

Certified Cassette Tapes
of
House of Representatives
Committee on Environmental
Protection, Subcommittee on
Permits.

Feb. 27 and March 27, 1973

(Two Tapes Total)

Filed 12/17/98 with

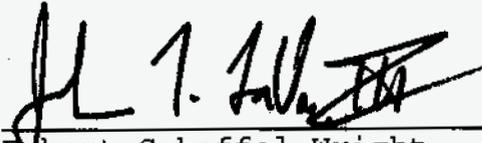
Document no. 14134-98

Stored at The PSC

addition, Joint Petitioners have provided a copy of transcribed excerpts of portions of the tape recordings identified in item 3.¹

WHEREFORE, Joint Petitioners request that the Commission take judicial notice of each of the foregoing items.

Respectfully submitted this 17th day of December, 1998.



Robert Scheffel Wright
Florida Bar No. 966721
John T. LaVia, III
Florida Bar No. 853666
LANDERS & PARSONS, P.A.
310 West College Avenue (ZIP 32301)
Post Office Box 271
Tallahassee, Florida 32302
Telephone (850) 681-0311
Telecopier (850) 224-5595

Attorneys for the Utilities Commission,
City of New Smyrna Beach, Florida,

and

Duke Energy New Smyrna Beach Power
Company Ltd., L.L.P.

¹Joint Petitioners have filed with the Commission one certified copy of the tape recordings referenced in item 3 above, and provided parties with transcribed excerpts of the tape recordings.

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CERTIFICATE OF SERVICE
DOCKET NO. 981042-EM

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by hand delivery (*) or by United States Mail, postage prepaid, on the following individuals this 17th day of December, 1998:

Leslie J. Paugh, Esquire*
Florida Public Service Commission
2540 Shumard Oak Boulevard
Gunter Building
Tallahassee, FL 32399

Gail Kamaras, Esquire
LEAF
1114 Thomasville Road
Suite E
Tallahassee, FL 32303-6290

Charles A. Guyton, Esquire*
Steel Hector & Davis
215 South Monroe Street
Suite 601
Tallahassee, FL 32301

Gary L. Sasso, Esquire
Carlton, Fields et al
P.O. Box 2861
St. Petersburg, FL 33733

William G. Walker, III
Vice President, Regulatory Affairs
Florida Power & Light Co.
9250 West Flagler St.
Miami, FL 33174

Lee L. Willis, Esquire
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

William B. Willingham, Esquire
Michelle Hershel, Esquire
FL Electric Cooperatives Assoc., Inc.
P.O. Box 590
Tallahassee, FL 32302

Terry L. Kammer, COPE Director
System Council U-4, IBEW
3944 Florida Blvd., Suite 202
Palm Beach Gardens, FL 33410

Susan D. Ritenour
Asst. Secretary & Asst. Treasurer
Gulf Power Company
One Energy Place
Pensacola, FL 32520-0780

John Schantzen
System Council U-4, IBEW
3944 Florida Blvd., Suite 202
Palm Beach Gardens, FL 33410

Jeffrey A. Stone, Esquire
Beggs & Lane
P.O. Box 12950
Pensacola, FL 32576-2950

J. Roger Howe, Esquire
Office of Public Counsel
111 W. Madison Ave., Room 812
Tallahassee, FL 32399-1400

Jon Moyle, Jr.
Moyle Flanigan Katz
210 South Monroe Street
Tallahassee, FL 32301



Attorney

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By Representative Spicola

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A bill to be entitled
An Act relating to electrical power
plant siting; creating the Florida
electrical power plant siting act;
providing legislative intent; pro-
viding definitions; establishing powers
of the department of pollution control;
providing that this act shall apply
to all steam electrical generating
plants and associated transmission
lines; providing procedures for
certification; providing for an
application fee; requiring the filing
of a ten-year site plan by electric
utilities; providing for studies and
public hearings; providing that applica-
tions shall be acted upon within twelve
months of application; providing that
the regulation of electric utilities is
preempted by the state; providing
that certification by the pollution
control board is final state approval
for the utility; providing for
revocation of certification; providing
for judicial review; providing for
enforcement and penalties; providing
for severability; providing an
effective date.

This public document was promulgated at a base cost of \$6.24 per page for 500 copies and \$1.35 per page for distribution for the purpose of informing members of the Legislature and the public of actions of the House of Representatives.

G O P Y

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DEPARTMENT OF STATE
R. A. GAYBORN, JR.
Tallahassee, FL 32301-0000
Series 19 Canton 222

Attachment 1

001686

1 Be It Enacted by the Legislature of the State of
2 Florida:

3
4 Section 1. Sections 403.501 - 403.516 shall
5 be known and cited as the Florida Electrical Power
6 Plant Siting Act.

