

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

IN RE: FLORIDA POWER AND LIGHT
COMPANY; ANDYTOWN-OASIS 500/230 kV
TRANSMISSION LINE SITING
APPLICATION NO. TA26-21

DOAH CASE NO. 26-2609TL
OGC CASE NO. 26-1490

**NOTICE OF SUBMITTAL OF RESPONSES TO AGENCY
COMPLETENESS COMMENTS**

Florida Power & Light Company (FPL), by and through undersigned counsel, hereby serves notice that on July 10, 2026, FPL submitted responses to the Department of Environmental Protection's (DEP) First Determination of Completeness to DEP's Office of Siting Coordination, and to all parties listed on the distribution list attached hereto. Copies of FPL's response is attached to this Notice. See Exhibit A.

Respectfully submitted, this 10th day of July 2026.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via Electronic Transmission on this 10th day of July 2026, to:

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Gregory M. Munson

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ATTACHMENT A



July 10, 2026

Cindy Mulkey, Program Administrator
Siting Coordination Office
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 5500
Tallahassee, Florida 32399-2400

Re: Response to First Determination of Completeness
FPL Andytown-Oasis Transmission Line Project
Transmission Line Siting Act Application No. TA26-21
FDEP Office of General Counsel Case No. 26-1490
Division of Administrative Hearings Case No. 26-2609TL

Dear Ms. Mulkey,

Florida Power & Light Company (FPL) is pleased to submit the enclosed documents in response to the Department's June 26, 2026, First Determination of Completeness regarding the Andytown-Oasis TLSA Application (TA26-21).

The responses are presented in the same sequence as received in the Completeness Determination, with a restatement of each comment in bold followed by FPL's response. Several written responses reference attachments, which are also included herein.

FPL looks forward to continuing to work with the Department during the TLSA application review process. If you should have any questions regarding our response, please do not hesitate to call me at 561-904-3415 or Nick Zweber at 561-348-4387.

Sincerely,

Franck Leblanc
Digitally signed by Franck
Leblanc
Date: 2026.07.10 12:01:09
-04'00'

Franck Leblanc
Director, Environmental Services

Enclosures:

Responses to Completeness Determination with Attachments

**RESPONSE TO FIRST DETERMINATION OF COMPLETENESS FOR
FPL ANDYTOWN-OASIS TRANSMISSION LINE CERTIFICATION APPLICATION**

FPL provides the following responses to the Completeness Questions received by the Siting Coordination Office as provided in the Florida Department of Environmental Protection's First Determination of Completeness, Exhibit A. FPL notes that many of the questions or comments are not completeness related and instead are statements, appear to propose Conditions of Certification, or are seeking information normally addressed as a part of post-certification review. While not acknowledging that these items are completeness related, where practicable FPL has attempted to provide substantive responses to proactively address agency questions. For those items that are more appropriately considered as a proposed condition of certification, FPL is amenable to working with the agencies to incorporate language reflecting applicable requirements in final conditions of certification.

**I. FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
SITING COORDINATION OFFICE (SCO)**

SCO-1. Please provide the EzEMF files used in preparation of this Application.

RESPONSE: The EzEMF file (AND-OAS 500kV_Final.emf) is provided as a separate electronic file and revised Table 4-1 is provided with Attachment SCO-1, which corrects two values in the original Table.

SCO-2. Please explain why the eleven (11) access-only corridor laterals (Application section 2.2.1) are not included in the Application for certification of this project?

RESPONSE: As discussed below, access-only laterals which are not constructed within the transmission line right-of-way ultimately certified are not required to be included in the Application for Certification (Application).

Pursuant to Section 403.522(7), F.S., "certification" is defined, in pertinent part, to mean "the approval by the board of the license for a corridor proper for certification pursuant to subsection (10) and the construction, operation, and maintenance of transmission lines within the corridor with the changes or conditions as the siting board deems appropriate." "Corridor," is defined in Section 403.522(10), F.S., as, "the proposed area within which a transmission line right-of-way, including maintenance and access roads, is to be located." As discussed there, "after all property interests required for the transmission line right-of-way and maintenance and access roads 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." "Transmission line right-of-way" is defined in Section 403.522(23) as "land necessary for the construction, operation, and maintenance of a 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 in documents filed with the department before construction." Finally, Section 403.522(16) defines "Maintenance and access roads" as "roads **constructed within the transmission line right-of-way**. Nothing in this act prohibits an applicant from constructing a road to support construction, operation, or maintenance of the transmission line that lies outside the transmission line right-of-way." (emphasis added)

Thus, the only maintenance and access roads required to be included in the application are those that are to be constructed within the ultimately narrowed transmission line right-of-way. Roads which are not to be constructed are not required to be included in the application for certification, nor are roads to be constructed outside of the transmission right-of-way.

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For that reason, the eleven (11) access-only corridor laterals (Application section 2.2.1) are not included in the Application for certification of this project as FPL is not proposing any construction for those roads at this time, and they are outside of what will ultimately be the transmission right-of-way. Should any upgrades be determined to be necessary at a later date, FPL will separately permit such work.

SCO-3. Rule 62-4.050, Florida Administrative Code, requires that “All applications for a Department permit shall be certified by a professional engineer registered in the State of Florida....” Please submit the required professional certification of the Application.

RESPONSE: Rule 62-4.050(3), F.A.C., in pertinent part, provides, “All applications for a Department permit shall be certified by a professional engineer registered in the State of Florida except, when the application is for renewal of an air pollution operation permit at a non-Title V source as defined in Rule 62-210.200, F.A.C., **or where professional engineering is not required by Chapter 471, F.S.**” (emphasis added). Chapter 471, F.S., regulates the practice of engineering in the State of Florida. Section 471.003(2), F.S., provides for exceptions for the licensing as an engineer in the State. Pursuant to Section 471.003(2)(d), F.S., “regular full-time employees of a public utility or other entity subject to regulation by the Florida Public Service Commission, Federal Energy Regulatory Commission, or Federal Communications Commission” are not required to be licensed as an engineer.

FPL is subject to regulation by the Florida Public Service Commission and the Federal Energy Regulatory Commission. Thus, regular full-time employees of FPL are not required to be registered professional engineers in Florida in order to submit permit applications, and such certification is not required. Attached as SCO-3 is a revised cover page executed by a regular full-time employee of FPL.

ATTACHMENT SCO-1

Attachment SCO-1: Revised Table 4-1. Maximum EMF Capable of Being Produced by the Transmission Lines Along the Corridor

Cross-Section Location*		Ampacity of New Line(s) (amps)	Right-of-Way Width (ft) for purposes of Rule 62-814	Electric Field (kV/m)			Magnetic Field (mG)	
				On Right-of-Way	Left Edge† of Right-of-Way	Right Edge‡ of Right-of-Way	Left Edge‡ of Right-of-Way	Right Edge‡ of Right-of-Way
Andytown-Oasis 500-kV								
CS-1	Andytown substation	5,000	5,324	7.61	0.00	0.00	0.12	1.31
CS-2	West of Andytown substation & L-30 canal	5,000	200	7.61	1.88	1.89	188.64	188.64
CS-3	Parallel to L-30 canal (Andytown substation to Krome Avenue)	5,000	360	7.67	1.66	1.94	192.93	198.57
CS-4	Parallel to Krome Avenue	5,000	460	7.67	0.57	0.66	99.47	105.25
CS-5	Krome Avenue south to Quarry/Levee substation	5,000	490	7.67	1.66	0.19	195.29	49.95
CS-6	Quarry/Levee substation	5,000	5,160	7.67	1.11	0.00	139.78	0.17
Andytown-Oasis and Oasis-Quarry 500-kV/Levee-Oasis and Oasis-Quarry 230-kV								
CS-7	Quarry/Levee substation	5,000/3,000	5288	7.9	0.05	0.00	40.8	0.19
CS-8	South of Quarry/Levee substation (C-4 storm water impoundment to Quarry Sub)	5,000/3,000	380	7.7	0.61	1.47 1.46	49.08	197.72
CS-9	West of C-4 Impoundment Area	5,000/3,000	390	7.7	0.61	1.16	49.08	170.69
CS-10	Pennsuco to Bird Drive Basin	5,000/3,000	370	4.2	0.58	1.89	31.15	198.85
CS-11	Parallel to Tamiami Trail	5,000/3,000	395	7.7	0.53	1.40	40.29	190.33
CS-12	East of L-31N canal (private)	5,000/3,000	970	7.7	0.01	0.62	7.30	48.57
CS-13	East of L-31N canal (SFWMD)	5,000/3,000	700	7.2 7.3	0.09	0.14	14.54	52.23
CS-14	West of L-31N canal	5,000/3,000	930	7.7	0.60	0.01	110.93	8.52
CS-15	Oasis substation	5,000/3,000	2755	2.2	0.02	0.00	2.20	1.89
Florida EMF rule limit for corridors with new 500-kV lines‡				10.0	2.0	2.0	200	200

Note: mG = milliGauss.

The field levels of the proposed transmission lines shown in this table are based on the highest fields anticipated for the 500/230-kV transmission line configurations, even though structural configurations with lower fields may be employed for some portions of the line routes. The transmission lines will generally operate at a level well under the MCR.

*Locations previously depicted on Figure 1-4.

†The "left" and "right" designations are as shown in Figures 1-5 through 1-19.

‡The field limits are established in Rule 62-814.450(2), F.A.C.

Source: EzEmf software program developed through Florida Electric Power Coordinating Group and accepted by FDEP.

ATTACHMENT SCO-3

APPLICATION FOR CERTIFICATION FLORIDA ELECTRIC TRANSMISSION LINE SITING ACT

FPL ANDYTOWN-OASIS TRANSMISSION LINE PROJECT

MAY 2026



Daniel R. Hronec, P.E.



Submitted By:

**Florida Power & Light Company
15430 Endeavor Drive
Jupiter, Florida 33478**

II. FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION SOUTHEAST DISTRICT (SED)

SED-1. It appears that you are constructing over 4,000 sq feet of impervious area subject to vehicular traffic. Please provide a stormwater management and drainage report reflecting all information required by section E, and ensuring compliance with the regulations required by the ERP Applicant's Handbooks (A.H) Vol. I and II. (62-330.060(1), F.A.C.).

RESPONSE: Currently, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, the detailed design information that is typically submitted in an Environmental Resource Permit (ERP) application will be provided to the reviewing agencies in a post-certification submittal, pursuant to 403.5317(2), F.S., the conditions of certification, and Rule 62-17.191 and 62-17.665, F.A.C.

The discharge of stormwater into waters of the State during construction will be addressed through compliance with Section 62-621.300(4), F.A.C. (Generic Permit for Stormwater Discharge from Large and Small Construction Activities). In accordance with the ERP Applicant's Handbook (AH), Volume II primarily applies to activities that require design of a stormwater management system. As stated in AH Volume I, Section 1.1: "*Volume II generally is not applicable to the construction, alteration, modification, maintenance, or removal of projects that cause no more than an incidental amount of stormwater runoff, such as....the installation of overland and buried electric and communication transmission and distribution lines.*" FPL will employ erosion control best management practices such as silt fencing, staked turbidity barriers, and/or floating turbidity screens installed based on site-specific conditions to minimize discharge of erosional materials outside of the construction area.

