Preliminary reports shall be submitted to the department no later than 60 days after the department's receipt of a completed application.

Such reports shall be made available to each local government for use as information for public meetings pursuant to s. 403.5271. Each agency shall keep the applicant informed as to the progress of its studies and any issues raised thereby.

(11) The failure of any agency to submit a preliminary report or report, or to submit its preliminary report or report within the allowed time, shall not be grounds for the alteration of any time limitation in this act pursuant to s. 403.528. Neither the failure to submit a preliminary report or report nor the inadequacy of the preliminary report or report shall be grounds to deny or condition certification.

Section 8. Section 403.527, Florida Statutes, is amended to read:

403.527 Notice, proceedings, parties, participants.--

(1) (a) No later than 15 days after the receipt of an application, the department shall arrange for publication of a notice of the application and of the proceedings required by this act. 4 months after receipt of a complete application by the department, the hearing officer shall conduct a certification hearing pursuant to s. 403.577 in proximity to the proposed transmission line or corridor to allow participation by interested citizens in the area affected.
(b) The department shall arrange for publication of a
notice of the certification hearing and other public hearings
provided in this section, and of the deadline for filing of
notice of intent to be a party. Such notices shall be
published at least 80 days before the date set for the
hearing.

(c) The department shall arrange for publication of a
reminder notice in the newspapers specified in paragraph (d)
no more than 2 weeks prior to the certification hearing,
reminding the public of the date and location of the hearing.
This notice shall not constitute a point of entry for
intervention in the proceedings.

(d) Notices shall be published:
1. In newspapers of general circulation within
counties crossed by the transmission line corridors proper for
certification. The required newspaper notices, other than the
reminder notice, shall be one-half page in size in a standard
size newspaper or full page in a tabloid size newspaper.
These notices shall include a map generally depicting all
transmission corridors proper for certification. Newspapers
of general circulation shall be the newspaper within a county
crossed by a transmission line corridor proper for
certification which has the largest daily circulation in that
county and has its principal office in that county. If the
largest daily circulation newspaper has its principal office
outside the county, then the notices shall appear in both the
newspaper of the largest circulation and in a newspaper
authorized to publish legal notices within the county;
2. In the Florida Administrative Weekly; and
By giving notice to any persons who have requested to be placed on the departmental mailing list for this purpose.

(e) The department shall adopt rules specifying the content of notices required by this section. All published notices shall be paid for by the applicant and shall be in addition to the application fee. The department shall arrange for publication of notices required by this section.

(2) No later than 150 days after receipt of a complete application by the department, the hearing officer shall conduct a certification hearing pursuant to s. 120.57, at a central location in proximity to the proposed transmission line or corridor. One public hearing where members of the public not a party to the certification hearing may testify shall be held, within the boundaries of each county, at the option of any local government. The local government shall notify the hearing officer and all parties not later than 50 days after the receipt of a complete application as to whether the local government wishes to have such public hearing. The local government shall be responsible for the location of the public hearing. Within 5 days of such notification, the hearing officer shall determine the date of such public hearing, which shall be held before or during the certification hearing. In the event two or more local governments within one county request such a public hearing, the hearing shall be consolidated so that only one such public hearing is held in any county. The location of a consolidated hearing shall be determined by the hearing officer. If a local government does not request a public hearing within 50 days after the receipt of a complete application, persons...
residing within such local governments can testify at the
public hearing portion of the certification hearing.

(3)(a) At the conclusion of the certification
hearing, the hearing officer shall, after consideration of all
evidence of record, issue a recommended order disposing of the
application no later than 50 days after the transcript of the
certification hearing and the public hearings is filed with
the Division of Administrative Hearings.

(b) In the event the hearing officer fails to issue a
recommended order within 50 days after the filing of the
hearing transcript, the hearing officer shall submit a report
to the board with a copy to all parties within 50 days after
the filing of the hearing transcript to advise the board of
the reason for the delay in the issuance of the recommended
order and of the date by which the recommended order will be
issued. 5-months-after-receipt-of-the-complete-application-by
the-department.

(4)(a) Parties to the proceeding shall be include:

1. The applicant.
2. The department.
3. The commission.
4. The Department of Veteran-and Community Affairs.
5. The Department of Natural Resources.
6. The Game and Fresh Water Fish Commission.
7. Each water management district in the jurisdiction
   of which the proposed transmission line or corridor is to be
   located.
8. Any local government in the jurisdiction of which
   the proposed transmission line or corridor is to be located.
9. Regional planning councils.

CODING Words in struck through type are deletions from existing law, words underlined are additions
(b) Any party listed in paragraph (a) of this subsection may waive its right to participate in these proceedings. If any listed party fails to file a notice of its intent to be a party on or before the 30th day prior to the certification hearing, it shall be deemed to have waived its right to be a party unless its participation would not prejudice the rights of any party to the proceeding.

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

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

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

(e)(c) Notwithstanding paragraph (b), failure of an agency described in subparagraph (b) to file a notice of intent to be a party within the time provided herein shall constitute a waiver of the right of that agency to participate as a party in the proceeding.

CODING: Words in struck through type are deletions from existing law, words underlined are additions.
(d) Other parties may include any person, including a person enumerated in subparagraph (b) who has failed to timely file a notice of intent to be a party.

3. Any person whose substantial interests are affected and being determined by the proceeding and who timely files a motion to intervene pursuant to chapter 120 and applicable rules, intervention pursuant to this paragraph may be granted at the discretion of the hearing officer and upon such conditions as may be prescribed any time prior to the commencement of the certification hearing.

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

(5) (a) No later than 50 days prior to the certification hearing, any party may propose alternate transmission line corridor routes for consideration pursuant to the provisions of this act by filing a notice of proposed alternate corridor with the hearing officer, all parties, and any local governments in whose jurisdiction the alternate is proposed. Such filing shall include the most recent U.S.G.S. 1:24000 quadrangle maps specifically delineating the corridor boundaries, a description of the proposed corridor, and a statement of the reasons the proposed alternate should be certified.

(b) Within 5 working days of receipt of such notice, the applicant and the department shall file with the hearing officer and all parties a notice of acceptance or rejection of a proposed alternate corridor for consideration. If the alternate corridor is rejected either by the applicant or the department, the certification hearing and the public hearings shall be held as scheduled. If both the applicant and the
department accept a proposed alternate corridor for consideration, the certification hearing and the public hearings shall be rescheduled, if necessary.

(c) If rescheduled, the certification hearing shall be held no more than 80 days from the previously scheduled certification hearing, to provide sufficient time:

1. For the publication of notice pursuant to paragraphs (1)(b) and (c);

2. For the agencies listed in s. 403.526 to file supplementary reports addressing the proposed alternate corridors at least 30 days prior to the certification hearing;

3. For agencies to submit supplementary notice pursuant to s. 403.531(2) at least 30 days prior to the certification hearing.

(d) Each party proposing an alternate corridor shall have the burden of providing data to the agencies listed in s. 403.526 necessary for the preparation of a supplementary report on the proposed alternate corridor within a time period established by the department, and the burden of proof on the certifiability of the alternate corridor at the certification hearing pursuant to s. 403.529(3). Nothing in this act shall be construed as requiring the applicant or agencies not proposing the alternate to submit data in support of such alternate corridor.

(e) Notwithstanding the rejection of a proposed alternate corridor by the applicant or the department, any party may present evidence at the certification hearing to show that a corridor proper for certification does not satisfy the criteria listed in s. 403.529 or that a rejected alternate corridor would meet the criteria set forth in s. 403.529. No evidence shall be admitted at the certification hearing on any
alternate corridor, unless the alternate corridor was proposed by the filing of a notice at least 50 days prior to the certification hearing pursuant to this subsection. Rejected alternate corridors shall be considered by the board as provided in s. 403.529(3) and (4).

(f) If an alternate corridor is accepted by the applicant and the department pursuant to a notice of acceptance as provided in this subsection and such corridor is ultimately determined to be the corridor that would meet the criteria set forth in s. 403.529(3) and (4), the board shall certify that corridor.

(6) When appropriate, any person may be given an opportunity to present oral or written communications to the hearing officer. If the hearing officer proposes to consider such communications, all parties shall be given an opportunity to cross-examine or challenge or rebut such communications.

(7) The hearing officer shall have all powers and duties granted to hearing officers by chapter 120 and by the laws and rules of the department, including the authority to resolve disputes over the completeness or sufficiency of an application for certification.

Section 9. Section 403.5271, Florida Statutes, is created to read:

403.5271 Local governments; informational public meetings.--

(1) Local governments may hold informational public meetings in addition to the hearings specifically authorized by this act on any matter associated with the transmission line proceeding. Such informational public meetings should be held no later than 80 days after the application is filed. The purpose of the informational public meeting is to have the
BILL ANALYSIS PCB #4

HOUSE COMMITTEE ON NATURAL RESOURCES

RE: Transmission Line Siting  Similar Bill: CS/SB 111

Other committees of Reference: None at present

I. SUMMARY AND PURPOSE

A. Present Situation

The Transmission Line Siting Act establishes a centralized and coordinated permitting process for the location, construction and maintenance of electrical transmission lines.

Once the Public Service Commission has made a favorable determination of need for a transmission line, a power company submits an application to have a corridor certified for placement of the line.

The Department of Environmental Regulation (DER) coordinates the siting process by providing public notice of the application, notifying all affected agencies for participation, receiving the fee from the applicant and preparing a written analysis of agency reports for the certification hearing.

A formal administrative hearing is then conducted and the hearing officer recommends approval, modifications or a denial of the proposed corridor to the Siting Board (Governor and Cabinet). The Board makes the final decision in the siting process.

B. EFFECT OF PROPOSED CHANGES

1) Under provisions of this bill, all transmission lines become subject to the Siting Act. Under the existing Act, lines which do not cross county lines are exempt. This bill also exempts all transmission lines from the Development of Regional Impact (DRI) process.

2) Procedures for proposing, evaluating, and formally considering alternate corridors are established. Alternates can be suggested by any party. Those proposing alternates have the
initial burden of proving that alternates could be certified under the Act.

3) New deadlines for agency and local government review of a corridor are proposed and the review process is extended to accommodate alternate corridors.

4) The format of newspaper notice is changed. The scope of the notices is expanded and newspaper notices are required to be larger.