7 403.501 Legislative intent.--The Legislature
8 finds that the present and predicted growth in
9 electric power demands in the state of Florida re-
10 quires the development of a procedure for the
11 selection and utilization of sites for electrical
12 generating facilities and the identification of a
13 state position with respect to each proposed site.
14 The legislature recognizes that the selection of
15 sites and the routing of associated transmission lines
16 will have a significant impact upon the welfare of
17 the population, the location and growth of industry
18 and the use of the natural resources of the state.

19 It is the policy of the state of Florida that,
20 while recognizing the pressing need for increased
21 power generation facilities, the state shall ensure
22 through available and reasonable methods, that the
23 location and operation of electrical power plants
24 will produce minimal adverse effects on human health,
25 the environment, the ecology of the land and its
26 wildlife, and the ecology of state waters and their
27 aquatic life.

28 It is the intent to seek courses of action
29 that will fully balance the increasing demands for
30 electrical power plant location and operation with
31 the broad interests of the public. Such action will

1 be based on these premises:

2 (1) To assure the citizens of Florida that
3 operation safeguards are technically sufficient for
4 their welfare and protection.

5 (2) To preserve and protect the quality of
6 the environment; to enhance the public's opportunity
7 to enjoy the esthetic and recreational benefits of
8 the air, water and land resources; to promote air
9 cleanliness; and to pursue beneficial changes in the
10 environment.

11 (3) To provide abundant low-cost electrical
12 energy.

13 403.502 Definitions.--

14 (1) "Applicant" means any electric utility
15 which makes application for a site location certi-
16 fication pursuant to the provisions of this chapter.

17 (2) "Application" means any request for
18 approval of a particular site or sites filed in
19 accordance with the procedures established pursuant
20 to this chapter.

21 (3) "Person" means an individual, partnership,
22 joint venture, private or public corporation, associa-
23 tion, firm, public service company, political sub-
24 division, municipal corporation, government agency,
25 public utility district or any other entity, public
26 or private, however organized.

27 (4) "Electric utility" means cities and
28 towns, counties, public utility districts, regulated
29 electric companies, electric cooperatives and joint
30 operating agencies, or combinations thereof, engaged
31 in or authorized to engage in the business of

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1 generating, transmitting or distributing electric
2 energy.

3 (5) "Site" means any proposed location where-
4 in a power plant, power plant alteration or addition,
5 related or supporting facilities, and transmission
6 lines will be located, including offshore sites with-
7 in state jurisdiction.

8 (6) "Certification" means a binding agreement
9 between an applicant and the state which shall em-
10 body compliance to the siting guidelines adopted
11 pursuant to this act as conditions to be met prior
12 to or concurrent with the construction or operation
13 of any electrical power plant coming under this
14 chapter.

15 (7) "Major transmission lines" means
16 new transmission lines carrying 200,000 volts or
17 more of electricity.

18 (8) "Electrical power plant" means for the
19 purpose of certification, any steam electrical gen-
20 erating facility using any process or fuel, including
21 nuclear materials.

22 (9) "Department" means the Department of
23 Pollution Control.

24 (10) "Board" means the Florida Pollution
25 Control Board.

26 (11) "Division" means the Division of State
27 Planning of the Department of Administration.

28 (12) "State comprehensive plan" means that
29 plan prepared in accordance with the provisions of
30 part I of chapter 23, Florida Statutes.

1 403.503 Department of Pollution Control;
2 powers enumerated.--The department of pollution
3 control shall have the following powers in relation
4 to this act:

5 (1) With board approval, to adopt, promulgate,
6 amend, or rescind suitable rules and regulations to
7 carry out the provisions of this chapter and the
8 policies and practices in connection therewith;

9 (2) To develop and apply environmental and
10 ecological guidelines in relation to the location of
11 electrical power plant sites and major transmission
12 line routes;

13 (3) To prescribe the form, content, and nec-
14 essary supporting documentation for site certifica-
15 tion;

16 (4) To receive applications for final site
17 locations and to investigate the sufficiency thereof;

18 (5) To make, and contract for, when
19 applicable, studies of electrical power plant sites
20 and transmission line routes proposed by the appli-
21 cant;

22 (6) To conduct hearings on the proposed
23 location of the electric power plant sites and, major
24 transmission line routes;

25 (7) To require an application fee not to
26 exceed \$25,000; such fee to be paid upon each
27 application for certification.

28 (8) To prepare written reports to the
29 pollution control board which shall include:

30 (a) a statement indicating whether the
31 application is in compliance with the department's

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1 guidelines,

2 (b) The need for electricity in the area to
3 be served,

4 (c) The environmental effects of the construc-
5 tion and operation of the electrical power plant, and

6 (d) a recommendation as to the disposition
7 of the application.