SED-2. It appears that temporary matting will be utilized as part of the project scope. Please provide information as to the type of temporary matting which will be utilized, and the anticipated impacts of this portion of the activity pursuant to Section 10.2.1 A.H., Vol. 1.

RESPONSE: Currently, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, the detailed design information that is typically submitted in an Environmental Resource Permit (ERP) application will be provided to the reviewing agencies in a post-certification submittal, pursuant to 403.5317(2), F.S., the conditions of certification, and Rule 62-17.191, F.A.C.

Areas where temporary construction matting is proposed for access within wetlands will be identified in the ERP submittal. Temporary mats such as standard timber and/or composite matting will be utilized, and removed as soon as practicable after work has been completed at each location along the right-of-way. Areas of temporary disturbance will be restored to grade and allowed to naturally revegetate, no permanent wetland impacts will occur associated with use of temporary construction matting. Typical matting details are provided in Attachment SED-2.

SED-3. Pursuant to Section 10.2.4 A.H, Vol. I., please provide reasonable assurance that the regulated activity will not cause or contribute to violations of water quality standards. Please include turbidity curtains or similar turbidity control devices on the plans, and describe the proposed methodology for ensuring the project will not result in adverse short-term impacts to water quality.

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RESPONSE: Currently, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, the detailed design information that is typically submitted in an Environmental Resource Permit (ERP) application will be provided to the reviewing agencies in a post-certification submittal, pursuant to 403.5317(2), F.S., the conditions of certification, and Rule 62-17.191, F.A.C. The ERP plans will include location and type of erosion control proposed for installation.

FPL will comply with all applicable requirements of the Applicant's Handbook. The project will be designed, constructed, and operated in a manner to not cause or contribute to violations of water quality standards. As discussed in Sections 3.1.1 and 3.1.1.2 of the Application, appropriate erosion control devices such as silt fencing, staked turbidity barriers, and/or floating turbidity screens will be installed and maintained along the limits of areas authorized to be dredged or filled based on site-specific conditions to minimize discharge of erosional materials outside of the construction area and ensure that state water quality standards for turbidity are met.

SED-4. Pursuant to Sections 10.2.7 and Section 10.2.8, A.H., Vol. I, please discuss how the proposed project will not result in unacceptable secondary and cumulative impacts to wetlands and other surface waters. Include a consideration of additional projects in the same drainage basin that currently exist, are under review, or may be proposed in future applications.

RESPONSE: Currently, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, the detailed design information that is typically submitted in an Environmental Resource Permit (ERP) application will be provided to the reviewing agencies in a post-certification submittal, pursuant to 403.5317(2), F.S., the conditions of certification, and Rule 62-17.191, F.A.C.

Where construction of access roads and structure pads is required in wetlands, FPL will use best management practices (BMPs) for erosion control, such as silt fencing, staked turbidity barriers, or floating turbidity screens, to minimize secondary impacts to wetlands. Mitigation will be provided for areas of wetland fill as well as areas of potential secondary wetland impact located within 25' of placement of fill material. In accordance with AH Section 10.2.8 and recently enacted changes to 373.4136(6), F.S., unacceptable cumulative impacts will be avoided through mitigation within the same drainage basin or another basin based on factors such as connectivity of waters, hydrology, habitat range of affected species, and water quality, or application of a proximity factor.

SED-5. Please submit additional details of the proposed project schedule and construction methodologies to address the following (please provide plan and cross-section view drawings where necessary to clarify your response) [Ch. 62-330.060(2) and 62-330.301(e), F.A.C.; Sections 10.2.4.1 and 10.2.4.2, A.H., Vol. I]:

- a. Types, location, and staging of construction equipment and materials; and
- b. Protection of existing wetlands adjacent to work areas.

RESPONSE: Currently, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, the detailed design information that is typically submitted in an Environmental Resource Permit (ERP) application will be provided to the reviewing agencies in a post-certification submittal, pursuant to 403.5317(2), F.S., the Conditions of Certification, and Rule 62-17.191, F.A.C.

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The proposed Project schedule anticipates initiation of construction in 2029 and completion in 2033. A description of the types of construction techniques and equipment is provided in Section 3.1 of the Application.

Equipment staging areas and pulling pads will be identified with the ERP submittal, as well as details of erosion controls to protect wetlands adjacent to work areas. Where construction of access roads and structure pads is required in wetlands, FPL will use best management practices (BMPs) for erosion control, such as silt fencing, staked turbidity barriers, or floating turbidity screens, to minimize secondary impacts to wetlands and waterbodies adjacent to work areas and meet state water quality standards for turbidity.

SED-6. The applicant indicated that there will be 94.43 wetland credits purchased for mitigation to unavoidable and adverse impacts to wetlands and other surface waters. Assurance must be provided to demonstrate there are enough credits remaining in the referenced mitigation banks (Hole in the Donut Mitigation Bank and Everglades Mitigation Bank) as described. If there are insufficient credits available, please provide an alternative mitigation proposal for the portions of the work which wetland credits will not cover pursuant to Section 10.3, A.H., Volume 1.

RESPONSE: A conceptual wetland impact analysis was utilized to provide an estimate of wetland impacts and resulting mitigation credits required to offset the loss of wetland functions. As noted above, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, the detailed design information, wetland impact evaluation, and mitigation assessment that is typically submitted in an Environmental Resource Permit (ERP) application will be provided to the reviewing agencies in a post-certification submittal, pursuant to 403.5317(2), F.S., the conditions of certification, and Rule 62-17.191, F.A.C.

In addition to potential use of the Everglades and Hole in the Donut mitigation banks, other potential mitigation alternatives such as transfer of FPL-owned property to the Everglades National Park in accordance with the conditions of the 2016 *Agreement for Exchange of Lands and Interests in Lands Located in Everglades National Park between the United States of America and Florida Power & Light Company*, purchase of credits from other mitigation banks in accordance with the recently enacted changes to 373.4136(6), F.S., or applicant-sponsored mitigation in coordination with the FDEP, SFWMD, or MDC will be evaluated to generate the total amount of mitigation credit required to offset unavoidable wetland impacts. The above provides assurance that there will be available mitigation credits.

SED-7. Please demonstrate that the proposed work will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, Florida Statutes (F.S.).

RESPONSE: Upon selection of the final right-of-way and completion of the transmission line design, FPL will provide a post-certification submittal of the detailed design information typically provided with an ERP application, including the location, size, and number of culverts installed to maintain existing hydrology and surface water flows. No impacts to minimum flows and levels will occur as a result of construction and operation of the Project, as no water withdrawals are proposed.

Temporary dewatering at specific transmission structure foundations, if required, will not adversely impact the maintenance of surface or groundwater levels. FPL will use best management practices (BMPs) for erosion control, such as silt fencing, staked turbidity barriers, or floating turbidity screens, to minimize

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secondary impacts to wetlands and waterbodies adjacent to work areas and meet state water quality standards for turbidity.

SED-8. The application references several listed species, and the bald eagle, as not being subject to adverse impacts as a result of this project. Please describe how the impacts of this project are not to be considered adverse, pursuant to Section 10.2.2, A.H., Vol. 1.

RESPONSE: Since the Proposed Corridor is co-located with existing transmission lines and canals for approximately 75% of its length and the majority of existing habitat within the right-of-way will not be disturbed, no significant adverse impacts to listed species are anticipated as a result of the construction of the Project. Listed species were evaluated utilizing a combination of field reconnaissance, database queries, aerial maps, habitat assessment, and literature review focused on species with the potential to occur within the Proposed Corridor.

A discussion of listed species is provided in Section 2.4.8.1 of the Application. With respect to the bald eagle, the FWC and Audubon GIS databases of known bald eagle nest locations were reviewed to determine if any active bald eagle nests occur in the vicinity of the Proposed Corridor. According to these databases, the closest active nest (BO002 and alternate nest BO002a) is approximately 1.1 mile east of the corridor, near the intersection of SW 208th Avenue and State Road 820/Pines Boulevard. The Proposed Corridor is outside of the 660-foot nest protection zone (FWC, 2017); no adverse impact to the bald eagle is anticipated.

The Florida Fish and Wildlife Conservation Commission (FWC), in their review of the Application [*Completeness Review and Preliminary Statement of Issues (6/19/26)*], stated “Given the project description and the listed species information provided, FWC staff consider this application complete for review purposes”. FWC staff will work with FPL to provide recommended Conditions of Certification specifying additional species-specific surveys prior to construction and protective measures to be incorporated during construction of the Project to minimize impacts to listed species.

[FWC, 2017. A Species Action Plan for the Bald Eagle *Haliaeetus leucocephalus*]

SED-9. Please discuss whether the proposed activity will adversely affect the conservation of fish and wildlife and their habitats, pursuant to Section 10.2.3.2, A.H., Vol. 1.

RESPONSE: No significant adverse impact is anticipated regarding the conservation of fish and wildlife species or their habitats. The Proposed Corridor is co-located with existing linear facilities and the majority of existing wildlife habitat within the transmission line right-of-way will not be disturbed. Pre-construction wildlife surveys will be conducted and results provided to the FWC in a post-certification submittal pursuant to 403.5317(2), F.S., the conditions of certification, and Rule 62-17.191, F.A.C. Protective measures will be incorporated where necessary in accordance with FWC recommendations and the conditions of certification. The construction area will be isolated from adjacent undisturbed areas through installation of appropriate erosion control best management practices to minimize impact to fish and wildlife habitat in the vicinity.