II. FISCAL DATA

Public Sector

Application, modification fees, and public notice costs will increase for the public utility applicants. Agencies, as parties to the process, may apply for costs incurred, except salaries of full-time employees. Any sums remaining are refunded to the applicant.

III. COMMENTS

The Duval-Pointsett line is the most recent to be sited under the present Act. It stretches 175 miles from Duval to Orange County and is still the subject of litigation. Difficulties in the siting of this transmission line --such as delays in the processing of the application and complaints about the notifying procedure -- provided the impetus for this bill.

Prepared by: Dovree Brodersen

Staff Director: Fred McCormack
BILL ANALYSIS PCB #4

HOUSE COMMITTEE ON NATURAL RESOURCES

RE: Transmission Line Siting
Similar Bill: CS/SB 111

Other committees of Reference: None at present

I. SUMMARY AND PURPOSE

A. Present Situation

The Transmission Line Siting Act establishes a centralized and coordinated permitting process for the location, construction and maintenance of electrical transmission lines.

Once the Public Service Commission has made a favorable determination of need for a transmission line, a power company submits an application to have a corridor certified for placement of the line.

The Department of Environmental Regulation (DER) coordinates the siting process by providing public notice of the application, notifying all affected agencies for participation, receiving the fee from the applicant and preparing a written analysis of agency reports for the certification hearing.

A formal administrative hearing is then conducted and the hearing officer recommends approval, modifications or a denial of the proposed corridor to the Siting Board (Governor and Cabinet). The Board makes the final decision in the siting process. If certification is approved, DER is responsible for enforcement of provisions in the Transmission Line Siting Act.

B. EFFECT OF PROPOSED CHANGES

1) The certification process is extended to accommodate proposed alternate corridors. Procedures for proposing, evaluating and formally considering alternate corridors are established. Alternates may be suggested by any party. Those proposing alternates have the initial burden of proving that their alternate could be certified under the Act.
2) Local governments may hold informational public meetings in addition to hearings specifically authorized by the Act.

3) DER jurisdiction specifically includes the powers and duties to set requirements that reasonably protect the public health, safety and welfare from electric fields and magnetic fields of transmission lines.

4) The format of newspaper notice is improved. The scope of the notices is expanded and newspaper notices are required to be larger.

5) Factors are clarified that the Cabinet must consider when balancing need and impact to the public and environment resulting from the location of the transmission line corridor.

6) Any proposed transmission line or electrical power plant is specifically exempt from the Development of Regional Impact (DRI) review process.

II. FISCAL DATA

Public Sector

Application, modification fees, and public notice costs will increase for the public utility applicants. Agencies, as parties to the process, may apply for costs incurred, except salaries of full-time employees. Any sums remaining are refunded to the applicant.

III. COMMENTS

The Duval-Pointsett line is the most recent to be sited under the present Act. It stretches 175 miles from Duval to Orange County and is still the subject of litigation. Difficulties in the siting of this transmission line -- such as delays in the processing of the application and complaints about the noticing procedure -- provided the impetus for this bill.

Prepared by:  Dovree Brodersen

Staff Director: Fred McCormack
Addendum to Bill Analysis

CS/SB 111 (Committee on Natural Resources & Conservation & Carlucci) -- Transmission Line Siting
[Hb 1175 by Committee on Natural Resources]

This bill amends provisions of the Transmission Line Siting Act (ss. 403.52-.535). The bill establishes a minimum fee of $20,000 to pay those expenses associated with the review of proposed transmission lines. Local governments may hold an optional public hearing on any proposed line within their boundaries. The public notice requirements which DER is required to publish have been expanded. The certification process is extended to accommodate proposed alternate corridors, and specific criteria are provided to guide the Governor and Cabinet in determining whether to approve a transmission line. The bill also exempts any proposed electrical transmission line or power plant from review as a Development of Regional Impact under s. 380.06.

Effective date: October 1, 1983. Approved by Governor on June 24, 1983. The bill became Chapter 83-222.
To Chairman, Committee on Natural Resources

The Subcommittee on Energy met at 4:00 p.m. o'clock on Tuesday, April 12, 1983, in Room 413-C, and considered PCB 4.

On motion to report the bill / FAVORABLE / FAVORABLE WITH 19 AMENDMENTS

The vote was:

<table>
<thead>
<tr>
<th>YEA</th>
<th>MEMBER</th>
<th>NAY</th>
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<tr>
<td>X</td>
<td>REP. CRADY</td>
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<tr>
<td>X</td>
<td>REP. GRANT</td>
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<td>X</td>
<td>REP. HANSON</td>
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<td>X</td>
<td>REP. LIBERTI</td>
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<td>X</td>
<td>REP. MURPHY</td>
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Total Yea 5
Total Nays 0

Subcommittee Chairman
Rep. Tim Murphy

SUBCOMMITTEE APPEARANCE RECORD

The following persons (other than legislators) appeared before the subcommittee during consideration of this bill:

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul Darst</td>
<td>Dept. of Comm. Affairs</td>
<td>2571 Exec. Center Circle I</td>
</tr>
<tr>
<td>William J. Roberts</td>
<td>SACCC</td>
<td>Tallahassee, Florida</td>
</tr>
<tr>
<td>Steve Alexander</td>
<td>DER</td>
<td>217 S. Adams</td>
</tr>
<tr>
<td>Herman L. Bender</td>
<td>Woodmont Property Owners Assoc.</td>
<td>2600 Blainstone Rd. Tallahassee, Florida</td>
</tr>
<tr>
<td>David Gluckman</td>
<td>Fl. Sierra Club</td>
<td>8100 Nutmeg Way</td>
</tr>
<tr>
<td></td>
<td>Fl. Audubon Soc.</td>
<td>Rt. 5, Box 3965</td>
</tr>
</tbody>
</table>

(Total 19)

Received by Parent Committee:

Date

Received by
Committee Appearance Record

The following persons (other than legislators) appeared before the committee during the consideration of this bill:

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wade Hoping</td>
<td>FL Coordinating Group</td>
<td>Tallahassee, FL</td>
</tr>
<tr>
<td>Mary Clark</td>
<td>Dept. of Community Affairs</td>
<td>Tallahassee, FL</td>
</tr>
<tr>
<td>Paul Darst</td>
<td>Dept. of Community Affairs</td>
<td>Tallahassee, FL</td>
</tr>
<tr>
<td>William Roberts</td>
<td>State Assoc. of County Commissioners</td>
<td>Tallahassee, FL</td>
</tr>
<tr>
<td>Steve Alexander</td>
<td>Dept. of Environmental Regulation</td>
<td>Tallahassee, FL</td>
</tr>
<tr>
<td>Herman L. Bender</td>
<td>Woodmont Property Owners</td>
<td>Tamarac, FL</td>
</tr>
<tr>
<td>David Glueckman</td>
<td>FL Audubon &amp; FL Sierra Club</td>
<td>Tallahassee, FL</td>
</tr>
</tbody>
</table>

NOTE: Please indicate by an "X" any State employee appearing at the request of Committee Chairman.

(If additional persons, enter on reverse side and check here.)
286.35 Denial of contract or grant funds —

State agencies are authorized to adopt rules providing procedures for the denial of social or community service contract or grant funds to any private non-profit corporation or organization which has received adverse audit findings indicating that the security or accountability of public funds is in question when such audit findings remain unresolved for more than 30 days after the date of receipt of the audit by the private non-profit corporation or organization. The rules shall provide for notification and hearing in accordance with chapter 120 for denials made under this section.

(Repeal subsequent section.)

Amendment 2 — In title, on page 2, line 2, after the semicolon, insert creating s 286.35, Florida Statutes, providing for the denial of social or community service contract or grant funds in certain circumstances, providing for notification and hearing.

On motion by Senator Beard, by two-thirds vote SB 479 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Year — 32

Mr. President — Dunn Hill Meek
Barron — Frank Jennings Myers
Beard — Girardeau Johnston Rehm
Carlucci — Gordon Kirkpatrick Stuart
Castor — Grant Langley Thomas
Children, D — Grizzle Malchon Thurman
Children, W D — Hair Margolis Vogt
Crawford — Henderson Maxwell Weinstein

Nays — None

Vote after roll call

Yea — Gersten, Scott

On motion by Senator Beard, the rules were waived and SB 479 after being engrossed was ordered immediately certified to the House.

On motion by Senator Myers, the rules were waived and the Senate reverted to —

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed with amendments —

CS for SB 286 — A bill to be entitled An act relating to obscenity, amending s. 847.012(1)(a), (f) and 847.013(1)(a), (f), Florida Statutes, redefining the terms "harmful to juveniles" and "harmful to minors" with respect to obscenity laws to provide that material is harmful if it is without serious literary, artistic, political, or scientific value, redefining minor and juvenile, amending s. 847.0125(1), Florida Statutes, redefining minor, amending s. 847.0121(b), Florida Statutes, redefining the term "obscene" to include material which is without serious literary, artistic, political, or scientific value, providing an effective date

—and requests the concurrence of the Senate

April Morris, Clerk

Amendment 1 — On page 2, line 6 and page 3, line 1 after the word "is", insert: . . . considered as a whole.

Amendment 2 — On page 1, in the title lines 15-15 strike the entire title and insert

A bill to be entitled An act relating to obscenity, amending s. 847.0121(1)(a) and (f), Florida Statutes, redefining the terms "juvenile" and "harmful to juveniles", amending s. 847.0125(1)(a), Florida Statutes, redefining the term "minor" to increase the maximum age to under 18, rather than 17 years, amending s. 847.0125(1)(a) and (f), Florida Statutes, redefining the terms "minor" and "harmful to minors", providing that material is harmful if it is without serious literary, artistic, political or scientific value, amending s. 847.072(b), Florida Statutes, redefining the term "obscene" to include material which is without serious literary, artistic, political, or scientific value, providing an effective date.

On motions by Senator Myers, the Senate concurred in the House amendments.

CS for SB 286 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Year — 32

Mr. President — Frank Kirkpatrick Rehm
Barron — Girardeau Langley Scott
Beard — Grant Malchon Stuart
Carlucci — Grizzle Mann Thomas
Castor — Hair Maxwell Thurman
Children, D — Henderson McPherson Vogt
Children, W D — Hill Meek Myers
Crawford — Jennings Myers
Dunn — Johnston Plummer

Nays — None

Vote after roll call

Yea — Gersten

The bill was ordered engrossed and then enrolled.