8 (9) To notify all concerned state or local
9 agencies, and report any comments received from said
10 agencies to the board.

11 (10) To prescribe the means for monitoring
12 the effects arising from the construction and the
13 operation of electrical power plants, and where
14 applicable, major transmission lines, to assure
15 continued compliance with terms of certification.

16 403.505 Ten year site plans.--

17 (1) Beginning January 1, 1974, each electric
18 utility shall submit to the division of state
19 planning a ten-year site plan which shall estimate
20 the power generating needs and the general location
21 of proposed plants and major transmission line sites
22 for the utility. The ten-year plan shall be reviewed
23 and submitted not less frequently than every two
24 years. Upon receipt of the plan it shall be the duty
25 of the division to make a preliminary study of each
26 plan within twelve months and to classify each
27 proposed site as "suitable" or "unsuitable". The
28 division may suggest alternate sites. Unless the
29 electric company whose site has been declared unsuit-
30 able offers substantial evidence to the contrary,
31 such site shall be deleted from the plan and the

1 electric utility shall not thereafter apply for site
2 approval at that location. All findings of the
3 division shall be made available to the department
4 for its consideration at any subsequent certification
5 proceedings. It is recognized that ten-year site
6 plans submitted by an electric utility are tentative
7 information only and are subject to change at any
8 time at the discretion of the utility. In its
9 preliminary study of each site, the division may
10 consider:

11 (a) The need for electrical power in the area
12 to be served by the proposed site.

13 (b) The anticipated environmental impact at
14 the proposed site.

15 (c) Possible alternatives to the proposed
16 site.

17 (d) The views of appropriate local, state
18 and federal agencies.

19 (e) Conformance with the state comprehensive
20 plan.

21 (2) To enable it to carry out its duties
22 under this section, the division may, after hearing,
23 establish a study fee which shall not exceed \$1,000
24 for each proposed site studied.

25 403.506 Applicability and certification.--

26 (1) Provisions of this chapter shall apply
27 to any electrical power plant or major transmission
28 line as defined herein. No construction of any
29 new electrical power plant or expansion in steam
30 generating capacity of any existing electrical
31 power plant may be undertaken

1 after July 1, 1973, without first obtaining certifi-
2 cation in the manner as herein provided, except that
3 this chapter shall not apply to any such electrical
4 power plant or major transmission line presently
5 operating, or under construction, or which has,
6 upon the effective date of this act, applied for a
7 permit or certification under requirements in force
8 prior to the effective date of this act, or to any
9 new transmission lines constructed on existing trans-
10 mission line rights of way.

11 (2) Applications for certification shall be
12 upon forms prescribed by the department and shall be
13 supported by such pertinent information and technical
14 studies as the department may require.

15 (3) After July 1, 1974, all applications
16 shall be filed with the department at least three
17 years prior to the proposed beginning of construction
18 and one year prior to the exercise of the right of
19 eminent domain in connection therewith. The depart-
20 ment may, in its discretion, waive the time require-
21 ment upon a showing by the applicant that an emergency
22 exists.

23 403.507 Detailed studies to be conducted.--

24 (1) It shall be the duty of the department to
25 notify the division of state planning within 10 days
26 of receipt of an application for site certification.
27 The division shall review and update the studies on
28 the site made under provisions of section 403.505 and
29 shall present its recommendations to the department
30 within six months of receipt of notification; provi-
31 ded that if the

1 application is for a site which was not studied under
2 provisions of section 403.505, the division shall
3 immediately institute such studies and
4 shall make its recommendations to the department
5 within twelve months of its receipt of notification
6 of the application for certification.

7 (2) It shall be the duty of the department
8 to conduct its own independent study of the need for
9 and the probable effects of the proposed power
10 generating facility upon the environment.

11 (3) All reasonable expenses associated
12 with the studies required by paragraphs (1) and (2)
13 of this section shall be paid from the application
14 fee required by section 403.503(7).

15 403.508 Public hearings.--

16 (1) The department shall conduct an initial
17 public hearing in the county of the proposed site
18 within sixty days of receipt of an application for
19 site certification; provided that the place of such
20 public hearing shall be as close as possible to the
21 proposed site.

22 (2) The department must determine at the
23 initial public hearing whether or not the proposed
24 site is consistent and in compliance with existing
25 land use plans and zoning ordinances. If it is
26 determined that the proposed site does conform with
27 existing land use plans and zoning ordinances in
28 effect as of the date of the application, the
29 responsible zoning authority, or planning authority
30 shall not thereafter change such land use plans or

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1 zoning ordinances so as to affect the proposed
2 site. If it is determined that the proposed site
3 does not conform, it shall be the responsibility of
4 the applicant to make the necessary application for
5 rezoning. No further action may be taken by the
6 department until the proposed site conforms to
7 existing land use plans or zoning ordinances. The
8 initial hearing may consider any other matter
9 appropriate to consideration of the site.