ATTACHMENT SED-2



MEGADECK® HD+

WITH MDX CONNECTION SYSTEM



MODULE SIZE	ACTUAL 7.5' L x 14' W x 4" H (105 ft ²) 2.3 m x 4.3 m x 10.16 cm (9.75 m ²) USABLE (DUE TO FLANGE) 6.5' L x 13' W x 4" H (84.5 ft ²) 1.98 m x 3.96 m x 10.16 cm (7.85 m ²)
WEIGHT	1,025 lbs (464.9 kg)
FLANGE THICKNESS	2 in (5.08 cm)
COLOR	Orange
MATERIAL	High-Density Polyethylene (HDPE) with special impact modifiers that incorporate UV resistance and anti-static properties
WEIGHT LOADING	600 psi, depending on subsurface conditions
FLAMMABILITY RESISTANCE	UL94HB
CONNECTION SYSTEM	Aluminum core pin with engineered plastic casing that inserts directly into large pin holes in the mat, eliminating the need for the cam system. A simple twist of a T-bar tool grabs both mats directly and locks mats into place.
SHIPPING INFO	U.S. standard 48 ft. flatbed truck: 42 mats 40 ft ISO HC shipping container: 42 mats 20 ft ISO shipping container: 20 mats - 1 stack, 20 full mats high U.K. lorry/EU trucks: Up to 50 mats

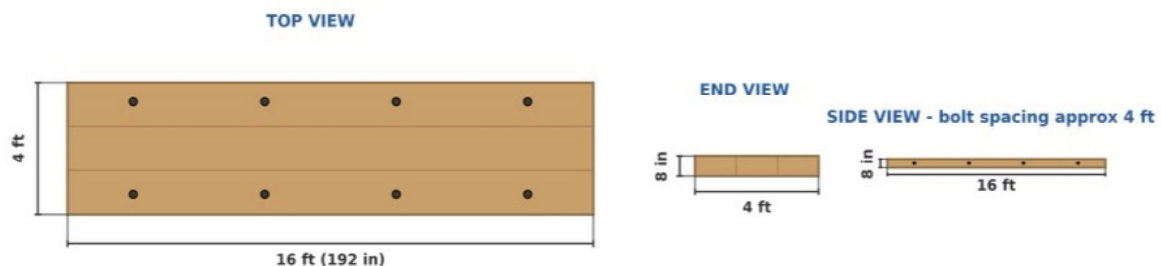
16' x 4' x 8" Timber Mat — Spec Sheet

Oak / mixed hardwood ground protection & access mat

Specifications

Dimensions	16 ft (L) x 4 ft (W) x 8 in (T) — 192 in x 48 in x 8 in
Approx. Weight	~2,500 lbs (varies with species & moisture content)
Species	Oak or high-quality mixed hardwood (no softwood)
Certification	FSC-certified material available
Fasteners	1" steel threaded rod/bolts, recessed & countersunk nuts; drilled with 1" bit and 1½" counterbore; tightened with ½" pneumatic impact
Bolt Spacing	Approx. every 4 ft along mat length
Finish	Ends sealed and painted after final inspection
Load Capacity	Typically 80,000 – 200,000+ lbs, depending on configuration and subsurface conditions
Other Lengths	Also available in 14ft (oak), 18 ft, 20 ft, and custom lengths up to 24 ft
Typical Uses	Power line access roads, pipeline construction access roads, logging pads/roads, heavy equipment work platforms, temporary roads in flood-prone or environmentally sensitive areas

Diagrams



Top, end, and side views of the 16' x 4' x 8" timber mat, showing overall dimensions and approximate through-bolt spacing.

Note: Weight, load capacity, and bolt placement are typical estimates for this mat size and can vary by moisture content, exact species mix, and manufacturer. Diagrams are schematic and not to exact scale. For a specific job, confirm specs and capacity with your Dakota Matting rep.

Dakota Matting and Environmental Solutions, LLC | (800) 709-1005 | dakotamats.com



COMPOSITE MATS

DURA-BASE

DURA-BASE® mats are the premium heavy duty work platform for temporary work sites and temporary access roads. The DURA-BASE® brand is recognized worldwide and stands apart from other mats with its overlapping lip structure and patented interlocking connection system. Our state of the art manufacturing process produces a one piece sealed mat that is simply the best product on the market and widely recognized as the foundation for protecting the environment from direct vehicle traffic, cross-contamination and worksite spills.

Our engineers work with customers to understand their unique needs, and develop custom-engineered solutions for a variety of applications. These solutions include installation guidelines for particularly unstable ground conditions and even new products derived from DURA-BASE® or made to integrate effectively with DURA-BASE® mats. Feel free to contact our Engineering Team with technical questions about our mats and their possible application.

PRODUCT SPECIFICATIONS

**Weights and dimensions are all nominal.*

DURA-BASE® Large Mat

- ▶ **Overall Dimensions:** 8' x 14' x 4" (2.44m x 4.27m x 10.2cm)
- ▶ **Surface Dimensions:** 7' x 13' (2.13m x 3.96m)
- ▶ **Weight:** 1,000 lbs. (454 kg)

MATERIALS

The DURA-BASE® mat is a polymer product composed primarily of high density polyethylene (HDPE). The custom formulation includes a high-end polymer additives package that is compounded into the base HDPE polymer to provide UV protection, anti-oxidation and a long-lasting product color. A non-asbestos mineral additive is also included for enhanced durability and dimensional stability. A second polyethylene compound provides the anti-skid surface and contains an additive to prevent static charge accumulation. These grades of polyethylene are specifically chosen for their performance and environmental toughness.

LOGISTICS

40 mats per standard 18-wheeler = 3,640 sq. ft. per load.

STRENGTH

DURA-BASE® is a load spreading product and is designed to work in conjunction with the supporting sub grade. DURA-BASE® should not be deployed in a bridging situation without any supporting sub grade. Full scale laboratory testing has demonstrated mat tolerance to extreme deflection while maintaining high load bearing capacity in pure bending. Pure compressive load capacity is approximately 600 psi. Compressive loads in excess of 1,000 psi have been observed in laboratory tests.

TRAFFIC TESTING

The US Army Corps of Engineers have demonstrated the use of DURA-BASE® in soft soil conditions for military access roads. In these trials the mats sustained 2000 military vehicle passes in accelerated testing. Newpark trials of a matting access road traffic tests involving typical truck traffic at a pipeline storage site recorded over 28,000 axel passes in an eight month period. The mats that were part of this trial showed no surface or structural damage and performed well. In access road applications, Newpark routinely utilizes DURA-BASE® for unpermitted loads on sub grades with a CBR% of 2% and above.



III. MIAMI-DADE COUNTY (MDC)

MDC-1. The application fails to provide sufficient information to determine whether it is in compliance with the tree protection provisions of section 24-49 of the Code of Miami-Dade. The applicant shall provide all information necessary to make such a determination, including but not limited to a survey of upland tree resources within the project area. This survey shall identify the locations, numbers, species, diameter at breast height (DBH), canopy diameter, and condition of each tree and whether the tree is proposed to remove, relocate, or remain in place.

RESPONSE: As shown in Table 2-6 of the Application, areas of upland habitat types within the Proposed Corridor potentially containing native tree resources are very limited. No areas classified as upland forest (FLUCFCS Code 400 series) occur, and <1 percent of the Proposed Corridor is classified as upland shrub and brushland (FLUCFCS Code 320).

Currently, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, FPL will conduct a survey of upland tree resources in accordance with applicable provisions of Section 24-49 and provide a post-certification submittal of the results to Miami-Dade County (MDC) pursuant to 403.5317(2), F.S., applicable Conditions of Certification and Rule 62-17.191, F.A.C.

MDC-2. The code requires that specimen trees are preserved whenever reasonably possible. If specimen trees are proposed for removal, justification for the removal addressing the factors listed in section 24-49.2(4)(II)(1) of the code shall be submitted.

RESPONSE: Comment noted. Currently, certification is sought for a corridor within which a final right-of-way will be located. Following determination of the right-of-way alignment and completion of an upland tree survey (see Response MDC-1), if removal of specimen trees is required, FPL will provide justification in accordance with Section 24-49.2(4)(II)(1) in a post-certification submittal to MDC, pursuant to 403.5317(2), F.S., applicable Conditions of Certification and Rule 62-17.191, F.A.C.

MDC-3. Should upland trees be proposed for removal, mitigation will be required in accordance with the requirements of section 24-49.4. The applicant shall submit a plan to mitigate for upland tree resources, as applicable.

RESPONSE: Comment noted. Currently, certification is sought for a corridor within which a final right-of-way will be located. Following determination of the right-of-way alignment and completion of an upland tree survey (see Response MDC-1), FPL will provide a plan to mitigate for upland tree resources in accordance with applicable provisions of Section 24-49.4 as a post-certification submittal to MDC, pursuant to 403.5317(2), F.S., applicable Conditions of Certification and Rule 62-17.191, F.A.C.

MDC-4. Pursuant to policy CON-8I of the CDMP, and in accordance with section 24-49.9 of the code, if exotic pest plants and/or nuisance species exist on the site they shall be removed prior to development or redevelopment, and developed parcels shall be maintained to prevent the growth or accumulation of prohibited species. The application fails to address prohibited plant species control within the project area. Please provide a plan for the maintenance of the project area to prevent the growth or accumulation of prohibited species.

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RESPONSE: Notwithstanding and without waiving any objection FPL has regarding the applicability of Miami-Dade County's CDMP to the Project, FPL provides the following response. Currently, certification is sought for a corridor within which a final right-of-way will be located. FPL will comply with applicable provisions of Section 24-49.9 and the Project will be consistent with Policy CON-8I. Once the specific right-of-way alignments and detailed designs are finalized for the Project, prior to construction, FPL will provide the County with its Vegetation Management Prescription for the proposed transmission lines, including use of herbicides and management of exotic vegetation, as a post-certification submittal.

Within FPL's transmission line rights-of-way, during initial construction, FPL will use best management practices aligned with general integrated vegetation management strategies to eliminate prohibited species of exotic vegetation and perform periodic maintenance following construction to control exotic vegetation.

With these completeness responses, FPL is providing the enclosed replacement pages for errata in Section 2.4.2.3 of the Application in clean and redline format. Please see Attachment MDC-4. Attachment MDC-4 provides additional information on consistency with the MDC CDMP.

MDC-5. Table 3-1 and other sections of the document quantify the proposed wetland impacts for the entire project. In order for RER to evaluate the portion of the project within its purview, please submit a summary of the proposed wetland impacts in Miami-Dade County.

RESPONSE: At this time certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and engineering designs are finalized for the Project, the detailed information that is typically submitted in an Environmental Resource Permit (ERP) application, including revised wetland impact evaluation and mitigation assessment, will be provided to the reviewing agencies in a post-certification submittal, pursuant to 403.5317(2), F.S., the Conditions of Certification, and Rule 62-17.191, F.A.C.

While not required for the application, a revised version of Table 3-1 summarizing the conceptual wetland impacts within MDC is provided in Attachment MDC-5.

MDC-6. The application provides insufficient information on the potential effects of the transmission line corridors on state and federally protected species, wetlands, and tree resources protected by chapter 24 of the code. Please provide a Comprehensive Environmental Impact Statement for the transmission line corridors that addresses the requirements of chapter 24 of the code and the relevant objectives and policies in the CDMP, including but not limited to Policy CON-7A, Objective CON-9, Policy CON-9A, Policy CON-9B, and Policy CON-9C.

RESPONSE: As a preliminary matter, FPL notes that the procedural requirements of the County's regulations are preempted by the Transmission Line Siting Act. Notwithstanding and without waiving any objection FPL has regarding the applicability of Miami-Dade County's CDMP and applicable substantive requirements of the County's regulations to the Project, FPL provides the following information in response to this request.

The potential effects on state and federally protected species are discussed in Sections 2.4.8.1 and 3.4 of the Application. A description of wetlands within the Proposed Corridor and potential effects of the Project are discussed in Sections 2.6, 2.7, and 3.2 of the Application. With regards to tree resources, please see responses MDC-1, 2, and 3.