SPECIAL ORDER, continued

On motion by Senator Kirkpatrick, the rules were waived and by two-thirds vote CS for HB 15 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Kirkpatrick —

CS for HB 15 — A bill to be entitled An act relating to the Health Program Office of the Department of Health and Rehabilitative Services, amending s. 2019(3)(b), Florida Statutes, 1982 Supplement, including within the responsibilities of the department the planning of medical services and programs for persons with multiple sclerosis, requiring a report, providing an effective date

—a companion measure, was substituted for SB 258 and read the second time by title. On motion by Senator Kirkpatrick, by two-thirds vote CS for HB 15 was read the third time by title, passed and certified to the House. The vote on passage was:

Year — 32

Mr. President — Frank Johnston Neal
Barron — Gersten Kirkpatrick Plummer
Beard — Girardeau Langley Scott
Carlucci — Gordon Malchon Stuart
Castor — Grant Mann Thomas
Children, D — Grizzle Margolis Thurman
Children, W D — Hair Maxwell Vogt
Crawford — Henderson McPherson Weinstein
Dunn — Hill Vlek
Dunn — Jennings Myers
Fox — Johnson

Nays — None

Vote after roll call

Yea — Gersten

CS for SB 111 — A bill to be entitled An act relating to siting of electrical transmission lines, amending s. 403.521, Florida Statutes, providing legislative intent, amending s. 403.522, Florida Statutes, providing definitions, amending s. 403.523, Florida Statutes, providing for determination of application completeness and sufficiency, amending s. 403.524, Florida Statutes, providing exemptions, amending s. 403.525, Florida Statutes, providing for transmission line certification proceedings, providing for local public hearings and additional proceedings by the hearing officer, providing for proposal of alternate transmission line corridor routes; amending s. 403.527, Florida Statutes; providing for amendments to an application for transmission line certification, amending s. 403.529, Florida Statutes, providing for final disposition of an application by the siting board, amending s. 403.531, Florida Statutes, providing for the effect of certification, providing that transmission lines shall comply with the National Electric Safety Code, amending s. 403.5311, Florida Statutes, providing for modifications of certification, amending s. 403.537. Florida Statutes,

SB 258 was laid on the table.

CS for SB 111 — A bill to be entitled An act relating to siting of electrical transmission lines, amending s. 403.521, Florida Statutes, providing legislative intent, amending s. 403.522, Florida Statutes, providing definitions, amending s. 403.523, Florida Statutes, providing for determination of application completeness and sufficiency, amending s. 403.524, Florida Statutes, providing exemptions, amending s. 403.525, Florida Statutes, providing for transmission line certification proceedings, providing for local public hearings and additional proceedings by the hearing officer, providing for proposal of alternate transmission line corridor routes; amending s. 403.527, Florida Statutes; providing for amendments to an application for transmission line certification, amending s. 403.529, Florida Statutes, providing for final disposition of an application by the siting board, amending s. 403.531, Florida Statutes, providing for the effect of certification, providing that transmission lines shall comply with the National Electric Safety Code, amending s. 403.5311, Florida Statutes, providing for modifications of certification, amending s. 403.537. Florida Statutes,
providing for notice of determination of need for a proposed transmission line, amending s. 403.539, Florida Statutes, for providing for attorney's fees and costs, for providing for application of the act, for providing for effect on pending proceedings, adding s. 403.5327(4), Florida Statutes, exempting power plants and transmission lines, providing an effective date
—was read the second time by title

Senator Carlucci moved the following amendment which was adopted

Amendment 1—On page 2, strike everything after the enacting clause and insert:

Section 1. Section 403.52, Florida Statutes, reads 403.52. Short title —Sections 403.52-403.536 may be cited as the "Transmission Line Siting Act.”

Section 2. Section 403.521, Florida Statutes, is amended to read 403.521. Legislative intent —The legislative intent of this act is to establish a centralized and coordinated central control and coordinate permitting process for the location and maintenance of transmission line corridors and the construction and maintenance of transmission lines, which necessarily involves several broad interests of the public addressed through the subject matter jurisdiction of several agencies and several broad interests of the public. The Legislature recognizes that transmission lines will have an effect upon the welfare of the population. Recognizing the need to ensure electric power system reliability and integrity, and to meet the electric energy needs in an orderly and timely fashion, the centralized and coordinated permitting process established by this act is intended to further the legislative goal of ensuring state shall ensure through available and reasonable methods that the location and maintenance of transmission line corridors and the construction and maintenance of transmission lines will produce minimal adverse effects on the environment and public health, safety, and welfare. It is the intent of this act to fully balance the need for transmission lines with the broad interests of the public in order to effect a reasonable balance between the need for the facility as a means of providing abundant low-cost electrical energy and the environmental impact on the public and the environment resulting from the location and the location and maintenance of the transmission line corridor and the construction and maintenance of the transmission lines. The Legislature intends that the provisions of chapter 120 shall apply to this act and to proceedings pursuant to it except as otherwise expressly excepted by other provision of this part.

Section 3. Section 403.522, Florida Statutes, is amended to read 403.522. Definitions —As used in this act

1. "Applicant" means any electric utility which applies for certification pursuant to the provisions of this act.

2. "Application" means the documents required by the department to be filed to initiate a certification proceeding. An electric utility may file a comprehensive application encompassing all or a part of one or more any proposed transmission lines lines or transmission line corridor.

3. "Transmission line" means any electrical transmission line extending from a transmission line to a power plant to, but not including, an existing or proposed a substation or power plant to, but not including, an existing or proposed transmission network or rights-of-way or substation to which the applicant intends to connect which defines the end of the proposed project and which is designed to operate at 230 kilovolts or more and which crosses a county line. The starting point and ending point of a transmission line must be specifically defined by the applicant and must be verified by the department in its determination of need. A transmission line includes structures and maintenance and access roads that need to be constructed for the project to become operational. If the proposed location of a corridor is affected by the applicant's proposed intermediate substations, then the general location of the proposed intermediate substations, and not the permitting of such substations, shall be considered in the certification proceedings.

4. "Certification" means the approval by written order of the board of a corridor proper for certification pursuant to subsection (6) approving an application for the location and maintenance of transmission line corridors and the construction and maintenance of transmission lines within such corridor. "Certification" with such modifications or conditions as the board deems proper. Certification shall be evidenced by a written order of the board.

5. "Board" means the Governor and Cabinet sitting as the sitting board.

6. "Agency," as the context requires, means an official, officer, commission, authority, council, committee, department, division, bureau, board, section, or other unit or entity of government within the state, including a county, municipality, or other regional or local governmental entity.

7. "Department" means the Department of Environmental Regulation.

8. "Corridor" means the proposed area within which a transmission line right-of-way is to be located. The width of the corridor proposed for certification by an applicant or other party, at the applicant's option, may be the width of the transmission line right-of-way or larger, not to exceed a width of 1 mile. After all property interests required for the transmission line right-of-way have been acquired by the applicant, the boundaries of the area certified shall narrow to only that land within the boundaries of the transmission line right-of-way. Corridors proper for certification shall be those addressed in the application, in amendments to the application filed pursuant to s. 403.5275, and in notices of acceptance of proposed alternate corridors filed by an applicant and the department pursuant to s. 403.5275.

9. "Completeness" means that the application has addressed all applicable sections of the prescribed application format, but does not mean that those sections are sufficient in comprehensiveness of data or in quality of information provided.

10. "Sufficiency" means that the application is not only complete but that all sections are sufficient in comprehensiveness of data or in quality of information provided.

11. The following words have the same meaning as appears in s. 403.503:

a. "Electric utility."

b. "License."

c. "Person."


13. "Modification" means any change in the certification order after issuance, including a change in the conditions of certification.

14. "Amendment" means a material any change in information provided in the application for certification made after the initial application filing.

15. "Transmission line right-of-way" means land necessary for the construction and maintenance of the transmission line. The typical width of the right-of-way shall be identified in the application. The right-of-way shall be located within the certified corridor and shall be identified by the applicant subsequent to certification in documents filed with the department prior to construction.

16. "Local government" means a municipality or county in whose jurisdiction the project is proposed.

17. "Water management district" means a water management district created pursuant to chapter 373, in whose jurisdiction the project is proposed.

18. "Regional planning council" means a regional planning council as defined in s. 160.004(11), in whose jurisdiction the project is proposed.

Section 4. Section 403.523, Florida Statutes, is amended to read 403.523. Department of Environmental Regulation, powers and duties —The department shall have the following powers and duties:

1. To adopt or amend reasonable procedural rules to implement the provisions of this act and rules to implement the provisions of subsection (14).

2. To prescribe the form, content, and necessary supporting documentation, and any required studies, for certification applications. All such data and studies shall be related to the jurisdiction of the agencies relevant to the application.
(3) To receive applications for transmission line and corridor certification and initially determine the completeness and sufficiency thereof.

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

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

(6) To notify all affected agencies of the filing of an application and subsequent amendments within 15 days after receiving the complete application or subsequent amendments.

(7) To require an application fee not to exceed $10,000. The application fee shall be paid to the department upon the filing of each application for corridor certification. The application fee shall be $750 per mile, and a sliding scale related to the length of the proposed transmission line corridor. A minimum fee of $20,000 shall be required for each application. The application fee shall be used to pay those expenses associated with the cost of the preparation and conduct of the hearings, the recording and transcription of the proceedings, and the studies required by this act, and agency travel and per diem. Salaries for full-time state agency employees, excluding other personal services employees, shall not be charged against the fee. Any sums remaining after payment of the above expenses, the application fee shall be applied on a pro rata basis to reimburse all reasonable expenses pursuant to this act and costs of the proceedings incurred by the agencies concerned, the Division of Administrative Hearings, the Department of Veteran and Community Affairs, the Department of Natural Resources, the Game and Fresh Water Fish Commission, each water management district, any local government through the jurisdiction of which the corridor passes which becomes a party to the department, including those expenses which are associated with the cost of preparation and conduct of the hearings, the recording and transcription of the proceedings, and the studies required by this act, shall be paid from the application fee. Any sums remaining after the payment of all authorized costs shall be refunded to the applicant within 90 days after the issuance or denial of certification or the withdrawal of the application. The applicant shall be provided with an itemized accounting of the expenditures.