10 (3) At least one additional public hearing
11 shall be held by the department in the exercise of
12 its functions under this chapter, prior to acting
13 upon the application.

14 (4)(a) The parties to a certification hearing
15 shall include:

16 1. The applicant.

17 2. The public service commission and the
18 division of state planning, each county and municipal
19 government and any other state agency which may have
20 an interest in the proposed site that have filed
21 with the department, not less than ten days prior
22 to the date set for hearing, a notice of intent to
23 be a party.

24 3. Any domestic nonprofit corporation or
25 association formed in whole or in part to promote
26 conservation or natural beauty, to protect the
27 environment, personal health or other biological
28 values, to preserve historical sites, to promote
29 consumer interests, to represent commercial or
30 industrial groups, or to promote orderly development

1 of the area in which the site is located, that has
2 filed with the department, not less than ten days
3 prior to the date set for hearing, a notice of in-
4 tent to be a party.

5 4. Such other persons as the department or
6 hearing officer may at any time deem appropriate.

7 (b) Any person may present written or oral
8 testimony relative to the need for, or the effects
9 of, the proposed electrical power plant.

10 403.509 Recommendations to pollution control
11 board.--

12 (1) The department shall consider all
13 evidence presented at the hearings as well as infor-
14 mation gathered in any studies, and shall report to
15 the board its recommendations for the disposition of
16 an application for certification no later than twelve
17 months after receipt of such an application, or such
18 later time as is mutually agreed by the department
19 and the applicant; provided that if the site had not
20 been considered under provisions of section 403.505,
21 the department may extend the time to 18 months.

22 (2) Within sixty days of receipt of the
23 department's report the board shall act upon the
24 application by written order approving or denying the
25 issuance of a certificate and stating the reasons for
26 issuance or denial.

27 (3) The issuance or denial of the certifica-
28 tion by the board shall be the final administrative
29 action required as to that application.

1 (4) Upon approval by the board of the appli-
2 cation for certification the chairman of the board
3 shall within thirty days compose and submit a certi-
4 fication agreement for execution by the board and
5 the applicant.

6 403.510 Superseded laws, regulations and
7 certification power.--

8 (1) If any provision of this act is in con-
9 flict with any other provision, limitation or
10 restriction which is now in effect under any law or
11 ordinance of this state or any political subdivision
12 or municipality, or any rule or regulation promul-
13 gated thereunder, this act shall govern and control
14 and such other law, ordinance, rule or regulation
15 promulgated thereunder shall be deemed superseded
16 for the purposes of this act.

17 (2) The state hereby preempts the regulation
18 and certification of electrical power plant sites
19 and electrical power plants as defined in this act.

20 403.511 Effect of certification.--

21 (1) Subject to the conditions set forth
22 therein, any certification agreement signed by the
23 chairman of the pollution control board
24 shall bind the state or any of its departments,
25 agencies, divisions, bureaus, commissions or boards
26 as to the approval of the site and the construction
27 and operation of the proposed electrical power plant
28 and major transmission lines.

29 (2) The certification agreement shall autho-
30 rize the electric utility named therein to acquire
31 the necessary site and to construct the proposed

1 electrical power plant and major transmission lines
2 subject only to the conditions set forth in such
3 certification.

4 (3) The issuance of a site certification
5 shall be in lieu of any permit, certificate or
6 similar document required by any other department,
7 agency, division, bureau, commission or board of
8 this state, or any local agency, but shall not
9 affect in any way the rate-making powers of the
10 public service commission under chapter 366, Florida
11 Statutes.

12 403.512 Revocation or suspension of certifi-
13 cation.--Any certification may be revoked or
14 suspended:

15 (1) For any material false statement in the
16 application or in the supplemental or additional
17 statements of fact or studies required of the appli-
18 cant when a true answer would have warranted the
19 board's refusal to recommend a certification in the
20 first instance; or

21 (2) For failure to comply with the terms or
22 conditions of the original certification; or

23 (3) For violation of the provisions of this
24 chapter, or regulations or orders issued hereunder.

25 403.513 Review.--

26 (1) The approval or rejection of an applica-
27 tion for certification by the pollution control board
28 shall be subject to judicial review.

1 (2) Any rules and regulations adopted by the
2 department pursuant to this act shall be subject to
3 judicial review.

4 403.514 Enforcement of compliance.--Viola-
5 tions of this act shall be enforced as provided in
6 sections 403.121, 403.131, 403.141, and 430.161,
7 Florida Statutes.