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Regarding the CDMP, FPL notes that CDMP Objective CON-7, Policy-7A, Objective CON-9, and Policies CON-9A, 9B, and 9C are not restrictions on use or regulatory limits, but rather are directives to the County to implement the described objectives and policies. As further discussed below, the Project as proposed is consistent with the criteria identified in CDMP Objective CON-7, Policy-7A, Objective CON-9, and Policies CON-9A, 9B, and 9C.

For consistency with Objective CON-7 and Policy-7A, please see FPL's response to MDC-31. Regarding Objective CON-9, the Project will not adversely affect the conservation or use of freshwater fish, wildlife and plants. Since the Proposed Corridor is co-located with existing transmission lines and canals for approximately 75% of its length and the majority of existing habitat within the right-of-way will not be disturbed, no significant changes to vegetation, wildlife, and aquatic life are anticipated as a result of the construction of the Project.

The Project is consistent with Objective CON-9A, as the Proposed Corridor does not cross federally designated critical habitat areas for any listed species and construction will not significantly impact undeveloped habitat critical to federal, state or County designated endangered, threatened or rare species or species of special concern.

The Project will not result in significant impact to nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, consistent with Objective CON-9B. To support this objective, FPL will conduct pre-clearing wildlife surveys in coordination with FWC and improve wildlife habitat within the right-of-way through control of exotic vegetation, in accordance with the Conditions of Certification. Consistent with Objective CON-9C, rookeries and nesting sites used by federal or State designated endangered or threatened species will not be moved or destroyed.

See also Attachment MDC-4.

MDC-7. A site inspection conducted by RER staff on 3/27/2026 in response to Class IV permit application CLIV-20260008 revealed that the properties associated with the proposed Oasis Substation contain wetlands. However, several of the submitted figures, including but not limited to Figure 2-9, do not depict wetlands in this area. Please revise the document to depict the wetlands at the southern terminus of the project.

RESPONSE: Revised Figure 2-9, Sheet 18 and Table 2-6 are provided in Attachment MDC-7, incorporating the wetland boundaries from the March and June 2026 RER review.

FPL notes that the Oasis substation is not included for certification as part of the Andytown-Oasis Project. Any required local government and regulatory agency permits for the planned Oasis substation will be obtained separately.

MDC-8. The application does not address biological, hydrological, and ecological impacts resulting from road construction and operation, including but not limited to disruption of ecological corridors, altered hydrology in surrounding wetlands (e.g. via barriers to sheetflow), increased invasion rate of nonnative species, and impacts to listed species and their habitat. Please provide an analysis of these impacts on the hydrologic and ecological values of the surrounding lands, including information on how these impacts will be minimized and avoided to the maximum extent possible and how unavoidable impacts will be mitigated. This

information is needed to determine compliance with chapter 24 of the code and applicable CDMP objectives and policies.

RESPONSE: As a preliminary matter, FPL notes that the procedural requirements of the County's regulations are preempted by the Transmission Line Siting Act. Notwithstanding and without waiving any objection FPL has regarding the applicability of Miami-Dade County's CDMP and applicable substantive requirements of the County's regulations to the Project, FPL provides the following information in response to this request.

A discussion of access road construction, including installation of appropriately sized culverts to maintain wetland hydrology and avoid barriers to sheetflow, is provided in Section 3.1.2 of the Application. At this time certification is sought for a corridor within which a final right-of-way will be located. In selection of the final right-of-way, FPL will utilize existing roads or co-locate new access roads with existing roads to the greatest extent practicable. Co-location with existing linear facilities reduces the potential for disruption of ecological corridors. To reduce the potential spread of nonnative species, FPL will require contractors to follow specific requirements for cleaning equipment and vehicles prior to beginning work. Please see response MDC-6 for a discussion of avoidance and minimization of listed species and their habitat.

Once the specific right-of-way alignments and engineering designs are finalized for the Project, the detailed information that is typically submitted in an Environmental Resource Permit (ERP) application, including details on culverts, erosion control BMPs, and mitigation of unavoidable impacts, will be provided to the reviewing agencies in a post-certification submittal, pursuant to 403.5317(2), F.S., the Conditions of Certification, and Rule 62-17.191, F.A.C.

See also Attachment MDC-4.

MDC-9. The document states, "Based on the conceptual design assumptions and approximate UMAM scores, it is estimated that the Project's wetland impacts will include approximately 134 acres of fill, resulting in approximately 94 credits of functional loss, as summarized below (Table 3-2)." Please submit all data, field sheets, field reports and all associated information related to the preparation of the U.M.A.M. and W.A.T.E.R. analysis.

RESPONSE: At this time certification is sought for a corridor within which a final right-of-way will be located. Following determination of the specific right-of-way alignment and finalization of detailed designs for the Project, the UMAM assessment [data forms 62-345.900(1 and 2), F.A.C.] will be provided in the post-certification ERP submittal, pursuant to 403.5317(2), F.S., the Conditions of Certification, and Rule 62-17.191, F.A.C.

To support the conceptual assessment of wetland functional loss presented in the Application, the approximate UMAM scores utilized during the FDEP, USACE, and MDC evaluation of the West Consensus Corridor were applied [PA 03-45A3; SAJ-2009-02417 (SP-MLC)], as the Proposed Corridor traverses the same area between the proposed Oasis substation and existing Levee/Quarry substations and similar wetland types between the Levee/Quarry and Andytown substations.

MDC-10. The document states, "The Project is within the service area of the Hole in the Donut Mitigation Bank and Everglades Mitigation Bank. The purchase of mitigation credits from these banks or other mitigation options will be evaluated as a means for providing the necessary functional lift to offset unavoidable wetland impacts." HID and EMB mitigation

banks have a finite amount of mitigation that they can perform annually; therefore, it is recommended that other mitigation banks servicing Miami-Dade County or permittee-responsible mitigation be considered. Please provide evidence that the large amount of mitigation, as proposed, can be accomplished in the projected time frame.

RESPONSE: A conceptual wetland impact analysis was utilized to provide an estimate of wetland impacts and resulting mitigation credits required to offset the loss of wetland functions. As noted above, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, the detailed design information, wetland impact evaluation, and mitigation assessment that is typically submitted in an Environmental Resource Permit (ERP) application will be provided to the reviewing agencies in a post-certification submittal, pursuant to 403.5317(2), F.S., the Conditions of Certification, and Rule 62-17.191, F.A.C.

In addition to potential use of the Everglades and Hole in the Donut mitigation banks, other potential mitigation alternatives such as transfer of FPL-owned property to the Everglades National Park in accordance with the conditions of the 2016 *Agreement for Exchange of Lands and Interests in Lands Located in Everglades National Park between the United States of America and Florida Power & Light Company*, purchase of credits from other mitigation banks in accordance with the recently enacted changes to 373.4136(6), F.A.C., or applicant-sponsored mitigation in coordination with the FDEP, SFWMD, or MDC will be evaluated to generate the total amount of mitigation credit required to offset unavoidable wetland impacts. FPL notes that the project construction timeline may allow credits to be purchased over more than one year, allowing fewer credits to be purchased against HID's and EMB's annual limit. If credits are limited from mitigation banks servicing Miami-Dade County, FPL notes the existence of Section 373.4135(2), F.S.

MDC-11. Figures included in the document depict the west side of rockmining properties within the proposed corridor, including but not limited to page 17 of 18 of Figure 2-9. Please clarify if the corridor is proposed in wetland mitigation areas for rockmining operations.

RESPONSE: The Proposed Corridor does include the west side of rockmining properties, which includes portions of wetland mitigation areas, please see Attachment MDC-11. At this time certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, if encroachment into designated wetland mitigation areas is required, FPL will coordinate with the appropriate landowners and regulatory agency representatives to ensure that appropriate mitigation is provided to offset the encroachment.

MDC-12. Pursuant to the Miami Dade County Code, only clean fill as defined by section 24-5 is allowed to be used to fill wetlands. Please indicate the type and source of the fill proposed in wetlands.

RESPONSE: FPL will utilize commercially available sources of clean fill for the Project. All fill material proposed to be placed within any certified transmission line right-of-way will meet the clean fill/soil criteria, pursuant to the definition of Section 24-5 of the Code of Miami-Dade County or will be compliant with the Soil Reuse Guidance for Miami-Dade County dated May 2025. Fill from permitted commercial rock mines will not be tested by FPL. If the material is from other off-site sources, FPL will meet with MDC DERM to determine the appropriate testing requirements to ensure that the material complies with the requirements set forth in this section.

MDC-13. The document indicates that approximately 134 acres of wetlands are to be filled. Please quantify the existing fill within the proposed corridor.

RESPONSE: FPL is not able to discern what is meant by “existing fill within the proposed corridor.” On July 2, 2026, and July 8, 2026, FPL requested this information from MDC. MDC has not provided the requested information. Nevertheless, any existing fill in the proposed corridor is not related to this project.

MDC-14. The application proposes several access-only corridor laterals within Miami-Dade County, some of which are located adjacent to wetland mitigation areas and sensitive wetlands. Please clarify if impacts to wetlands are proposed for these access roads.

RESPONSE: At this time no impacts to wetlands are proposed for the access-only corridor laterals; if any improvements to the existing roadways or new roadways are required following detailed design of the Project, they will be permitted separately outside of the TLSA process. FPL has identified existing roads (e.g., transmission access roads, public roadways, and SFWMD levees) proposed for use as access-only corridor laterals. Pursuant to the Transmission Line Siting Act, Section 403.522, F.S., the access-only corridor laterals are not required to be included for certification in this application. Please see response SCO-2.

MDC-15. The project segment described as "West of L31N Canal" is located within Management Area 1 as defined by the East Everglades Zoning Overlay Ordinance and within an "Area of Critical Environmental Concern" as defined by chapter 33B of the code. Section 33B-26 of the code limits fill in Management Area 1 to one-half acre; however, Table 3-1 indicates that approximately 30.86 acres of fill are proposed in this segment. Please revise the document to comply with chapter 33B.

RESPONSE: Table 3-1 identifies the estimated acreage of fill based upon conceptual design assumptions. Once the specific right-of-way alignments and detailed designs are finalized for the Project, the detailed design information, wetland impact evaluation, and mitigation assessment that is typically submitted in an Environmental Resource Permit (ERP) application will be provided to the reviewing agencies in a post-certification submittal, pursuant to 403.5317(2), F.S., the Conditions of Certification, and Rule 62-17.191, F.A.C.

As noted in Table 3-1 of the Application, two segments of the Proposed Corridor identified within the conceptual design table are located to the west of the L-31N canal. “West of L-31N Canal (upland)” is located in an area of uplands in the southern portion of the corridor that is within Management Area 1. “West of L-31N Canal” continuing north within Management Areas 3B, 3C and 3A. The Project will require more than one-half acre of wetland fill in each segment in each of these management areas.