(8) To prepare a compilation of agency reports and summaries of the material contained therein written analyses which shall be filed with the hearing officer and served on all parties no later than 45 months after the complete application is filed with the department, and which shall include:

(a) The studies and reports determination of need by the commission required by s 403.526 and s 403.531 including the recommendations of the department relating to the disposition of the application.

(b) The report from the Department of Veteran and Community Affairs required by s 403.526.

(c) The report from the Department of Natural Resources required by s 403.526.

(d) The report from each water management district required by s 403.526.

(e) The report from the Game and Fresh Water Fish Commission required by s 403.526.

(9) Comments received from any other agency, including any local government through the jurisdiction of which the corridor passes.

(10) To provide adequate public notice of the filing of the application and of the proceedings conducted pursuant to this act.

(11) To require a certificate modification fee. If no corridor alignment change is proposed, the modification fee shall be $2,000. If a corridor alignment change is proposed by the applicant, the fee shall be $2,000 plus $750 per mile of realignment. Such fee of no greater than $2,000, which shall be submitted to the department upon notification by an applicant that modification pursuant to s 403.531(2) or (3) is sought, and which shall be used, and disbursed, and accounted for in the same manner as the application fee. Any sums remaining after payment of authorized costs shall be refunded to the applicant after the appropriate approval or denial of the modification. The cost of certification modifications requested by the department shall be borne by the department, except that no other agency may charge the department for its costs incurred in participating in such modification proceedings.

(12) To make a determination of acceptability of any alternate corridor proposed for consideration pursuant to s 403.527(5).

(13) To withhold from the fees established by this section a reasonable sum sufficient to cover the costs associated with postcertification review of activities required by any condition of certification. Such sums shall be specified as part of each condition.

(14) To set requirements that reasonably protect the public health, safety, and welfare from electric fields and magnetic fields of transmission lines for which an application is filed after the effective date of this act.

(15) To present rebuttal evidence on any issue properly raised at the certification hearing.

Section 5 Section 403.524, Florida Statutes, is amended to read.

403.524 Applicability and certification—

(1) The provisions of this act shall apply to each transmission line, except a transmission line certified pursuant to the Florida Electrical Power Plant Siting Act.

(2) Except as provided in subsection (1), no construction of any transmission line may be undertaken after December 31, 1980, without first obtaining certification under this act, but the provisions of this act shall not apply to

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

(b) Transmission lines which have been exempted by a binding letter of interpretation issued under s 380.06(4), or in which the Department of Veteran and Community Affairs or its predecessor agency has determined the ability to have vested development rights within the meaning of s 380.06(18) or s 380.06(17)(A).

(c) Transmission line development in which an all construction is limited to established rights-of-way pursuant to s 380.044(3).

(d) Transmission lines where the right of way includes such rights-of-way for roads, highways, railroads, gas, water, oil, electricity, or sewage, and any other public purpose rights-of-way.

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

(4) A utility shall notify the department in writing, prior to the start of construction, of its intent to construct a transmission line exempted pursuant to this section. Such notice shall be only for information purposes and no action by the department shall be required pursuant to such notice.

(5) When an application for development approval has been submitted in accordance with chapter 380 of December 31, 1980, but no development approval has been issued, the applicant shall have the right either to continue to seek approval under chapter 380 or to withdraw the application and make reappearance under the provisions of this act.
Section 6. Section 403.525, Florida Statutes, is amended to read

403.525 Appointment of hearing officer, determination of completeness or sufficiency —

(1) Within 7 days after receipt of an application, whether complete or not, the department shall request the Division of Administrative Hearings to designate a hearing officer to conduct the hearings required by this act. The division director shall designate a hearing officer to conduct the hearings required by this act within 7 days after receipt of the request from the department. Whenever practicable, the division director shall assign a hearing officer who has had prior experience or training in this type of certification proceeding. Upon being advised that a hearing officer has been designated, the department shall immediately file a copy of the application and all supporting documents with the hearing officer, who shall docket the application.

(2) Within 20 working days after receipt of an application or an amendment, the department shall file a statement with the Division of Administrative Hearings and with the applicant, declaring its position with regard to the completeness, not the sufficiency, of the application or amendment. If the department declares the application or amendment to be incomplete, then, within 15 days after the filing of the statement, the department shall file a statement with the Division of Administrative Hearings and with the applicant, agreeing with the statement of the department and withdrawing the application or amendment, or as a statement contesting the statement of the department, or supplemental information which makes the application or amendment complete. If the determination by the department that an application or amendment is deemed incomplete and by the department's subsequent withdrawal of the application or amendment, the hearing officer shall schedule a hearing on the statement of completeness. The hearing shall be held as expeditiously as possible, but no later than 14 days from the filing of the statement contesting the department's determination after the receipt of the application by the department. The hearing officer shall make a decision within 10 days after the hearing. If the hearing officer determines that the application or amendment was not complete when filed, then the applicant shall withdraw the application or amendment or make such additional submittals as to complete it. If the hearing officer determines that the application was complete at the time it was filed, then the time provided in this act shall run from the date of the filing of such application.

(3) The department may by rule adopt procedures similar to those set forth in subsection (1) for the determination of the sufficiency of an application by the department, based on the recommendations of the agencies required to submit reports pursuant to s. 403.526. If contested by the applicant, the final decision on sufficiency shall be made by the hearing officer.

Section 7 Section 403.526, Florida Statutes, is amended to read

403.526 Reports and studies —

(1) It shall be the duty of the department to provide copies of each application, within 7 days after filing, to the department, the Department of Natural Resources, the Department of Veterans and Community Affairs, the Game and Fresh Water Fish Commission, and each water management district, in the resolution of the jurisdiction in which the proposed transmission line or corridor is to be located.

(2) The department shall prepare a report as to the environmental impact of each proposed transmission line or corridor as it relates to matters within its jurisdiction.

(3) The Department of Natural Resources shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction and shall submit its report to the department within 90 days after receipt of a copy of the complete application.

(4) Each water management district in the jurisdiction of which a proposed transmission line or corridor is to be located shall prepare a report as to the impact on water resources and other matters within its jurisdiction and shall submit its report to the department within 90 days after receipt of a copy of the complete application.

(5) The Department of Veterans and Community Affairs shall prepare a report as to the impact of each proposed transmission line or corridor on land use and other matters within its jurisdiction and shall submit its report to the department within 90 days after receipt of the completed application.

(6) The Game and Fresh Water Fish Commission shall prepare a report as to the impact of each proposed transmission line or corridor on fish and wildlife resources and other matters within its jurisdiction and shall submit its report to the department within 90 days after receipt of the completed application.

(7) Each local government shall prepare a report as to the impact of each proposed transmission line or corridor on matters within its jurisdiction, or shall by resolution adopt the report prepared by the appropriate regional planning council as required by subsection (8). It shall submit its report or resolution to the department within 90 days after its receipt of the complete application.

(8) Each regional planning council shall prepare a report on the impacts of each proposed transmission line or corridor on matters within its jurisdiction. It shall submit its report within 90 days after its receipt of the complete application.

(9) The report shall contain the information on variances required by s. 403.531(2) and proposed conditions of certification on matters within each agency's jurisdiction. For each condition proposed by an agency, the agency shall list the specific statute, rule or ordinance, as applicable, which authorizes the proposed condition.

(10)(4) Each reviewing agency shall initiate the activities required by this section no later than 15 days after the complete application is filed. Preliminary reports shall be submitted to the department no later than 40 days after the department's receipt of a complete application. Such reports shall be made available to each local government for use as information for public meetings pursuant to s. 403.527. Each agency shall keep the applicant informed as to the progress of its studies and any issues raised thereby.

(11) The failure of any agency to submit a preliminary report or report, or to submit its preliminary report or report within the allowed time, shall not be grounds for the alteration of any time limitation in this act pursuant to s. 403.558. Neither the failure to submit a preliminary report or report nor the inadequacy of the preliminary report or report shall be grounds to deny or condition certification.

Section 8 Section 403.527, Florida Statutes, is amended to read

403.527 Notice, proceedings, parties, participants —

(1)(a) No later than 15 days after the receipt of an application, the department shall arrange for publication of a notice of the application and of the proceedings required by this act. A complete copy of the application shall be made available to each local government for use as information for public meetings pursuant to s. 403.527. Each public notice shall be published at least 80 days before the date set for the hearing.

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

(c) The department shall arrange for publication of a reminder notice in the newspapers specified in paragraph (d) no more than 2 weeks prior to the certification hearing, reminding the public of the date and location of the hearing. This notice shall not constitute a point of entry for intervention in the proceedings.

(d) Notices shall be published.

(1)(b) In newspapers of general circulation within counties crossed by the transmission line, corridors proper for certification. The required newspaper notices, other than the reminder notice, shall be one-half page in size in a standard size newspaper or full page in a tabloid size newspaper. These notices shall include a map generally depicting all transmission corridors proper for certification. Newspapers of general circulation shall be the newspaper within a county crossed by a transmission line corridor proper for certification which has the largest daily circulation in that county and has its principal office in that county. If the largest daily circulation newspaper has its principal office outside the county, then the notices shall appear in both the newspaper of the largest circulation and in a newspaper authorized to publish legal notices within the county.

(2)(b) In the Florida Administrative Weekly, and
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1 (e) By giving notice to any person who has requested to be placed on the department mailing list for this purpose. 

(r) The department shall adopt rules specifying the content of notices required by this section. All published notices shall be paid for by the applicant and shall be in addition to the application fee. The department shall arrange for publication of notices required by this section. 

(2) No later than 150 days after receipt of a complete application by the department, the hearing officer shall conduct a certification hearing pursuant to § 12-537, at a central location in proximity to the proposed transmission line or corridor. One public hearing where members of the public not a party to the certification hearing may testify shall be held, within the boundaries of each county, at the option of any local government. The local government shall notify the hearing officer and all parties not later than 50 days after the receipt of a complete application as to whether the local government wishes to have such public hearing. The local government shall be responsible for the location of the public hearing. Within 5 days of such notice, the hearing officer shall determine the date of such public hearing, which shall be held before or during the certification hearing. In the event two or more local governments within one county request such a public hearing, the hearing shall be consolidated so that only one public hearing is held in any county. The location of a consolidated hearing shall be determined by the hearing officer. If a local government does not request a public hearing within 50 days after the receipt of a complete application, persons residing within such local governments can testify at the public hearing portion of the certification hearing. 