8 403.515 Availability of information.--The
9 department shall make available for public inspection
10 and copying during regular office hours at the
11 expense of any person requesting copies, any infor-
12 mation filed or submitted pursuant to this chapter.

13 403.516 Severability.--If any provision
14 of this act, or its application to any person or
15 circumstance is held invalid, the remainder of the
16 act, or the application of the provisions to other
17 persons or circumstances, is not affected.

18 Section 2. This act shall take effect
19 July 1, 1973.

LEGISLATIVE SUMMARY

Creates the Florida Electrical Power Plant Siting Act, to provide a procedure for the selection and utilization of sites for electrical generating facilities. Authorizes the Department of Pollution Control, with the approval of the Florida Pollution Control Board, to adopt rules and procedures relating to the locating of such facilities. Requires that each electric utility shall submit a 10 year site plan estimating its needs and the general location of proposed plant and major transmission line sites. This plan will be reviewed and submitted not less frequently than every two years. Prohibits the construction of electrical facilities without a site plan and certification after study of the proposal, if acceptable. Costs of the site studies will be covered by application expenses, not to exceed \$25,000. Requires a public hearing. Provides that this act supercedes any conflicting state or local law. Provides for state preemption in the regulation of electrical utilities. Allows for revocation or suspension of certification. Provides for judicial review. Provides that the enforcement sections of the Florida Air and Water Pollution Control Act may be applied, which include criminal sanctions, injunction and damages.



FLORIDA HOUSE OF REPRESENTATIVES
TALLAHASSEE

COMMITTEE ON ENVIRONMENTAL PROTECTION

Guy W. Spicola, Chairman
Jack Shreve, Vice Chairman

James K. Lewis
Director of Staff

The Capitol
Tallahassee, Florida 32304

S U M M A R Y

Committee on Environmental Protection

Tuesday, March 27, 1973

The Committee on Environmental Protection met on Tuesday, March 27, 1973, in Room 415 House Office Building at 2:30 p.m., with the following members in attendance:

Rep. Spicola	Rep. Malloy
Rep. Andrews	Rep. Poole
Rep. Becker	Rep. Poorbaugh
Rep. Brown	Rep. G. Robinson
Rep. Dyer	Rep. Rude
Rep. Grizzle	Rep. Shreve
Rep. Hair	Rep. Tolton
Rep. James	Rep. Tubbs
Rep. Lockward	Rep. Young

A quorum was present.

The Chairman called the meeting to order and asked for a Subcommittee report from Rep. Andrews on House Bill 149. Rep. Andrews moved that HB 149 be considered as a committee substitute, which was the wish of the Permits Subcommittee. Three amendments were adopted by the Committee. Rep. Lockward offered an amendment on page 14, line 11, to strike the period and insert "; provided, however, this act shall not affect the right of any local government to charge an appropriate fee such as would be required under any local building code." Amendment was adopted. Dr. Tubbs offered an amendment on page 5, line 4, to add after the word "steam", "or solar". Amendment was adopted. Dr. Tubbs offered an amendment on page 11 and 12 to change the commas to semicolons after the words "values", "sites", "interests" "groups". Motion was adopted.

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Rep. James offered an amendment on page 7, lines 5 - 10 to strike entire subsection (10), dealing with transmission lines. His amendment failed 9 to 9. Dr. Tubbs moved to reconsider the vote by which Rep. James' amendment failed. Motion was adopted by a vote of 10-8. After hearing from Richard Jones, Florida Power Corporation and Jim Woodroffe, Tampa Electric Company, a vote on Rep. James' original amendment was taken with a result of 8 yeas and 10 nays.

Rep. Andrews moved the adoption of HB 149 as a Committee Substitute with the 3 approved amendments incorporated. The bill was reported favorable by the committee by a vote of 18 to 0.

There being no further time, Rep. Hair moved that the committee adjourn. Meeting adjourned at 4:35 p.m.



FLORIDA HOUSE OF REPRESENTATIVES
TALLAHASSEE

COMMITTEE ON ENVIRONMENTAL PROTECTION

Guy W. Spicola, Chairman
Jack Shreve, Vice Chairman

James K. Lewis
Director of Staff

The Capitol
Tallahassee, Florida 32304

S U M M A R Y

Subcommittee on Permits

Tuesday, March 27, 1973

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FLORIDA STATE ARCHIVES
DEPARTMENT OF STATE
R. A. GRAY BUILDING
Tallahassee, FL 32399-0250
Series 19 Carton 222

The Subcommittee on Permits met on Tuesday, March 27, 1973, at 10:00 a.m., in Room 415 House Office Building, with the following members in attendance:

- | | |
|--------------|--------------|
| Rep. Andrews | Rep. Tolton |
| Rep. Grizzle | Rep. Young |
| Rep. Rude | Rep. Spicola |

A quorum was present.