The corridor in these management areas, however, was also previously certified under the Power Plant Siting Act as the West Consensus Corridor (WCC). As described in more detail in Section 2.1.4.2 of the Application, in 2014, FPL certified two western transmission corridors as a part of the Turkey Point Units 6&7 Power Plant Siting Act certification the WCC, and the West Preferred Corridor (WPC). In re: *Florida Power and Light Company Turkey Point Units 6 & 7 Power Plant Siting Application*, PA03-45A3, DOAH Case No. 09-3575-EPP. In the Final Order, the Siting Board accepted the ALJ’s findings that the WCC (and WPC) had the least adverse impacts of any of the corridors, including alternates proposed by other parties, and accepted that the WCC (and WPC) had the fewest adverse impacts “relative to air and water quality, fish and wildlife, water resources, and other natural resources of the state.” Both the WCC and the

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WPC overlapped management areas with restrictions in the East Everglades Zoning Overlay Ordinance. For the WCC, those included areas within Management Areas 3B, 3C and 3A, which contained restrictions on fill the WCC would exceed.

While it opposed the WPC, MDC expressly supported the WCC. In fact, in public testimony before the Power Plant Siting Board, made up of the Governor and Cabinet, MDC stated, “We think that the West Consensus Corridor with the new condition that’s being presented to you today does a reasonable job of avoiding impacts to Everglades National Park...” (*See* Attachment MDC-15-1, p. 59) and “we again appreciate the efforts of all of the parties in coming to an agreement on the West Consensus Corridor (*See* Attachment MDC-15-1, p. 65).

While supporting the WCC, MDC chose to appeal the Final Order exclusively related to the WPC. Upon remand of that appeal, on November 13, 2018, FPL withdrew the WPC for certification. On November 20, 2018, FPL and MDC entered into a stipulation related to the WCC and WPC. *See* Attachment MDC-15-2. In that stipulation, the parties agreed that with FPL’s withdrawal of the WPC for certification, “there are no remaining disputed issues between them, and the County has no further opposition to certification of the project” which, as noted in Whereas paragraph 3 of the stipulation, included the WCC. The matter again was presented to the Siting Board, where the Florida Department of Environmental Protection noted, “Lastly, the draft final order recognizes that Florida Power & Light has withdrawn its West Preferred Corridor, which is the backup corridor, from its application and will instead utilize the West Consensus Corridor; therefore, the need to consider Miami-Dade County’s East Everglades Ordinance becomes moot and resolves the only issue appealed by Miami-Dade County. The order also recognizes that just last week Miami-Dade County and FPL also entered into a stipulation that, based on that withdrawal of the West Preferred Corridor, that Miami-Dade County has no further opposition to the certification of the project.” [See Attachment MDC-15-3, pp. 51-52] Importantly, MDC did not provide any response to this comment, or present at all. And importantly, the mooted consideration of the East Everglades Ordinance occurred without a variance for the WCC.

As discussed in Section 2.1.4.2 and 2.2 of the Application for Certification, the historic agreements and judicial and agency findings of the WCC as a corridor for transmission in this region, including those by MDC, were significant factors in FPL including area of the certified WCC for evaluation for the Project and ultimately selecting the proposed corridor route.

The portion of the Proposed Corridor overlaying the East Everglades Management Areas in this segment is identical to the WCC by design. As with the WCC, the Proposed Corridor would require more than one-half acre of wetland fill in these management areas. As described in Section 5 of the Application regarding variances, given the County’s prior concurrence that the use of this area for transmission facilities was acceptable without a variance, FPL indicated that we intend to work cooperatively with the County to pursue a similar agreement. Given the County’s prior conclusions, statements, and stipulations regarding the WCC, FPL believes this is the most reasonable and proper, legally viable pathway. FPL believes the County is legally obligated to honor its prior commitments.

In the event that MDC will not agree to honor its prior commitments made for the WCC, and in advance of any legal dispute on its obligations under those commitments, FPL hereby submits its request for variance to applicable provisions of Chapter 33B. That request is included as Attachment MDC-15-4, which supplements FPL’s statements in Section 5 of the Application for Certification in light of MDC’s stated positions on Chapter 33B herein and provides complete information necessary to review the variance request.

MDC-16. The application proposes an access-only corridor lateral located at SW 187 AVE, extending north for approximately 1 mile on the east and west sides of the L-31N Canal. This area is within Management Area 1 of the East Everglades Zoning Overlay Ordinance and subject to the requirements of section 33B of the code. Please clarify if the existing access roads will be widened and/or if new fill will be added to this area. If so, please demonstrate how the project complies with section 33B.

RESPONSE: As discussed in FPL's response to MDC-14 and SCO-2, the access-only corridor laterals, including the access-only corridor lateral located at SW 187th Avenue, are not required to be included for certification in this application. Currently, no improvements to the existing SFMWD access roads on either side of the L-31N Canal are proposed. If any improvements to the existing roadways are required following detailed design of the Project, any applicable permitting will be conducted separately outside of the TLSA process.

MDC-17. The document describes clearing vegetation in wetland areas. Only vegetation listed as a prohibited species as set forth in section 24-49.9 of the code shall be removed from the wetland areas. Removal of the exotics shall be placed into a fully enclosed truck, wetting the exotic vegetation to prevent seed dispersal during transportation and disposal of the exotic vegetation. Vegetative debris must be removed from subject properties and cannot remain in the upland areas. Please revise the document to indicate that vegetative debris will be removed from the site.

RESPONSE: FPL will comply with applicable provisions of Section 24-49.9. Where clearing is required, all trees and shrubs within the right-of-way limits with a mature height that could exceed 14 ft will be cleared to ground level, consistent with 62-330.458(2)(b), F.A.C. and 403.814(6), F.S., and cut trees will be removed from wetlands. The exotic hardwood species Brazilian pepper, Australian pine, and melaleuca will be eradicated throughout the wetland portion of the right-of-way and transported to an off-site upland disposal area or approved landfill utilizing methods to prevent seed dispersal during transport.

MDC-18. All work to remove prohibited plant species from wetland areas shall be conducted in a manner that avoids adverse environmental impacts. If needed, construction mats shall be placed to prevent rutting and soil compaction. Please indicate in the document that said mats are to be placed immediately prior to the work and shall be removed immediately after the completion of the work.

RESPONSE: Where clearing is required within the right-of-way, work will be conducted in accordance with 62-330.458(1)(f), F.A.C. by hand, herbicide, or mechanized equipment that minimizes soil compaction. Temporary construction matting may be utilized where necessary as soon as practicable prior to clearing and removed as soon as practicable following completion. For additional information, please see FPL's response to SED-2.

MDC-19. The document states, "Trees will be cut as low as possible or to the existing water level. Stumps may be left in place to preserve the root mat and treated with an approved herbicide to prevent regrowth." Please specify the types of species of trees to be removed from the wetland areas and the types of herbicides proposed.

RESPONSE: Where clearing is required, all trees and shrubs within the right-of-way limits with a mature height that could exceed 14 ft will be cleared to ground level or to the existing water level, consistent with 62-330.458(2)(b), F.A.C. and 403.814(6), F.S. The exotic hardwood species Brazilian pepper, Australian pine, and melaleuca will be eradicated throughout the wetland portion of the right-of-way and transported to an off-site upland disposal area or approved landfill. As specified in 62-330.458(2)(b), F.A.C, only EPA approved herbicides may be used during the initial clearing event and subsequent maintenance cycles. Non-selective aerial or broadcast application of herbicides will not be utilized.

MDC-20. The proposed corridor is located within the U.S. Fish & Wildlife Service (USFWS) consultation area for the endangered Florida bonneted bat (*Eumops floridanus*), which may utilize the project area due to the presence of suitable foraging and/or roosting habitat. The applicant shall conduct survey(s), in accordance with the latest USFWS Florida Bonneted Bat Consultation Guidelines, to determine the absence or presence of the FBB within the proposed corridor and submit the survey(s) for review. This information is required to determine compliance with the CDMP, specifically CDMP policy CON-9B, which states that “nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities, and further degradation or destruction of such habitat shall not be authorized”.

RESPONSE: Comment noted. Notwithstanding and without waiving any objection FPL has regarding the applicability of Miami-Dade County’s CDMP to the Project, FPL provides the following response. FPL will consult with the USFWS regarding determination of the absence or presence of the FBB within the rights-of-way. In accordance with the USFWS Florida Bonneted Bat Consultation Key, applicants may choose to assume presence of FBB based on potential foraging habitat and/or suitable roosting habitat or conduct species-specific surveys in accordance with the USFWS protocols prior to adoption of appropriate minimization and mitigation BMPs. FPL will provide the results of the coordination with the USFWS to MDC in a post-certification submittal. For additional information regarding consistency of the Project with CDMP Policy CON-9B, see FPL’s answer to MDC 6. See also Attachment MDC-4.

MDC-21. The document states, "No direct impacts are anticipated to highly mobile species of wildlife (birds, mammals) during right-of-way clearing and construction. Some individuals of smaller, less-mobile species of wildlife, such as reptiles or amphibians, may be lost during right-of-way clearing. Such individual losses, however, will not affect local or regional populations." Please explain what measures will be taken to avoid and minimize fatalities of smaller, less-mobile wildlife species and how it was determined that these losses will not affect local or regional populations.

RESPONSE: The Proposed Corridor is co-located with existing linear facilities and the majority of existing wildlife habitat within the transmission line right-of-way will not be disturbed. Pre-construction wildlife surveys will be conducted, and protective measures will be incorporated where necessary in accordance with FWC and USFWS guidelines. The construction area will be isolated from adjacent undisturbed areas through installation of appropriate erosion control best management practices to minimize movement of less-mobile species of wildlife into the right-of-way during clearing. Non-listed species of reptiles or amphibians are generally relatively abundant; the small footprint of disturbance associated with the Project will not adversely affect local populations and the right-of-way will continue to provide wildlife habitat following construction. Thus, the effects on non-listed species for reptiles and amphibians will be de minimis. It is worth noting that, at the State level, AH Volume I 10.2.2 related to impacts to fish, wildlife,

listed species, and their habitats, “in evaluating whether an applicant has provided reasonable assurances under these provisions, de minimis effects shall not be considered adverse for the purposes of this section.”

MDC-22. Should the proposed project be approved, the applicant will be required to implement wildlife best management practices (BMPs), including the BMPs from the latest USFWS Florida Bonneted Bat Consultation Guidelines, to avoid and/or minimize impacts from development to listed species. Please state how BMPs will be incorporated into the project.

RESPONSE: FPL will consult with the USFWS regarding avoidance, minimization, and mitigation of impacts to the Florida bonneted bat, including incorporation of appropriate BMPs. Please see response MDC-20. FPL is committed to include, as appropriate, the prescriptive FBB Linear Avoidance and Minimization Measures (LAMMs) for utility projects detailed in US Fish & Service *Florida Bonneted Bat Consultation Guidelines for Limited Infrastructure and Linear Projects (2026)*. The specific LAMMs are anticipated to be incorporated directly or by reference in the conditioned US Army Corps of Engineers permit for the Project. The results of the coordination with the USFWS will be provided to MDC in a post-certification submittal.