(b) At the conclusion of the certification hearing, the hearing officer shall, after consideration of all evidence of record, issue a recommended order disposing of the application no later than 50 days after the filing of the certification hearing and the public hearing is filed with the Division of Administrative Hearings. 

(b) In the event the hearing officer fails to issue a recommended order within 50 days after the filing of the hearing transcript, the hearing officer shall submit a report to the board with a copy to all parties within 50 days after the filing of the hearing transcript to advise the board of the reason for the delay in the issuance of the recommended order and of the date by which the recommended order will be issued 8 months after receipt of the complete application by the department. 

(i) (a) Parties to the proceeding shall include: 

1. The applicant. 

2. The department. 

3. The commission. 

4. The Department of Veteran and Community Affairs. 

5. The Department of Natural Resources. 

6. The Game and Fresh Water Fish Commission. 

7. Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located. 

8. Any local government in the jurisdiction of which the proposed transmission line or corridor is to be located. 

9. Regional planning councils. 

(b) Any party listed in paragraph (a) of this subsection may waive its right to participate in these proceedings. If any listed party fails to file a notice of its intent to be a party on or before the 30th day prior to the certification hearing, it shall be deemed to have waived its right to be a party unless its participation would not prejudice the rights of any other party to the proceeding. 

(c) Notwithstanding the provisions of chapter 19, the contrary, upon the filing with the hearing officer department of a notice of intent to be a party by an agency or corporation or association described in subparagraphs 1 and 2 of a petition for intervenor person described in subparagraph 4 no later than 30 at least 45 days to the date set for the certification hearing, the following shall also be parties to the proceeding. 

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

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

(d) Notwithstanding paragraph (d), failure of an agency described in subparagraph (b) to file a notice of intent to be a party within the time provided herein shall constitute a waiver of the right of that agency to participate as a party in the proceeding. 

(e) Other parties may include any person, including a person enumerated in subparagraph (b) who has failed to timely file a notice of intent to be a party, 

(f) Any person whose substantial interests are affected and being determined by the proceeding and who timely files a motion to intervene pursuant to chapter 19 and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the hearing officer and upon such conditions as may be prescribed any time prior to the commencement of the certification hearing. 

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

(i) No later than 50 days prior to the certification hearing, any party may propose alternate transmission line or corridor routes for consideration pursuant to the provisions of this act by filing a notice of proposed alternate corridor with the hearing officer, all parties, and any local governments in whose jurisdiction the alternate is proposed. Such filing shall include the most recent U.S.G.S. 1:24000 quadrangle maps specifically delineating the corridor boundary, a description of the proposed corridor, and a statement of the reasons the proposed alternate should be certified. 

(b) Within 5 working days of receipt of such notice, the applicant and the department shall file with the hearing officer and all parties a notice of acceptance or rejection of a proposed alternate corridor for consideration. If the alternate corridor is rejected either by the applicant or the department, the certification hearing and the public hearing shall be held as scheduled. If both the applicant and the department accept a proposed alternate corridor for consideration, the certification hearing and the public hearing shall be rescheduled, if necessary. 

(c) If rescheduled, the certification hearing shall be held no more than 30 days from the previously scheduled certification hearing, to provide sufficient time. 

1. For the publication of notice pursuant to paragraphs (1)(b) and 

2. For the agencies listed in s. 403.526 to file supplementary reports addressing the proposed alternate corridors at least 30 days prior to the certification hearing. 

(d) For agencies to submit supplementary notice pursuant to s. 101.53(1, 2) at least 30 days prior to the certification hearing. 

(e) Each party proposing an alternate corridor shall have the burden of providing data to the agencies listed in s. 403.526 necessary for the preparation of a supplementary report on the proposed alternate corridor within a time period established by the department, and the burden of proof on the certifiability of the alternate corridor at the certification hearing pursuant to s. 101.529(6). Nothing in this act shall be construed as requiring the applicant or agencies not proposing the alternate to submit data in support of such alternate corridor. 

(f) Notwithstanding the rejection of a proposed alternate corridor by an applicant or the department, any party may present evidence at the certification hearing to show that a corridor proper for certification does not satisfy the criteria listed in s. 403.529 or that a rejected alternate corridor would meet the criteria set forth in s. 403.529. No evidence shall be admitted at the certification hearing on any alternate corridor, unless the alternate corridor was proposed by the filing of a notice at least 30 days prior to the certification hearing pursuant to this subsection. Rejected alternate corridors shall be considered by the board as provided in s. 403.529(3) and (4).
(f) If an alternate corridor is accepted by the applicant and the department pursuant to a notice of acceptance as provided in this subsection and such corridor is ultimately determined to be the corridor that would meet the criteria set forth in § 403.529 (3) and (1), the board shall certify that corridor.

(6) When appropriate, any person may be given an opportunity to present oral or written communications to the hearing officer. If the hearing officer proposes to consider such communications, all parties shall be given an opportunity to cross-examine or challenge or rebut such communications.

(7) The hearing officer shall have all powers and duties granted to hearing officers by chapter 120 and by the laws and rules of the department, including the authority to resolve disputes over the completeness or sufficiency of an application for certification.

Section 9 Section 403.5271, Florida Statutes, is created to read

403.5271 Local governments, informational public meetings —

(1) Local governments may hold informational public meetings in addition to the hearings specifically authorized by this act on any matter associated with the transmission line proceeding. Such informational public meetings shall be held no later than 30 days after the application is filed. The purpose of the informational public meeting is to have the local government further inform the general public about the transmission line proposed, obtain comments from the public, and formulate the local government’s recommendation for the proposed transmission line.

(2) All informational public meetings shall be held solely at the option of each local government. It is the legislative intent that local governments should attempt to hold such public meetings. Parties to the proceedings under this act shall be encouraged to attend, however no party shall be required to attend such informational public hearings.

(3) Failure to hold an informational public meeting or the procedure used for the informational public meeting shall not be grounds for the alteration of any time limitation in this act pursuant to § 403.528 or be grounds to deny or condition certification.

Section 10 Section 403.5275, Florida Statutes, is amended to read

403.5275 Amendment to the application —

(1) Any amendment made to the application shall be sent by the applicant to the hearing officer and to all parties to the proceeding. An additional fee shall be required for the submittal of an amendment to the application. If a ground for denial of the amendment is proposed by the amendment. However, if a corridor alignment change is proposed by the applicant, an additional fee of a minimum of $2,000 and $750 per mile shall be submitted to the department for use in accordance with § 403.523 Amendments required to address issues, including alternate corridors pursuant to § 403.521 (8), raised by the department or other parties shall not require an additional fee.

(2) Any amendment to the application made prior to certification shall be disposed of as part of the original certification proceeding. Amendment of the application may be considered good cause for alteration of time limits pursuant to § 403.528.

Section 11 Section 403.528, Florida Statutes, is amended to read

403.528 Alteration of time limits — Any time limitation in this act may be altered by the hearing officer upon stipulation between the department and the applicant unless objected to by any party within five days after notice or for good cause shown by any party.

Section 12 Section 403.529, Florida Statutes, is amended to read

403.529 Final disposition of application —

(1) Within 10 days after receipt of the hearing officer's recommended order, the board shall act upon the application by written order, approving in whole, approving with such modification and conditions as the board shall deem appropriate, or denying the certification or suspended certification and stating the reasons for such order or denial.

(2) If certification is denied, the board shall set forth in writing the action the applicant would have to take to secure the board's approval of the application.

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

(a) Ensure electric power system reliability and integrity.

(b) Meet the electric energy needs of the state in an orderly and timely fashion.

(c) Comply with nonprocedural requirements of agencies.

(d) Be consistent with applicable local government comprehensive plans.

(e) Effect a reasonable balance between the need for the transmission line as a means of providing abundant low-cost electrical energy and the impact to the public and the environment resulting from the location of the transmission line corridor and maintenance of the transmission line.

(1)(a) Any transmission line corridor certified by the board shall meet the criteria of this section. When more than one transmission line corridor is proper for certification pursuant to § 403.529(a) and meets the criteria of this section, the board shall certify the transmission line corridor that has the least adverse impact regarding the criteria in subsection (3), including costs.

(b) If the board finds that a rejected alternate corridor pursuant to § 403.521(8) meets the criteria of subsection (3) of this section, and the board finds that such rejected alternate corridor has the least adverse impact regarding the criteria in subsection (1), including costs, of all corridors that meet the criteria of subsection (3), then the board shall deny certification or shall allow the applicant to submit an amended application to include such a corridor.

(c) If the board finds that two or more of the corridors that comply with the provisions of subsection (3) have the least adverse impact regarding the criteria in subsection (3), including costs, and that such corridors are substantially equal in adverse impacts regarding the criteria in subsection (3), including costs, then the board shall certify the corridor preferred by the applicant if the corridor preferred by the applicant is one proper for certification pursuant to § 403.522(b).

(5)(b) The issuance or denial of the certification by the board shall be the final administrative action required as to that application.

Section 13 Section 403.531, Florida Statutes, is amended to read

403.531 Effects of certification —

(1) Subject to the conditions set forth therein, certification shall constitute the sole license of the state and any agency as to the approval of the location of transmission line corridors and the construction and maintenance of transmission lines. The certification shall be valid for the life of the proposed transmission line, provided that construction or condemnation or acquisition of the right-of-way is commenced within 5 years of the date of certification or a similar later date as may be authorized by the Board.

(2) The certification shall authorize the applicant to locate and maintain the transmission line corridor and to construct and maintain the transmission lines subject only to the conditions of certification set forth in such certification. The certification may include conditions which constitute variances and exemptions, otherwise allowed by law, from nonprocedural standards or regulations of the department or any other agency, which were expressly considered during the proceeding unless waived by the agency as provided below and which otherwise would be applicable to the location and maintenance of the proposed transmission line corridor or the construction and maintenance of the transmission line. Each party shall notify the applicant and other parties at least 60 days prior to the certification hearing if any nonprocedural requirements not specifically listed in the application from which a variance or exception is necessary in order for the board to certify any corridor proposed for certification. Failure of such notification shall be treated as a waiver of variance or exception, otherwise allowed by law, from nonprocedural standards or regulations of the department or any other agency.