The Chairman called on Representative Spicola, sponsor of HB 149, relating to power plant siting, to discuss the bill. He briefly outlined the bill and then asked Jim Lewis, Director of Staff, to go over the proposed amendments, some 39 plus amendments. Rep. Spicola moved the adoption of each amendment. The amendments were taken in order as proposed; numbers 1 through 13 with a change in number 13 to strike the word "rescind" were reported favorably. Number 14 was reported favorably. A change in #15 to "give adequate public notice and to directly" notify state agencies was incorporated and adopted. Number 16 was adopted. Amendment #17, the words "power plant sites" was included and the words "and the directly associated transmission lines" was deleted and then reported favorably. Amendments #18 - 21 were adopted favorably. In amendment #22, January 1, 1974, was changed to "October 1, 1973" and so adopted. Amendment #23, 24 and 25 were adopted. In amendment #26, six months was changed to three months and adopted. In amendment #27, the commas were changed to semicolons and adopted. Amendment #28 was approved as were 29-32. In amendment #33, the words "and operate" were included after the word construct. Amendment #34 was unfavorable.

Amendment #35 was adopted. In amendment #36, chapters 373 and 298 were included, and adopted. Amendments #37 and 38 were adopted. Amendment #39, the word "commission" was changed to "agency", and approved. Representative Rude offered an amendment on page 11, line 26 to insert a new sentence to read: "If the certificate is denied or approved with modifications, the board shall set forth in writing the action the applicant would have to take to secure the board's approval of the application." His amendment was adopted.

After going through the numerous amendments, the subcommittee voted to report the bill as amended to the full committee with the recommendation that the bill be considered as a committee substitute. Motion was adopted.

House Bill 232, by Representative Spicola, relating to monitors, was discussed. Rep. Rude offered an amendment to change the effective date of the bill to October 1, 1973. Motion was adopted. The bill as amended was reported favorably by the subcommittee.

There being no further business before the subcommittee at that time, Representative Grizzle moved that the meeting adjourn. Motion was adopted. Meeting adjourned at 11:45 a.m.

Typewrite, if possible. If ball point pen used, press HARD for carbons

118 Q 12702

Representative s

~~By _____~~

Rude

fav.

Subcom.

HB 149

SB _____

offered the following amendment:

On page 118, line 26, ~~XXXX~~ after

the period (.)

and insert the following:

If the certificate is denied or approved with modifications, the Board shall set forth in writing the action the applicant would have to take to secure the Board's approval of the application.

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001700

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____

#1

HR 140

SB _____

offered the following amendment:

On page 1, line 6, ~~strike~~ after

act;

Law

and insert the following:

creating sections 403.501 - 403.516, Florida Statutes;

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001701

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative 5 / The Committee on _____

#2

HB 149

SB _____

offered the following amendment:

On page 1, line 9, strike after

Jan

control

and insert the following:

and the division of state planning

Mr _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001702

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____

#3

HB 149

SB _____

offered the following amendment:

On page 2, line 4, ~~strike~~ after

fav.

403,516

and insert the following:

are created and

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001703

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative 5 / The Committee on _____

#6

HB 149

SB _____

offered the following amendment:

fav.

On page 3, line 5-10, strike

all of lines 5-10

and insert the following:

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

Mr. _____ moved the adoption of the amendment.

which was adopted.

which failed of adoption.

001706

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____

HB 149

SB _____

#7

law

offered the following amendment:

On page 3, line 20, strike
chapter

and insert the following:

act

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001707

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____

#8

HB 110

SB _____

offered the following amendment:

fav.

On page 3, line 21, strike

individual

and insert the following:

individual

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001708

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____

#10

HB 149

SB _____

offered the following amendment:

On page 4, line 8-14, strike

fav.

all of lines 8-14

and insert the following:

(6) "Certification" means the written order of the board approving an application in whole or with such modification as the board may deem appropriate, which order shall constitute a binding agreement between the applicant and the state requiring compliance with the provisions of the order as conditions to be met prior to or concurrent with the construction or operation of any electrical power plant coming under this ~~act~~ ^{act}.

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____

#11

HB 149

SB _____

offered the following amendment:

On page 4, line 15-17, strike

fav.

all of lines 15-17

and insert the following:

renumber following subsections

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____

HE 149

SB _____

offered the following amendment:

#12

On page 4, line 21, strike

fav.

the period

and insert the following:

_____, and shall include those directly associated transmission
lines required to connect the electrical power plant to an
existing transmission network.

Mr. _____ moved the adoption of the amendment.

which was adopted.

which failed of adoption.