MDC-23. Please be advised the proposed project boundary is immediately adjacent to lands on the Miami-Dade Environmentally Endangered Lands (EEL) Program Acquisition List, known as Everglades Buffer. The Board of County Commissioners approves the EEL Acquisition list. Properties approved for EEL Program acquisition have been identified as Miami-Dade County's best and most endangered environmental lands for acquisition and management by evaluating multiple characteristics and natural attributes of the land. However, a property's placement on the Acquisition List does not put restrictions on that property. The EEL Program becomes just another potential buyer of the property because we only purchase land from willing sellers, as such, the EEL Program could acquire and manage these adjacent lands in the future. For more information regarding the Everglades Buffer, or the EEL Program, please contact Sonya Thompson at sonya.thompson@miamidade.gov or Robin Gray at robin.gray@miamidade.gov.

RESPONSE: Comment noted.

MDC-24. Portions of the corridor traverse through lands that represent areas of potential environmental concerns (i.e. agricultural, etc.) that require proper management of any soils that may be excavated and removed as part of the project. A Soil Management Plan (SMP) to address the proper management of any excavated soil shall be included with the report. A stormwater management plan that details or describes any proposed stormwater management systems shall be provided. Any areas of proposed dewatering, if applicable, shall be included. Prior EMRD review and approval of the stormwater management plan and/or dewatering plan shall be required depending on the information provided. Portions of the corridor are also located within wellfield protection areas that prohibit the handling, storage or generation of hazardous materials.

RESPONSE: Currently, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, a Soil Management Plan and dewatering plan, if required, will be provided as a post-certification submittal, pursuant to 403.5317(2), F.S., the Conditions of Certification, and Rule 62-17.191, F.A.C. FPL will not handle, store, or generate hazardous materials within wellfield protection areas.

MDC-25. The northern portion of the preliminary preferred corridor is collocated with the NW 157 Avenue Canal and the Dade Broward Levee, which are components of the Miami-Dade County secondary canal system as shown on the Water Control Map. Miami-Dade County has approximately 130 feet of canal reservation throughout much of this alignment, and additional County canal right-of-way and canal maintenance easements may also be crossed by the proposed corridor. Any work within Miami-Dade County secondary canal features (i.e., canal right-of-way, canal maintenance easements, and canal reservations) must be reviewed and coordinated with the Water Control Section to ensure they are allowable and do not interfere with conveyance, water quality, or maintenance of the secondary canal system, in accordance with Chapter 24 and the Miami-Dade County Public Works Manual. This review is currently based on the siting corridor map only. The Water Control Section will need to review detailed construction plans and survey showing the proposed transmission infrastructure within or adjacent to County canal interests, including transmission structures, access and maintenance roads, and any other improvements that may affect canal interests. Work in these canal features requires a Class III permit per Section 24-48.1(1)(c).

RESPONSE: Currently, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, the detailed design information that is typically submitted in an Environmental Resource Permit (ERP) application, including the proposed transmission infrastructure within or adjacent to County canal interests, will be provided to the reviewing agencies in a post-certification submittal, pursuant to 403.5317(2), F.S., the Conditions of Certification, and Rule 62-17.191, F.A.C.

FPL notes that the procedural requirements of the County's regulations are not applicable, including the requirement to obtain a Class III permit, as they are preempted by the Transmission Line Siting Act [(403.536(2); 403.531(3)(a)]. If any work is proposed within MDC secondary canal features, they will be designed in accordance with applicable provisions of Chapter 24 and the Miami-Dade County Public Works Manual to avoid potential interference with conveyance, water quality, or maintenance of the secondary canal system.

MDC-26. A portion of the corridor traverses the Bird Drive Basin, a special Cut and Fill basin requiring additional flood protection. Any fill placed will need to comply with the water management and fill criteria of the Cut and Fill basin per Section 24-48.21. The Water Control Section must review construction plans as part of the required Cut and Fill review process.

RESPONSE: FPL has been unable to identify specific management and fill criteria or any reference to a Cut and Fill basin in Section 24-48.21 or in the documents provided to FPL by the County, including the June of 1995 Special Area Management Plan for the Bird Drive Everglades Basin. FPL has identified management and fill related criteria for Bird Drive Basin in Section 24-42.8(4)(c)(i)6. of the County's Code. While it's not clear whether the County meant to refer to this section, FPL intends to comply with County requirements in the Bird Drive Basin where applicable.

FPL notes that Chapter 1, Section B of the June of 1995 Special Area Management Plan for the Bird Drive Everglades Basin expressly provides that utility uses are allowed in the areas of Bird Drive Basin crossed by the Project corridor.

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The current project design consists of transmission structure pads and access pathways only; no stormwater management ponds, or other dedicated water-management features are proposed. FPL will minimize permanent fill to the extent practicable and maintain existing hydrologic connectivity, recognizing that additional stormwater management features constructed within seasonally inundated areas of Bird Drive Basin would result in additional wetland impacts.

FPL also notes that, at the State level, the ERP Applicant's Handbook (AH), Volume II primarily applies to activities that require design of a stormwater management system. As stated in AH Volume I, Section 1.1: "*Volume II generally is not applicable to the construction, alteration, modification, maintenance, or removal of projects that cause no more than an incidental amount of stormwater runoff, such as....the installation of overland and buried electric and communication transmission and distribution lines.*"

Currently, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, FPL will submit plans, if required by applicable regulations, in a post-certification submittal, pursuant to 403.5317(2), F.S., the Conditions of Certification, and Rule 62-17.191, F.A.C.

MDC-27. Portions of the corridor traverse Wellfield Protection Areas. Any dewatering or stormwater disposal associated with construction or operation of the transmission corridor must comply with Section 24-43 Table C-1 (Allowable Stormwater Disposal Methods) and all applicable Wellfield Protection Area requirements.

RESPONSE: Comment noted. Currently, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, if dewatering is required within wellfield protection areas, a dewatering plan will be provided to MDC in a post-certification submittal, pursuant to 403.5317(2), F.S., the Conditions of Certification, and Rule 62-17.191, F.A.C.

MDC-28. The proposed corridor overlaps areas that are subject to existing Conditions of Certification. The application fails to detail how existing Conditions of Certification will be applied within these areas.

RESPONSE: The proposed corridor overlaps with two areas that are subject to existing Conditions of Certification. At the northern end of the corridor, from the Andytown substation to the south for approximately 15 miles, the corridor overlaps with the existing Levee-Midway certified transmission corridor. To the south, extending from the Levee and Quarry substations to the Oasis substation, the corridor overlaps with the West Consensus Corridor (WCC) that was certified as a part of the certification for the Turkey Point Units 6 & 7 project. As a new project, neither of the existing Conditions of Certification apply to the Andytown-Oasis Project. However, given the similarities and agreements entered into related to the WCC, FPL anticipates many of the Turkey Point Units 6 & 7 Conditions of Certification related to that project's western transmission lines may be appropriate Conditions of Certification for the Andytown-Oasis Project and is amenable to working with the County to propose appropriate Conditions.

MDC-29. Please update application figures to depict the location and width of established rights-of-way (as defined in s. 403.524, F.S.) within the project area.

RESPONSE: In accordance with the FDEP's *Application Instruction Guide Electrical Transmission Lines (TLSA)*, Section 9.3.2 - Corridor Description, maps indicating the location of existing transmission lines

115-kV or greater within 5-miles of the corridor are required (see Application Figure 1-3). Within the Proposed Corridor, the existing Levee-Midway 500kV transmission line is located within a 200-ft wide right-of-way, the SFWMD L-31N Canal is located within a 600-ft wide right-of-way, the L-30 Canal is located within an approximately 225' right-of-way, the Miami River (C-6) Canal is located within a 260-ft wide right-of-way, Krome Avenue is located within an approximately 225-ft wide right-of-way, and Tamiami Trail is located within a 125-ft wide right-of-way that overlaps with the adjacent C-4 Canal which has a 260-ft wide right-of-way. Please see Attachment MDC-29.

MDC-30. Miami-Dade County requests any analysis conducted by FPL on the alternative corridors and the reasons those corridors were ultimately not advanced.

RESPONSE: Section 2.1 of the Application provides the analysis conducted by FPL on potential alternative corridor alignments and the reasons those corridors were not advanced. Specifically, Section 2.1.1 explains the establishment of an approximately 103 square mile Project Study Area that is shown in Figure 2-1. Section 2.1.2 explains how the FPL multi-disciplinary team used previous TLSA applications to identify criteria for use in corridor evaluation. The qualitative and quantitative criteria are identified in Table 2-1. Data sources are identified in Section 2.1.3. Section 2.1.4 explains the identification of potential route segments in the Study Area that could be combined to form an alignment for the Project. The section provides guidelines the FPL multi-disciplinary team used to identify route segments. The route segments are shown in Figure 2-2. Section 2.1.4.3 provides a detailed explanation of the quantitative scoring and qualitative evaluation of the seven potential alignments developed from the route segments. Tables 2-2 and 2-3 show the quantitative scoring of the ten quantitative criteria for each route segment and each multi-segment alignment. Section 2.1.4.3 explains how the qualitative criteria were applied. Section 2.1.5 closes with a review of the impact of public involvement.

MDC-31. The application does not contain sufficient information to assess consistency with the criteria identified in CDMP Policy CON-7A for areas where the application results in the degradation or destruction of Wetlands of Regional Significance within the area identified on Figure 14 of the CDMP Land Use Element. Additional detail is also needed to assess how habitats critical to threatened and endangered species will be protected, as required by CDMP Policy CON-7A.

RESPONSE: Notwithstanding and without waiving any objection FPL has regarding the applicability of Miami-Dade County's CDMP to the Project, FPL provides the following response.

As a preliminary matter, CDMP Objective CON-7 and Policy-7A are not restrictions on use or regulatory limits, but rather are directives to the County to implement the described objectives and policies. As further discussed below, and without acknowledging that the Project is degrading or destroying Wetlands of Regional Significance, the Project as proposed is otherwise consistent with the criteria identified in CDMP Policy CON-7A.

FPL will minimize wetland impacts within the right-of-way through co-location within existing upland access areas to the greatest extent practicable. All unavoidable wetland impacts will be mitigated in accordance with federal, state, and local regulations, consistent with Policy CON-7A. As described in Section 3.1.2, the Project design will incorporate appropriately sized culverts to maintain flow and wetland hydrology. In addition, the majority of existing habitat within the right-of-way will not be disturbed, and as discussed in responses MDC-4, MDC-8, and MDC-17, FPL will control exotic vegetation within the right-of-way, thereby maintaining wetland functions for native vegetation and wildlife habitat. The Proposed

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Corridor does not cross federally designated critical habitat areas for any listed species and will not degrade or destroy habitats critical to endangered or threatened species.