(3) The certification shall be in lieu of any license, permit, certificate, or similar document required by any agency pursuant to, but not limited
to, chapter 125, chapter 161, chapter 163, chapter 253, chapter 258, chapter 298, chapter 370, chapter 375, chapter 380, chapter 381, chapter 867, chapter 403, chapter 404, the Florida Transportation Code, or 33 U.S.C. s. 1341. On certification, any license, easement, or other interest in state lands, except those the title of which is vested in the Board of Trustees of the Internal Improvement Trust Fund, shall be issued by the appropriate agency as a ministerial act. The applicant shall be required to seek, any necessary interest in state lands the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund from the board of trustees before, during, or after the certification proceeding, and certification may be made contingent upon issuance of the appropriate interest in reality. However, neither the applicant nor any party to the certification proceeding may directly or indirectly raise or retrogate any matter which was or could have been an issue in the certification proceeding in any proceeding before the Board of Trustees of the Internal Improvement Trust Fund where the applicant is seeking a necessary interest in state lands, but the information presented in the certification proceeding shall be available for review by the board of trustees and its staff.

(4) This part shall not in any way affect the rate-making powers of the commission under chapter 306 or the right of any local government to charge appropriate fees or require that construction be in compliance with the National Electrical Safety Code, as prescribed by the commission.

(5) No term or condition of certification shall be interpreted to include the postcertification exercise by any party of whatever procedural rights it may have under chapter 120, including those related to rulemaking proceedings.

Section 14. Section 403.5312 Florida Statutes, reads:

403.5312 Recording of notice of certified corridor route—Within 60 days after certification of a directly associated transmission line pursuant to ss 403.501-403.517 or a transmission line corridor pursuant to ss 403.52-403.36, the applicant shall file, in accordance with ss 28.222, with the clerk of the circuit court for each county through which the corridor will pass, a notice of the certified route. The notice shall consist of maps or aerial photographs in the scale of 1:24,000 which clearly show the location of the certified route and shall state that the certification of the corridor will result in the acquisition of rights-of-way within the corridor. Each clerk shall record the filing in the official record of the county for the duration of the certification or until such time as the applicant certifies to the clerk that all lands required for the transmission line rights-of-way within the corridor have been acquired within such county, whichever is sooner. The recording of this notice shall not constitute a lien, cloud, or encumbrance on real property.

Section 15. Section 403.5315, Florida Statutes, is amended to read:

403.5315 Modification of certification—A certification may be modified after issuance in any one of the following ways:

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

(2) The department parties to the certification proceeding may modify the terms and conditions of the certification of no party objects in writing to such modification within 15 days after notice by mail to the last address of record in the certification proceeding, and if no other person whose substantial interests will be affected by the modification objects in writing within 30 days after issuance of public notice by mutual written agreement, subject to approval by the board.

(3) If the parties to the certification proceeding are unable to reach a mutual written agreement on modification of the terms and conditions of the certification, the applicant may file a petition for modification with the department setting forth:

(a) The proposed modification.

(b) The factual reasons asserted for the modification.

(c) The anticipated additional environmental effects of the proposed modification.

(4) Petitions filed pursuant to subsection (3) shall be disposed of in the same manner as an application with shortened time periods commensurate with the significance of the modification requested.

Section 16. Section 403.532, Florida Statutes, reads:

403.532 Revocation or suspension of certification—Any certification may be revoked or suspended:

(1) For any material false statement in the application or in the supplemental or additional statements of fact or studies required of the applicant when a true answer would have warranted the board’s refusal to recommend a certification in the first instance.

(2) For failure to comply with the terms or conditions of the certification.

(3) For violation of the provisions of this act or rules or orders issued hereunder.

Section 17. Section 403.533, Florida Statutes, reads:

403.533 Enforcement of compliance—Failure to obtain a certification, or to comply with the conditions thereof, or to comply with this part shall constitute a violation of chapter 403.

Section 18. Section 403.536, Florida Statutes, reads:

403.536 Superseded laws, regulations, and certification power—

(1) Any time limitation in this part or any provision of this act is in conflict with any other provision, limitation, or restriction which is now in effect under any law of this state or any ordinance of a local government, political subdivision, or municipality, or any rule or regulation adopted thereunder, this act shall control.

(2) The state hereby preempts the certification of transmission lines and transmission line corridors.

(3) The board shall have the power to adopt reasonable procedural rules to carry out its duties under this act and to give effect to the legislative intent that this act provide an efficient, centrally coordinated, one-stop permitting process.

Section 19. Section 403.537, Florida Statutes, is amended to read:

403.537 Determination of need for transmission line, powers and duties—

(1)(a) Upon request by an electric utility or upon the commission’s own motion, the Florida Public Service Commission shall schedule a public hearing, after notice, to determine the need for a transmission line regulated by the Transmission Line Siting Act, ss 403.52-403.536. Such notice shall be published at least 20 days before the date set for the hearing. Such notice shall be published in newspapers of general circulation, in the Florida Administrative Weekly, by giving notice to counties and regional planning councils in whose jurisdiction the transmission line could be placed, and by giving notice to any persons who have requested to be placed on the commission’s mailing list for this purpose. Within 21 days after receipt of a request for determination by an applicant, the commission shall set a date for the hearing to be held. The commission shall issue a certificate, upon request to s. 350.01, within 35 days after the filing of the request, and a decision shall be rendered within 60 days after such filing.

(b) In the determination of need, the commission shall take into account the need for electric system reliability and integrity, the need for abundant, low-cost electrical energy to assure the economic well-being of the citizens of this state, the appropriate starting and ending point of the line, and other matters within its jurisdiction deemed relevant to the determination of need.

(c) The commission’s determination of the need for the transmission line, as defined in ss 403.52(1), shall be binding on all parties to any certification proceeding pursuant to the Transmission Line Siting Act and shall be a condition precedent to the conduct of the certification hearing prescribed therein. Orders entered pursuant to this section shall constitute final agency action.

(2) The commission shall have the following powers and duties:

(a) To adopt or amend reasonable procedural rules to implement the provisions of this section.

(b) To prescribe the form, content, and necessary supporting documentation and the required studies for the determination of need.

(3) Any time limitation in this section may be altered by the commission upon stipulation between the commission and the applicant or for good cause shown by any party.
Section 20. Section 403.539, Florida Statutes, is amended to read 403.539 Certification admissible in eminent domain proceedings attorney's fees and costs.—

(1) Certification pursuant to ss. 403.52-403.536 shall be admissible as evidence of public need and necessity in proceedings under chapter 73 or chapter 74

(2) No party may rely on this section or any provision of chapter 73 or chapter 74 to request the award of attorney's fees or costs incurred as a result of participation in the certification proceeding.

Section 21 (1) The purpose of this act is to repeal and amend portions of ss. 403.52-403.539 in order to make the process more efficient and responsive to all interested persons. This act is not intended to reflect the prior legislative intent of ss. 403.52-403.539 or imply in any manner what procedures were proper prior to the effective date of this act.

(2) Any pending proceeding under the Transmission Line Siting Act for which an application was filed prior to the effective date of this act, shall be continued to a conclusion, including judicial review, under provisions of the Florida Statutes 1981, except that proceedings that have not progressed to a hearing may, with the consent of all parties, be conducted in accordance with the provisions of this act.

Section 22 Subsection (24) is added to section 380.06, Florida Statutes, to read 380.06 Developments of regional impact—

(24) Any proposed electrical transmission line or electrical power plant shall be exempt from the provisions of this section, except any stream or solar electrical generating facility of less than 50 megawatts in capacity dedicated to a development of regional impact.

Section 23 This act shall take effect October 1, 1983

Senator Barron presiding

Senator Gordon moved the following amendment which failed

Amendment 2—On page 33, line 13, strike all of section 23 and insert

Amendment 3—In title, on pages 1 and 2, strike everything before the enacting clause and insert.

A bill to be entitled An act relating to siting of electrical transmission lines, amending s. 403.521, Florida Statutes, providing legislative intent, amending s. 403.522, Florida Statutes providing definitions, amending s. 403.523, Florida Statutes, providing powers and duties of the Department of Environmental Regulation, amending s. 403.524, Florida Statutes, providing exemptions, amending s. 403.525, Florida Statutes, providing for determination of application completeness and sufficiency, amending s. 403.526, Florida Statutes, providing for reports and studies of a proposed transmission line or corridor, amending s. 403.527, Florida Statutes, providing for public notice and parties to transmission line certification procedures, providing for local public hearings and additional proceedings by the hearing officer, providing for proposal of alternate transmission line corridor routes, creating s. 403.5271, Florida Statutes, relating to informational public meetings, amending s. 403.5275, Florida Statutes, providing for amendments to an application for transmission line certification, amending s. 403.528, Florida Statutes, providing for objection to time limitation alterations, amending s. 403.529, Florida Statutes, providing for final disposition of an application by the siting board, amending s. 403.531, Florida Statutes, providing for the effect of certification, amending s. 403.5315, Florida Statutes, providing for modifications of certification, amending s. 403.537, Florida Statutes, providing for notice of determination of need for a proposed transmission line; amending s. 403.539, Florida Statutes, relating to eminent domain proceedings and attorney's fees and costs, providing for application of the act, providing for effect on pending proceedings, adding s. 380.06(24), Florida Statutes, exempting certain power plants and transmission lines, providing an effective date.

On motion by Senator Carlucci, by two-thirds vote CS for SB 111 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was

Year—39

Mr President Gersten Johnston Neal
Barron Girardeau Kirkpatrick Plummer
Bead Gordon Langley Rehm
Carlucci Grant Malchon Scott
Castor Grizzle Mann Stuart
Childers, D. Har Margolis Thomas
Childers, W D Henderson Maxwell Thurman
Crawford Hill McPherson Vogt
Dunn Jenne Meek Weinstein
Frank Jennings Myers

Nays—None

On motion by Senator Carlucci, the rules were waived and CS for SB 111 after being engrossed was ordered immediately certified to the House.

SB 835—A bill to be entitled An act relating to education, creating s. 236.135, Florida Statutes, providing that school districts may use the 2 mill equivalent capital outlay funds during the 1982-1983 fiscal year for maintenance of schools without having to maintain the required level of expenditures for operating revenues for maintenance of effort, providing an effective date.

was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Scott

Amendment 1—On page 1, line 23, after "(d)" insert Those school districts which do not meet the 1982-1983 required level of expenditure requirements specified in s. 236.252(1)(A)(1) shall use expenditures of the three most recent years, exclusive of 1982-1983, when calculating the current expenditure from operating revenues for maintenance, repair, and renovation.