001712

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____

#13

HB 149

SB _____

offered the following amendment:

On page 5, line 5-12, strike

fav.

all of lines 5-12

and insert the following:

(1) To adopt, promulgate, ^o amend ~~and~~ reasonable rules to carry out the provisions of this act, including rules setting forth environmental precautions to be followed in relation to the location and operation of electrical power plants.

Renumber following subsections

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001713

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative The Committee on _____

HR 749

SB _____

offered the following amendment:

#14

fav.

On page 5, line 28-29, strike

to the pollution control board

and insert the following:

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001714

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s / The Committee on _____

HB 149

SB _____

#15

fav.

offered the following amendment:

On page 6, line 1-15, strike

all of lines 1-15

and insert the following:

rules.

(b) The need for electricity in the area to be served, including the report from the public service commission required by section 403.507.

(c) The environmental effects of the construction and operation of the electrical power plant, and

(d) A recommendation as to the ~~disposition~~ disposition of the application.

(8) To ^{give adequate public notice to directly} notify all concerned state or local agencies, and report any comments received from said agencies to the board and the applicant.

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

Mr. _____ moved the adoption of the amendment.

which was adopted.

which failed of adoption.

001715

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative ~~s/~~ The Committee on

#16

HB 149

SB

Law.

offered the following amendment:

On page 6 after line 15, strike

Horizontal lines for text entry.

and insert the following:

(10) after a public hearing, adopt rules for procedures to be followed to certify the routes of major transmission lines which are not directly associated with the construction of a new electrical power plant. Such rules shall exempt transmission lines of less than 230 kilovolt capacity.

Horizontal lines for text entry.

Mr. moved the adoption of the amendment,

which was adopted.

which failed of adoption.

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____

HB 149

offered the following amendment:

#20

SB _____

On page 7, line 11, ~~HERE~~ after

fav.

need

~~and~~ insert the following:

, including the need as determined by the Florida public service
commission,

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative 5 / The Committee on _____

HB 1100

SB _____

offered the following amendment:

#21

fav.

On page 7, line 12-16, strike

all of lines ~~12-16~~ 16

and insert the following:

to be carved.

(b) The anticipated environmental impact of an electrical power plant in the area.

(c) Possible alternatives to the proposed plan.

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s / The Committee on _____

HB 1169

offered the following amendment:

SB _____

#26

fav'

On page 2-9, line 24-6, strike

all of lines 24-31 on page 9 and lines 1-6 page 9

and insert the following:

(1) It shall be the duty of the department to notify the division of state planning and the public service commission within 10 days of receipt of an application for site certification. The division shall review and update the studies made under provisions of section 402, 505 and shall present its recommendation to the department within three months of receipt of notification. The public service commission shall prepare a report and recommendation as to the present and future needs for electrical generating capacity in the area to be served by the proposed site and shall submit its findings to the department within three months of receipt of notification. The applicant, at its cost, shall furnish such information, studies and data as the department, division or public service commission may direct.

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001725

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____

HR 149

SB _____

offered the following amendment:

#29

On page 11, line 19-21, strike

Law

all of 19-21 after the word "applicant"

and insert the following:

~~the word "applicant"~~

a period (.) after "applicant"

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001728

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____

HB 149

SB _____

offered the following amendment:

#30

fav.

On page 11, line 24, ~~insert~~ after

appropriate

and insert the following:

in whole or with such modifications as the board may deem appropriate

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001729

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s / The Committee on _____

#31

HB 130

SB _____

offered the following amendment:

On page 12, line 1-5, strike

for

all of lines 1-5

Blank lined area for the amendment text.

and insert the following:

Blank lined area for the insertion text.

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001730

AMENDMENT -- FOR DRAFTING ONLY

?

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s / The Committee on _____

#33

HB 149

SB _____

offered the following amendment:

On page 12, line 30-31, strike

for.

to acquire the necessary site

and insert the following:

and operate

At _____ moved the adoption of the amendment.

which was adopted.

which failed of adoption.

001732

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s / The Committee on _____

#35

HB 149

offered the following amendment:

SB _____

On page 13, line 7, strike after

law

commissioner

and insert the following:

, district

Mr _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001734

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative The Committee on _____

#36

HR 149

SB _____

offered the following amendment:

On page 13, line 8, strike after

for.

and insert the following:

including but not limited to those documents, permits or certificates
which may be required under chapters, 253, 380, 387, 381, 378,
370 and 161, Florida Statutes.