Furthermore, CDMP Policy CON-7A provides that the degradation or destruction of Wetlands of Regional Significance as identified in CDMP Land Use Element Figure 14 may occur for certain activities. The Project falls within several of the identified categories of activities. For example, activities that prevent or eliminate a threat to public health, safety or welfare are allowed. As described in Section 1.1.1. of the Application, as a result of the growing customer base and electric demand load in Miami-Dade County (MDC), by 2033 the FPL transmission system is projected to exceed voltage and thermal facility ratings under several contingency scenarios. These transmission assessment studies identified that by 2033, FPL's existing transmission network will not be able to support the growing load demand MDC, and a need for a new transmission solution is required to maintain transmission reliability in the area. These studies conducted by FPL in 2025 identified system limitations exceeding transmission criteria required by NERC Reliability Standards TPL-001-5.1 and NUC-001-4. The Project will address NERC TPL-001-5.1 and NUC-001-4 system reliability deficiencies and provide a resilient, hardened path from Broward County into MDC. Without these reliability improvements, potential system limitations will impact the ability to effectively transmit and distribute power into the major load centers in MDC, and the proposed transmission lines for the Project are required to prevent grid failure as energy consumption in MDC increases. On June 1, 2026, the Florida Public Service Commission ("FPSC") issued its Final Order Approving Determination of Need for Electrical Transmission Lines, Docket No. 20260020-EI, Order No. PSC-2026-0179-FOF-EI. ("Need Order"). In its Need Order, the FPSC found that "AOP is essential to mitigate the load growth of Miami-Dade County and to continue to maintain NERC reliability standards in effect. Without the AOP, there is a significant risk of overloads and potential voltage issues." Need Order, p. 8. The FPSC also found that, "each of the four transmission lines of the AOP are needed for abundant, low-cost electrical energy to assure the economic well-being of the citizens of the State." Need Order, p.10. Thus, these potential system limitations would directly adversely affect the public health, safety, and welfare if not otherwise addressed.

Similarly, the degradation or destruction of Wetlands of Regional Significance is allowed for projects that are "clearly in the public interest and no other reasonable alternative exists". As discussed above, the need to avoid the potential system overloads and voltage issues in delivering power to the region make the Project clearly in the public interest. The FPSC also determined that the Andytown, Oasis, Quarry, and Levee Substations are the appropriate starting and ending points for meeting the need. Need Order, pp. 9-10. FPL analyzed multiple corridors to connect these substations and determined that the AOP was the preferred option. The bases of FPL's analysis are addressed in Section 2.1 of the Application, as discussed in response to MDC-30.

Additionally, the degradation or destruction of Wetlands of Regional Significance is allowed for projects "in areas that have been highly disturbed or degraded and where restoration of a wetland with an equal or greater value in accordance with federal, State and local regulations is feasible". The Proposed Corridor has been co-located with existing linear facilities to minimize impacts to higher quality wetlands. The segment of the Proposed Corridor adjacent to the L-31N Canal traverses wetlands that have been historically impacted by construction and operation of the L-31N Canal and Tamiami Trail, affecting natural hydroperiod, as well as colonization by exotic species of vegetation. All unavoidable wetland impacts will be mitigated in accordance with federal, state, and local regulations, consistent with Policy CON-7A.

MDC-32. The County requests additional information on how span lengths are proposed to be adjusted through wetland areas.

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RESPONSE: Span lengths may be adjusted to span wetlands from upland to upland, or where no uplands are present, to reduce the number of structures required within wetlands. Please note, at this time certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and designs are finalized for the Project, the detailed design information that is typically submitted in an Environmental Resource Permit (ERP) application, including revised wetland impact evaluation and mitigation assessment, will be provided to the reviewing agencies in a post-certification submittal, pursuant to the Conditions of Certification and Rule 62-17.191, F.A.C.

MDC-33. To assess consistency with CDMP Policy CON-7J, the applicant must submit details on interactions between the proposed corridor and associated access road with Comprehensive Everglades Restoration Plan (CERP) project footprints, both those identified in the 1999 Final Integrated Feasibility Report and Programmatic Environmental Impact Statement and those identified in the preliminary Tentative Selected Plan for the Biscayne Bay Southeastern Everglades Ecosystem Restoration (BBSEER) project.

RESPONSE: Notwithstanding and without waiving any objection FPL has regarding the applicability of Miami-Dade County's CDMP to the Project, FPL provides the following response. As described in Section 3.1.2, the Project design will incorporate appropriately sized culverts to maintain flow and wetland hydrology, consistent with CERP goals. The co-location of the corridor with existing linear facilities such as canals, roadways, and berms minimizes potential adverse interactions with CERP projects. The majority of existing habitat within the right-of-way will not be disturbed, and as discussed in responses MDC-4, MDC-8, and MDC-17, FPL will control exotic vegetation within the right-of-way, thereby maintaining wetland functions for native vegetation and wildlife habitat. All unavoidable wetland impacts will be mitigated in accordance with federal, state, and local regulations, replacing the loss of wetland functions to support regional restoration plans. See also Attachment MDC-4. Currently, FPL is coordinating with SFWMD regarding potential interactions of the Project with CERP and BBSEER projects. No active CERP projects overlap the Proposed Corridor. See SFWMD response 7 for the coordination on the BBSEER project.

MDC-34. FPL has not provided sufficient information to demonstrate that the project will be consistent with the East Everglades Management Plan and Chapter 33B of the County Code. The CDMP states that "Land uses and activities, which may occur in the National Parks and Big Cypress National Preserve, are outlined in management plans for those areas prepared and adopted by the National Park Service." The CDMP further states that "Because of their wetlands value, areas within the boundaries of Everglades National Park that are not owned by the National Parks Service are subject to careful evaluation on a case-by-case basis by federal, State, regional and County environmental agencies should they propose new uses or site alterations. The County-adopted East Everglades Resource Management program (Chapter 33-B, Code of Miami-Dade County) shall continue to govern land use and site alteration for privately-owned areas within the park." The East Everglades Management Plan states that "the construction of utility lines and roads would not be compatible."

RESPONSE: Notwithstanding and without waiving any objection FPL has regarding the applicability of Miami-Dade County's CDMP to the Project, FPL provides the following response.

Regarding the request to provide sufficient information to demonstrate consistency with Chapter 33B of the Miami-Dade County Code, FPL notes that the primary, non-procedural requirements of Chapter 33B pertain to the Authorized Uses in Section 33B-25 and the Environmental Performance Standards in Section

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33B-26, with other provisions relating County identification, designation and description of the East Everglades Area of Critical Environmental Concern, relating to standards for obtaining a conditional use, or are otherwise wholly unrelated to the Project.

As described above in response to MDC-15, regarding the ability to comply with the one-half acre fill limit in Section 33B-26, segments of the Project will require more than one-half acre of wetland fill in Management Area 1. The corridor in these management areas, however, was previously certified under the Power Plant Siting Act as the West Consensus Corridor (WCC). The WCC is described in Section 2.1.4.2 of the Application and depicted in Figure 2-3. Miami-Dade County previously supported the WCC by stipulation; no variance was required by the County for compliance, including any variance related to Chapter 33B. See Attachment MDC-15. The portion of the Proposed Corridor in this segment is identical to the WCC. As described in Section 5 of the Application regarding variances, given the County's prior concurrence that the use of this area for transmission facilities was acceptable without a variance, FPL intends to work cooperatively with the County to pursue a similar stipulation. FPL is also submitting a request for variance as described in response to MDC-15.

Regarding the request to provide sufficient information to demonstrate consistency with the East Everglades Management Plan, FPL is unable to locate such a plan and did not receive a copy of the plan from Miami-Dade County before the deadline for submitting this response despite requests on July 2 and July 8. Nonetheless, FPL responds that the Project will be consistent with the CDMP and with any applicable management plan for Everglades National Park prepared and adopted by the National Park Service.

MDC-35. It is imperative that the application include and detail any proposed roadway improvements for certification as part of the application. The application indicates that improvements to existing roadways and construction of new roadways will be needed to provide access to the Corridor and that project construction and operation is not practicable without adequate access roads. Despite their criticality to the project, these improvements have not been submitted for certification as part of the application. The County's CDMP notes that "Because of the critical relationships between transportation facilities and the land uses served and impacted by those facilities, land use and transportation planning decisions must be made in direct concert with one another" (CDMP, page I-68) and further notes that "uncoordinated single-purpose decision making can be fiscally damaging to government and can undermine other comprehensive plan objectives" (CDMP, page I-84). Roadway improvements and new roadways are actions that must be consistent with the CDMP and the CDMP text limits roadway improvements outside of the Urban Development Boundary. Therefore, certification of the access roads must be reviewed concurrently with the proposed transmission line corridor.

RESPONSE: FPL has identified existing roads (e.g., transmission access roads, public roadways, and SFWMD levees) proposed for use as access-only corridor laterals. Pursuant to the Transmission Line Siting Act, Section 403.522, F.S., the access-only corridor laterals are not required to be included for certification in this application. Please see response SCO-2.

These access areas will not contain transmission line structures but may require improvements to existing roadways or construction of new roadways to provide access to the Proposed Corridor. At this time no impacts to wetlands are proposed for the access-only corridor laterals. If any improvements to the existing

roadways are required following detailed design of the Project, any applicable permitting will be conducted separately outside of the TLSA process.

MDC-36. Pursuant to Condition 17 of Resolution Z-56-07, improvements to sheet flow are required across the transmission corridors in areas where upgrades are proposed. The application does not provide a description of the specific upgrades FPL proposes to satisfy this condition. A complete and detailed description shall be provided. In addition, FPL shall describe what sheet flow improvements, if any, are proposed within transmission corridors for which mitigation lift is being sought. Please resolve the apparent conflict between this condition and the stated intent to install roads in the transmission line corridors where no impediments to sheet flow currently exist.

RESPONSE: Resolution Z-56-07 was an unusual use and other relevant zoning approvals for the Turkey Point Units 6 & 7 nuclear power plant and ancillary facilities. Resolution Z-56-07 does not relate to or govern the Andytown-Oasis Project. However, please see Section 3.1.2 of the Application, which describes appropriate culverting of access roads to maintain existing hydrologic conditions: “Where necessary, in conjunction with the construction of new roads, culverts will be added under the access roads in wetlands to maintain flow. A minimum of 2 ft of cover soil will be installed over new culverts. The culvert invert will be placed so that the invert elevation is the same as the wetland floor elevation. A combination of appropriately sized culverts will be used, depending on site-specific hydrology. Culverts and access roads will be designed to equalize the water volume created from a small rainfall event. The culvert’s intended use is to maintain normal pool equilibrium and avoid creating a retention or detention area.” No mitigation lift is being sought in association with sheet flow improvements.