Senator Scott moved the following amendment to Amendment 1 which was adopted

Amendment 1A—On page 1, line 13, before the word "those" insert Effective fiscal year 1983-1984.

Amendment 1 as amended was adopted

On motion by Senator Scott, by two-thirds vote SB 835 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was

Year—39

Barron Gersten Johnston Neal
Bead Girardeau Kirkpatrick Plummer
Carlucci Gordon Langley Rehm
Castor Grant Malchon Scott
Childers, D. Grizzle Mann Stuart
Childers, W D Har Margolis Thomas
Crawford Henderson Maxwell Thurman
Dunn Hill McPherson Vogt
Fox Jenne Meek Weinstein
Frank Jennings Myers

Nays—None

On motion by Senator Scott, the rules were waived and SB 835 after being engrossed was ordered immediately certified to the House.

CS for SB 610—A bill to be entitled An act relating to unemployment compensation, adding s. 443.1116, Florida Statutes, 1982 Supplement, providing for a short-time compensation program, providing definitions, providing requirements for approval by the Division of
SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

ANALYST
McCoy
STAFF DIRECTOR
Voigt
REFERENCE
1. N.R.
3. 
ACTION

SUBJECT:
Electrical Transmission Line Siting

BILL NO. AND SPONSOR:
SB 111 by Senator Carlucci

I. SUMMARY:

A. Present Situation:

In 1980 the Legislature passed the Transmission Line Siting Act (ss.403.52-.536 F.S.), which established a reasonably short (approximately 6 months) process to review environmental and land-use consequences of locating transmission lines that cross more than one county. This process is actually the second phase of transmission line siting, since approval of line location must be preceded by a favorable determination of need (for the transmission) by the Public Service Commission.

Typically, a power company requests approval of a wide "corridor" in which the actual right of way will be located. The company begins the siting review by submitting an application to the Department of Environmental Regulation (DER). Assuming an application is not changed by the company, the review proceeds as follows:

1. DER, as lead agency, provides public notice of the application, distributes copies to other agencies and local governments, determines whether the application is "complete," and arranges for necessary technical studies.

2. Assuming the application is "sufficient" for review to proceed, DER prepares an analysis - including other agency reports and the PSC need determination - of the proposed corridor's environmental impact within 3 months after receiving a complete application.

3. A formal administrative hearing is conducted within one month after DER finishes its analysis. The hearing officer recommends that the corridor be approved, approved with conditions, or denied.

4. Within 30 days after the hearing, the Governor and Cabinet (i.e., the siting board) approve, modify, or deny the application. Denial must be accompanied by conditions necessary to gain approval.

The first two corridors sited under the Act experienced little delay. The third, and most recent, corridor took 15 months to site, and is still the subject of litigation. This corridor, which stretches 175 miles from Duval to Orange County, raised a number of problems with the current Act.
B. Effect of Proposed Changes:

1. Deadlines and Time Frames - New deadlines for agency and local government review of a corridor are proposed, and the review process is extended to accommodate alternate corridors. Generally, the new review process will take 7-8 months if no alternates are formally considered, or 10-11 months if alternates are accepted for formal review. (pp. 12-24)

2. DER Authority - DER's authority is clearly enlarged to set requirements to prevent harm to the public health from electric and magnetic fields produced by transmission lines. (p. 10, lines 24-28)

3. Public Notice - The quality of newspaper notice is improved. The DER must arrange for notice that an application has been filed, for notice of the certification hearing and any other public hearings, and for a "reminder" notice not more than two weeks before the certification hearing. Notice size and appropriate newspapers are specified. Comparable notice must be given when an alternate corridor is accepted for consideration. (pp. 15-17)

4. Alternate Corridors - Procedures for proposing, evaluating, and formally considering alternate corridors (not addressed in the current law) are established. Alternates can be suggested by any party, but must be proposed at least 50 days prior to the certification hearing. Those proposing alternates have the initial burden of proving that the alternates could be certified under the Act. (pp. 20-22)

5. Balancing of Need and Environmental/Land Use Impact - Factors that the Cabinet must consider when balancing need and impacts of the proposed corridor are established. (The current law does not provide standards by which the Cabinet strikes a "reasonable balance" between need and environmental impact.) (pp. 23-24)

6. Other Changes
   a. Legislative intent is clarified. (pp. 2-3)
   b. Proposed intermediate substations are subjected to the review process. (p. 4, lines 11-19)
   c. Maximum corridor width is limited to one mile. (p. 5, line 11)
   d. Studies are limited to matters within agency jurisdiction. (p. 7, lines 15-22)
   e. The application fee and the fee for modifications are capped at $1,000 per mile of proposed corridor. The minimum application fee is raised to $20,000; the minimum modification fee is raised to $2,000. (p. 8, lines 1-4; p. 10, lines 1-3)
   f. Transmission lines less than 20 miles long are exempt from the review process. (p. 11, lines 28-30)
   g. Reports by local governments are made mandatory, unless the local government adopts the report prepared by the appropriate regional planning council. (p. 15, lines 4-10)
h. All reports must note variances that must be obtained from the respective party, and proposed conditions for certification. Failure to note a variance constitutes a waiver of that variance. (p. 25, lines 23-30)

i. Local governments that are not parties can request a public hearing. (p. 17-18)

j. Water management districts are eliminated as automatic parties to the administrative hearing on corridor location. (p. 18, lines 27-29)

k. Transmission lines must comply with the National Electric Safety Code. (p. 27, lines 5-7)

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Application and modification fees, and public notice costs paid by the power companies will increase. The siting process established by this bill should result in overall savings, however, because of increased likelihood that a corridor will be certified within a predictable amount of time. Since transmission line siting costs are subsumed in customer rates, perhaps the savings will be passed on to the general public.

B. Government:

State agencies that are parties will not be able to claim reimbursement from the application fee for the salaries of full-time employees. This, plus the fact that the applicant will pay for public notices, will leave a larger amount of the application fee for reimbursing local governments.

III. COMMENTS:

This bill provides that a party's failure to timely notify the applicant and other parties of required variances or exceptions not listed in the application constitutes a waiver of those variances. This bill also provides that a county may adopt the report prepared by a regional planning council in lieu of doing its own report. Together, these provisions raise the possibility of a local government inadvertently waiving variances or exemptions by adopting the regional planning council report.

IV. AMENDMENTS: None
STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR SENATE BILL 111

CS/SB 111 makes important substantive and procedural changes to the transmission line siting process. Major changes are:

1. deadlines for agency review of the proposed transmission line corridor are extended;

2. procedures for proposing and formally considering alternative corridors are specified;

3. public notice of the original and any alternate corridors is improved;

4. the DER is authorized to set standards that reasonably protect the public from health effects of electromagnetic radiation;

5. factors to be considered by the Cabinet when certifying a transmission line corridor are specified;

6. application fees are increased to $750 per mile of proposed corridor, with a minimum application fee of $20,000;

7. failure of any party to timely notify the applicant of nonprocedural variances required for the transmission line constitutes waiver of those variances; and

8. proposed electrical transmission lines and power plants are specifically exempt from the development of regional impact (DRI) review process.

Committee on Natural Resources & Conservation

Wayne Vaught
Chairman or Staff Director

Cl4(4-74) (File 2 copies with Committee Substitutes)
I. SUMMARY:
A. Present Situation:

In 1980 the Legislature passed the Transmission Line Siting Act (ss. 403.52-.536 F.S.), which established a reasonably short (approximately 6 months) process to review environmental and land-use consequences of locating transmission lines that cross more than one county. This process is actually the second phase of transmission line siting, since approval of line location must be preceded by a favorable determination of need (for the transmission) by the Public Service Commission.

Typically, a power company requests approval of a wide "corridor" in which the actual right of way will be located. The company begins the siting review by submitting an application to the Department of Environmental Regulation (DER). Assuming an application is not changed by the company, the review proceeds as follows:

1. DER, as lead agency, provides public notice of the application, distributes copies to other agencies and local governments, determines whether the application is "complete," and arranges for necessary technical studies.

2. Assuming the application is "sufficient" for review to proceed, DER prepares an analysis - including other agency reports and the PSC need determination - of the proposed corridor's environmental impact within 3 months after receiving a complete application.

3. A formal administrative hearing is conducted within one month after DER finishes its analysis. The hearing officer recommends that the corridor be approved, approved with conditions, or denied.

4. Within 30 days after the hearing, the Governor and Cabinet (i.e., the siting board) approve, modify, or deny the application. Denial must be accompanied by conditions necessary to gain approval.

The first two corridors sited under the Act experienced little delay. The third, and most recent, corridor took 15 months to site, and is still the subject of litigation. This corridor, which stretches 175 miles from Duval to Orange County, raised a number of problems with the current Act.
B. Effect of Proposed Changes:

1. Deadlines and Time Frames - New deadlines for agency and local government review of a corridor are proposed, and the review process is extended to accommodate alternate corridors. Generally, the new review process will take 7-8 months if no alternates are formally considered, or 10-11 months if alternates are accepted for formal review.

2. DER Authority - DER's authority is clearly enlarged to set requirements that reasonably protect the public health from electric and magnetic fields produced by transmission lines.

3. Public Notice - The quality of newspaper notice is improved. The DER must arrange for notice that an application has been filed, for notice of the certification hearing and any other public hearings, and for a "reminder" notice not more than two weeks before the certification hearing. Notice size and appropriate newspapers are specified. Comparable notice must be given when an alternate corridor is accepted for consideration.

4. Alternate Corridors - Procedures for proposing, evaluating, and formally considering alternate corridors (not addressed in the current law) are established. Alternates can be suggested by any party, but must be proposed at least 50 days prior to the certification hearing. Those proposing alternates have the initial burden of proving that the alternates could be certified under the Act.

5. Balancing of Need and Environmental/Land Use Impact - Factors that the Cabinet must consider when balancing need and impacts of the proposed corridor are established. (The current law does not provide standards by which the Cabinet strikes a "reasonable balance" between need and environmental impact.)