373 & 298

- 253 - Dredge and fill
- 380 - Developments of Regional Impact
- 387 - drainage & disposal wells
- 381 - Impoundments
- 378 - Flood control
- 370 - coastal construction
- 161 - coastal construction

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001735

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s/ The Committee on _____

#37

HB 149

SB _____

Offered the following amendment:

On page 11, line 1-2, strike

law.

by the department

and insert the following:

Mr _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001736

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s / The Committee on _____

#38

HB 140

SB _____

offered the following amendment:

On page 14, line 12, strike

fav.

chapter

and insert the following:

act

Mr _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001737

AMENDMENT -- FOR DRAFTING ONLY

(MUST BE TYPED ON FORM H-29 OR H-39 BEFORE PRESENTATION)

Representative s / The Committee on _____

#39

HB 149

SB _____

offered the following amendment:

On page 14, line 18-19, strike

all of line 18-19

and insert the following:

Section 2. In the event the Legislature reorganizes the agencies dealing with environmental programs into a single agency under the direction of a secretary, the authority to receive reports and execute certification orders set forth in section 403.509, ~~the~~ shall be vested in the appropriate agency with authority to adopt rules relating to permits and air and water quality.

Section 3. This act shall take effect July 1, 1973.

Mr. _____ moved the adoption of the amendment,

which was adopted.

which failed of adoption.

001738

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I, Jim Berberich, Chief, Bureau of Archives and Records Management, Division of Library and Information Services, Florida Department of State, hereby certify that the 1973 records of the Florida Legislature have been transferred to the custody of the Florida State Archives pursuant to the provisions of Chapter 257, Florida Statutes, and that I am, by the terms of that transfer, the official custodian of the records.

I further certify that the staff of the Florida State Archives duplicated the cassette tape(s) of the House Environmental Protection, Environmental Protection Subcommittee, and House Environmental Committee, Permits and Environmental Quality Subcommittee dated March 27, 1973 and labeled the duplicate(s) as a copy from the Florida State Archives. The original tapes are located in Series 414, Box 99.

WITNESSES MY SIGNATURE, this ninth day of December, 1998.

JIM BERBERICH, Chief
Bureau of Archives and Records Management

Jim Berberich

Florida State Archives



**TRANSCRIBED EXCERPT OF MARCH 27, 1973 MEETING OF THE HOUSE
COMMITTEE ON ENVIRONMENTAL PROTECTION/SUBCOMMITTEE ON PERMITS**

Woodruff: Mr. Chairman, I understand Mr. Alan's question ... to be ... first need for electricity and I think really what he was aiming at is the right kind of ... was not the need that he was questioning, but the need in the area. Of course, Gulf Power is part of the Southern Company and of course all of the electric generating facilities within the state are intertied as you know.

Rep. Spicola: That's one of our points, Mr. Woodruff, is we're not going to let Georgia build their plants down here and pollute us and run the power up to Georgia. I think we ought to have a need in the area.

Woodruff: Let me switch the situation. In peninsular Florida where it doesn't involve the Southern company; but say it involves Tampa Electric Company, City of Lakeland the other industrial utilities ... part of our building plan is to interspace where one year we will build a plant and next year maybe Florida Power Corporation will build a plant ... some intermediate period, the City of Lakeland may build a plant. These are three systems on the west coast of Florida that are intertied. What it means is that each company doesn't have to have a particular amount of steady reserve over investment of capital. We can call on one another and where the City of Lakeland or Tampa Electric Company may not be able to justify the particular need in our area (this is in the area served); we can justify that in the area served by Florida Power Corporation, Lakeland and TECO on an interim building schedule. This is part of overall planning.

Rep. Spicola: I know what you are talking about flipflop building but what you do is that you build a plant big enough to meet your future needs and you got some excess capacity which you sell off to somebody that needs some.

Woodruff: That's correct.

Rep. Spicola: But you anticipate that within about 10 years your needs are going to outstrip this capacity and so the other people you have been selling to are going to build in the interim and they will have excess capacity that they will sell back to you. That's the simple need in the area. It's just what point and time.

Woodruff: Ok, if you feel that's broad enough to cover the entire area as opposed to one particular company's service area ...

Rep. Spicola: This thing is so broad that I don't see how in the world even Gulf Power could say look we want to build this capacity plant --we're going to serve some part of Georgia because I think sooner or later Florida and Georgia are going to have to be concerned about their mutual welfare and we're not going to say you can't build one. That's going to be an area, you know. And, there's going to be a need in the area. And, I don't see how in the world this limits anybody to anything.

**TRANSCRIBED EXCERPT OF MARCH 27, 1973 MEETING OF THE HOUSE
COMMITTEE ON ENVIRONMENTAL PROTECTION/SUBCOMMITTEE ON PERMITS**

Woodruff: We understand that we are talking about a broad area and I hope that it will be interpreted that way so that we can continue to do this economic type of building so that each company doesn't have to build each year.

001741