6. Other Changes
   a. Legislative intent is clarified.
   b. The general location of proposed intermediate substations is subjected to the review process.
   c. Maximum corridor width is limited to one mile.
   d. Studies are limited to matters within agency jurisdiction.
   e. The application fee and the fee for modifications are capped at $750 per mile of proposed corridor. The minimum application fee is raised to $20,000; the minimum modification fee is raised to $2,000.
   f. Transmission lines less than 20 miles long are exempt from the review process.
   g. Reports by local governments are made mandatory, unless the local government adopts the report prepared by the appropriate regional planning council.
   h. All reports must note variances that must be obtained from the respective party, and proposed conditions for certification. Failure to note a variance constitutes a waiver of that variance.
i. Local governments that are not parties can request a public hearing.

j. Regional planning councils are made parties to the administrative hearing on corridor location.

k. Water management districts are eliminated as automatic parties to the administrative hearing on corridor location, but can enter the proceedings under certain conditions.

l. Transmission lines must comply with the National Electric Safety Code.

m. The Public Service Commission must give to counties and regional planning councils actual notice of its hearing to determine need for the transmission line.

n. Proposed electrical transmission lines and power plants are specifically exempt from the developments of regional impact (DRI) review process.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

Application and modification fees, and public notice costs paid by the power companies will increase. The siting process established by this bill should result in overall savings, however, because of increased likelihood that a corridor will be certified within a predictable amount of time. Since transmission line siting costs are subsumed in customer rates, perhaps the savings will be passed on to the general public.

B. Government:

State agencies that are parties will not be able to claim reimbursement from the application fee for the salaries of full-time employees. This, plus the fact that the applicant will pay for public notices, will leave a larger amount of the application fee for reimbursing local governments.

III. COMMENTS:

This bill provides that a party's failure to timely notify the applicant and other parties of required variances or exceptions not listed in the application constitutes a waiver of those variances. This bill also provides that a county may adopt the report prepared by a regional planning council in lieu of doing its own report. Together, these provisions raise the possibility of a local government inadvertently waiving variances or exemptions by adopting the regional planning council report.

IV. AMENDMENTS: None
Mr. Jon Mills, Chairman
House Natural Resources Committee
The Capitol
Tallahassee, Florida 32301

Dear Mr. Mills:

The staff of the House Natural Resources Committee has asked us to comment on two bills in the legislature that would significantly revise the Transmission Line Siting Act (sections 403.52 - 403.536, Florida Statutes). These are identified as CS for SB III in the Senate and PCB 4 in the House. Because the Department of Community Affairs has a statutory responsibility under this act and also because it is identified by statute as the state land planning agency, we were pleased to review these proposed revisions.

The two bills differ in a number of ways. Where those differences occur on points affecting our agency's role and jurisdiction we prefer the wording in the House bill (PCB 4). On two points we have concerns with the wording in both bills. Listed below are the passages in the bills which concern us, followed by our comments.

1. Section 21, lines 22-24 on page 32, of the Senate bill and section 21, lines 25-27 on page 32, of the House bill both propose the following amendment to section 380.06, Florida Statutes: "Any proposed electrical transmission line or electrical power plant shall be exempt from the provisions of this section." The existing Transmission Line Siting Act, in subsection 403.531(3), states that certification shall be in lieu of any license, permit, etc., required by any agency pursuant to Chapter 380, Chapter 161, etc. This provision was originally understood as removing transmission lines from the purview of section 380.06, i.e., the DRI process; however, it actually only exempts those transmission lines of 230 KV or more that are regulated under Chapter 403. Under the prevailing doctrine on DRIs as enunciated in the general instance by the First District Court of Appeal in the Port Malabar decision (General Development Corporation v. Division of State Planning, 353 So.2D 1199), developments under the DRI thresholds...
(e.g., transmission lines of less than 230 kilovolts and power plants of less than 50 megawatts) could nevertheless be declared DRIs if they were determined to have substantial regional impacts. This may be a result not foreseen by the drafters of the original Transmission Line Siting Act and, if so, then the proposed amendment to section 380.06 can be viewed as an attempt to restate the original legislative intent. Our position is that any transmission line or power plant, regardless of its size, which would have substantial regional impact should receive a regional or state review, either through the Chapter 403 certification processes or through the Chapter 380 DRI review. We would also point out that the amendment, as worded, may exempt a power plant or transmission line even if it is part of a DRI (e.g., an industrial plant using its waste heat to power a cogeneration power plant). Since cogeneration plants are expected to become more common in Florida in the next decade, the wording of the proposed amendment may seriously limit the application of the DRI process to a significant number of DRIs. We therefore propose that this amendment be deleted because (a) it would prevent regional or state review in the event of a sub-230-KV transmission line or sub-50-MW power plant with substantial regional impacts and (b) it would restrict the proper application of the DRI process. Please note that this agency would have to make a strong case of probable regional impact before determining such a line or power plant to be a DRI.

2. Section 5 of the Senate bill, lines 28-31 on page 11, exempts from the provisions of the act transmission lines less than 20 miles in length designed to operate at 230 kilovolts or more and which cross a county line. The House bill does not have this exemption. Lines of this length can have substantial regional impact and therefore should not have an automatic exemption. We propose that all lines of 230 KV or more should be reviewed by the state. This review could either be through the full Chapter 403 certification process or, alternatively, for lines less than 20 miles in length, a preliminary review could be performed. In this latter case a preliminary finding of probable substantial regional impact would be sufficient to send the line through the full Chapter 403 certification process; otherwise, it would be exempt from further review.

3. The two bills differ significantly in their approach to the content of the separate reports from the DCA, the appropriate water management district, and the Game and Fresh Water Fish Commission. The Senate bill (see pages 14 and 15) restricts agency comments to the impact of the proposed transmission
line on "matters within its jurisdiction." The House bill follows the existing act in specifying that in addition to "matters within its jurisdiction" the DCA shall comment on the impact of the line on land use, the water management district shall comment on the impact on water resources, and the GFC shall comment on the impact on fish and wildlife resources. This approach is preferable to that of the Senate bill for two reasons: (a) it is our experience that determining what truly are matters within an agency's jurisdiction is problematic and subject to argument and that therefore it is better to state in the act what matters an agency is to comment on; and (b) regardless of what are eventually determined to be matters within an agency's jurisdiction, it is useful and appropriate for the act to specify that the impacts of a proposed line upon land use, water resources, and fish and wildlife resources be addressed by state agencies. An indication that the Senate bill means to be restrictive on agency comments is also found in lines 21-26 on page 15: "For each condition (on transmission line certification) proposed by an agency, the agency shall list the specific statute, rule or ordinance, as applicable, which authorizes the proposed condition." We also oppose this provision as being unduly restrictive and unnecessary—insasmuch as no condition proposed by an agency will be incorporated into the certification if it is unreasonable. The House bill does not have this provision and is therefore preferable.

4. Section 4 in both bills relates the powers and duties of the Department of Environmental Regulation. The House bill, on lines 18-23 on page 10, sets forth an additional duty of the agency, as subsection (16):

To include in the report required by s.403.526(2), and to adduce evidence at the certification hearing on, any known or expected adverse effects on the environmental and public health, safety and welfare which are not included in the substantive jurisdiction of a state agency.

We recommend adoption of this provision, because it would help insure that all impacts of a transmission line are presented for consideration.

5. In section 4 of the Senate bill, lines 9-10 on page 8, and similarly in the House bill, lines 29-30 on page 7, is a prohibition against an agency seeking reimbursements from the application fee for work performed by full-time state agency employees. Effective 1 July 1983 this agency will no longer
have any power plant siting staff, and it is likely that OPS employees would carry out some of the work needed to review and comment on transmission line applications. We would have to be able to charge this expense to the application fee as we will receive no budget allocation for this function.

6. Section 2 of the Senate bill, line 10 of page 3, contains the phrase "legislatively recognized interests of the public." The House bill retains the original "broad interests of the public." The language of the Senate bill would require a cumbersome, involved determination of exactly what are the "legislatively recognized" interests of the public. If "broad interests" does not suffice, and we think it does, then the act should specify what those interests are.

I appreciate the opportunity to comment on this proposed legislation affecting this agency's statutory responsibilities and would be pleased to discuss it with you further.

Sincerely,

Joan M. Heggen

JMH/PD/jh

cc: House Natural Resources Committee Staff
MEMORANDUM

TO: Senator Carlucci
FROM: Charlie McCoy
THROUGH: Wayne Voigt
SUBJECT: Transmission Line Siting (CS/SB 111)

I understand the transmission line bill will be placed on the special order calendar for Thursday, April 28. The interested parties have agreed to substitute the House version (HB 1175) for the Senate bill. Attached is my analysis of CS/SB 111 as it left the Natural Resources Committee, and the House bill.

Both the Senate and House versions extend the overall time frame for transmission line siting, provide for better public notice and proposal of alternate corridors, authorize DER to consider health effects of electromagnetic fields, increase certification fees, specify factors that the Cabinet must consider when certifying a corridor, and exempt certain transmission lines from the DRI review process:

Major differences between the Senate (CS/SB 111) and House (HB 1175) versions are:

1. **DER Studies:** HB 1175 allows DER to initiate studies outside its jurisdiction upon consent of another agency that has jurisdiction over the matter. CS/SB 111 requires written request by another agency.

2. **DER Report to Hearing Officer and Parties:** HB 1175 allows DER to include "recommendations relating to disposition of the application"; CS/SB 111 does not.
3. Exemptions: HB 1175 removes DER authorization to "process exemptions," but requires a utility to notify the DER of its intent to construct an exempt transmission line. HB 1175 exempts lines less than 15 miles long; CS/SB 111 exempts lines less than 20 miles long.

4. Rebuttal Evidence by DER: HB 1175 empowers DER to present rebuttal evidence at certification hearings; CS/SB 111 does not.

5. Preliminary Agency Reports: HB 1175 requires reviewing agencies to submit preliminary reports to DER for use by local governments at public meetings; CS/SB 111 does not.

6. Other Parties: HB 1175 allows interest groups to become parties by filing a notice of intent with the hearing officer; CS/SB 111 requires a petition for intervention.

7. Local Informational Meetings: HB 1175 provides that local governments may hold public informational meetings; CS/SB 111 has no similar provisions.

8. Effect of Certification: HB 1175 makes certification valid for the life of the transmission line, if construction, land acquisition or condemnation begins within 5 years; CS/SB 111 requires construction within 15 years.

If you have further questions, please call.

CM/dv