MDC-37. Pursuant to the Miami-Dade County CDMP Land Use Element Objective LU-6, FPL shall conduct a Cultural Resource Assessment Survey (CRAS) for the transmission line corridor and associated access roads. FPL shall avoid impacts to County-designated archaeological sites and zones, previously recorded archaeological sites, and archaeological resources identified through the CRAS. Copies of the CRAS shall be provided to Miami-Dade County for review and comment. Where impacts to archaeological resources cannot be avoided, FPL shall consult with Miami-Dade County to identify and implement avoidance measures.

RESPONSE: Comment noted. Following selection of the final right-of-way, FPL will conduct a Phase I Cultural Resource Assessment Survey of the right-of-way and provide the results to the Florida Division of Historical Resources (DHR) and MDC as a post-certification submittal. If unavoidable archaeological resources are identified, FPL shall consult with DHR and MDC to identify and implement avoidance measures.

MDC-38. Identify how the proposed corridor will interact with greenways and trails identified in the Open Space Master Plan and North Miami-Dade Greenways Master Plan.

RESPONSE: At this time certification is sought for a corridor within which a final right-of-way will be located. The Proposed Corridor will not impact pedestrian trails shown on the Open Space Master Plan and North Miami-Dade Greenways Master Plan. Once the specific right-of-way alignments and designs are finalized for the Project, FPL will work with the County to discuss the ability to co-locate public recreational trails and the provision for bicycle and pedestrian access or the allowance of other public uses within the transmission line rights-of-way, where allowed by the underlying landowners.

ATTACHMENT MDC-4

Attachment MDC-4

2.4.3.2 Comprehensive Plan Consistency Determination (Rev. 1)

Broward County

The Proposed Corridor is consistent with the Broward County Comprehensive Plan. The methodology used to establish the Proposed Corridor balances a comprehensive set of criteria that considers environmental, social, land use, and technical factors. Similarly, the Broward County Land Use Plan (LUP) requires consideration of these same factors when evaluating uses within designated land use categories.

While the area surrounding the Andytown substation is designated Community on the Broward County LUP Map (Series), the majority of the Proposed Corridor is located within the Conservation – Reserve Water Supply Area category.

- **Community Use Consistency** – The Proposed Corridor is consistent with the Community Use designation of the Broward County Land Use Plan. The Community Use is intended to ensure the availability of land necessary to provide a full range of regional and community facilities and utilities to meet the current and future needs of Broward County. The Community Use category expressly allows utilities, including water and wastewater treatment plants, pumping stations, electrical substations, solid waste disposal facilities, and transfer stations, excluding electrical power plants, where deemed appropriate and compatible with surrounding planned land uses by the local government.
- **Conservation – Reserve Water Supply Areas Consistency** – Under the Broward County Land Use Plan's Conservation Use – Reserve Water Supply Areas provisions, all uses other than active outdoor recreation are subject to authorization by the South Florida Water Management District in accordance with applicable laws, rules, and regulations. The Plan further provides that utilities, transportation, and communications facilities, specifically excluding hazardous liquid pipelines and electrical power plants, may be permitted where they do not impair the natural environment or disturb the natural ecosystem and are not in conflict with applicable water management and wildlife protection policies of local, state, and federal agencies. In addition, Policy 2.24.3 directs Broward County to designate and protect lands west of Levees 33, 35A, 36, L-37, and L-35 for Conservation Use in order to promote groundwater recharge and prevent saltwater intrusion. Accordingly, to the extent the Proposed Corridor is routed along existing linear infrastructure and is designed, reviewed, and permitted to avoid or minimize environmental impacts and comply with applicable agency requirements, it is consistent with the Broward County Land Use Plan's Reserve Water Supply Areas provisions and Policy 2.24.3.
- **Public Facilities and Service** – The Proposed Corridor is consistent with Broward County Land Use Plan Recommended Practices Policy 3.4.5, which provides that local governments, Florida Power & Light Company, developers, and landowners should coordinate and cooperate with respect to utility route selection and the location of electric facilities to ensure that Broward County's future electrical energy needs will be served. Policy 3.4.5 further provides that new electric transmission lines subject to the Florida Transmission Lines Siting Act should be sited to consolidate such lines within existing corridors and that new corridors should be planned in coordination with local government land use plans. The Proposed Corridor's use of existing or planned utility corridor areas is therefore consistent with Broward County's recommended planning framework for coordinated electric-facility siting and corridor consolidation.

Town of Southwest Ranches

The Proposed Corridor segment traversing Southwest Ranches is consistent with the Town's Comprehensive Plan, with particular emphasis on the provision of essential public services, as well as the preservation of rural character and the co-location of infrastructure within existing corridors. Reliable electric transmission infrastructure is a fundamental component of essential public services, supporting the health, safety, and welfare of the community and the broader region.

While the Town's Comprehensive Plan is less detailed on utility siting than some county-level plans, it prioritizes maintaining a rural lifestyle—reflected in the Town's motto, *"Preserving Our Rural Lifestyle."* The proposed corridor advances essential public service objectives by strengthening regional electrical reliability while being sited in a manner that respects these rural preservation goals. Specifically, co-locating transmission facilities along existing rights-of-way, avoiding fragmentation of rural-residential lands, and minimizing visual and environmental impacts ensures that the delivery of essential services occurs in a compatible and context-sensitive manner.

In summary, the Proposed Corridor through Southwest Ranches is consistent with the Town's Comprehensive Plan by supporting the provision and reliability of essential public services, while maintaining the Town's rural character and aligning with its long-term land use goals and objectives.

Miami-Dade County

The Proposed Corridor is consistent with the MDC CDMP. The Proposed Corridor was established through a methodology that balances a comprehensive set of environmental, social, land use, and technical considerations. These are similar to the factors that MDC requires to be evaluated when determining the appropriateness of uses within designated land use categories.

- **Public Facilities and Services** - The proposed siting of high-voltage electric transmission infrastructure within existing utility, drainage, canal, levee, and/or other established corridor areas is supported by CDMP Policy LU-4J, which directs the County to ensure that suitable land is provided for utility facilities necessary to support proposed development and provides that necessary utility facilities may be located throughout the County in all land-use categories as provided in the Land Use Plan Map Interpretation text. The Land Use Plan Map Interpretation text for "Institutions, Utilities and Communications," incorporated into the adopted Land Use Policies by Policy LU-5A, further provides that "[c]o-location of communication and utility facilities are encouraged" and that electric-power transmission line corridors are permitted "in every land-use category when located in established rights-of-way or certified under the Florida Electrical Power Plant Siting Act (Sections 403.501-403.518, F.S.) as an ancillary use to a new power plant, or the Transmission Line Siting Act (Sections 403.52-403.5365 F.S.) for individual electrical transmission lines." The proposed use of existing corridor areas is therefore consistent with the CDMP's policy framework for accommodating necessary utility infrastructure.
- **Conservation, Open Space, and Drainage Corridors** - Co-locating transmission facilities within or adjacent to existing utility, drainage, canal, levee, and/or other established corridor areas also advances the CDMP's environmental compatibility framework by limiting additional disturbance of undeveloped areas. This approach is consistent with CDMP Objective LU-3 and Policies LU-3A and LU-3B, which require development location, design, and management practices to protect natural resources and systems, ensure consistency with the Conservation, Aquifer Recharge and Drainage Element and applicable environmental regulations, and protect significant natural resources from incompatible land uses. The Land Use Plan Map Interpretation text for "Open Land," at I-73, recognizes that Open Land areas may accommodate compatible utility and public facilities while also serving conservation and environmental-maintenance functions. The Open Land Subarea 3 text for the Tamiami-Bird Canal Basins, at I-77, where applicable, identifies public facilities and utility and communications facilities as uses that may be considered. The project's use of existing corridor areas also maintains applicable drainage, flood-protection, water-quality, groundwater-recharge, and hydrologic functions consistent with Objective CON-5 and Policies CON-5A and CON-5F of the Conservation, Aquifer Recharge and Drainage Element. The proposed use of existing corridor areas is therefore consistent with the CDMP's policy framework for minimizing environmental disturbance while accommodating necessary utility infrastructure, provided the facilities are designed, permitted, and operated in a manner that does not impair water-management, drainage, conservation, or environmental-protection functions.
- **Utility Corridor Coordination** - The proposed use of the existing easement along the L-31N Canal segment is consistent with CDMP Intergovernmental Coordination Element Policy ICE-5C, which

supports Miami-Dade County's participation in regional planning and management activities involving natural resources, economic development, and service delivery functions. FPL is specifically listed in Table 2 of the Intergovernmental Coordination Element as an Intergovernmental Coordination Participant. Table 2 provides the "major regional, State and federal entities with which Miami-Dade County must coordinate its planning and growth management." Minimization of Environmental Impacts -

- Consistent with CON-7A, FPL will minimize wetland impacts within the right-of-way through co-location within existing upland access areas to the greatest extent practicable and all unavoidable wetland impacts will be mitigated in accordance with federal, state, and local regulations. As described in Section 3.1.2, FPL's right-of-way design and construction will incorporate appropriately sized culverts to maintain flow and wetland hydrology. Furthermore, CDMP Policy CON-7A provides that the degradation or destruction of Wetlands of Regional Significance as identified in CDMP Land Use Element Figure 14 may occur for certain activities. The Project falls within several of the identified categories of activities. For example, activities that prevent or eliminate a threat to public health, safety or welfare are allowed. As described in Section 1.1.1., by 2033, as a result of the growing customer base and electric demand load in Miami-Dade County (MDC), the FPL transmission system is projected to exceed voltage and thermal facility ratings under several contingency scenarios. These transmission assessment studies identified that by 2033, FPL's existing transmission network will not be able to support the growing load demand MDC, and a need for a new transmission solution is required to maintain transmission reliability in the area. These studies conducted by FPL in 2025 identified system limitations exceeding transmission criteria required by NERC Reliability Standards TPL-001-5.1 and NUC-001-4. The Project will address NERC TPL-001-5.1 and NUC-001-4 system reliability deficiencies and provide a resilient, hardened path from Broward County into MDC. Without these reliability improvements, potential system limitations will impact the ability to effectively transmit and distribute power into the major load centers in MDC, and the proposed transmission lines for the Project are required to prevent grid failure as energy consumption in MDC increases. On June 1, 2026, the Florida Public Service Commission ("FPSC") issued its Final Order Approving Determination of Need for Electrical Transmission Lines, Docket No. 20260020-EI, Order No. PSC-2026-0179-FOF-EI. ("Need Order"). In its Need Order, the FPSC found that "AOP is essential to mitigate the load growth of Miami-Dade County and to continue to maintain NERC reliability standards in effect. Without the AOP, there is a significant risk of overloads and potential voltage issues." Need Order, p. 8. The FPSC also found that, "each of the four transmission lines of the AOP are needed for abundant, low-cost electrical energy to assure the economic well-being of the citizens of the State." Need Order, p.10. Thus, these potential system limitations would directly adversely affect the public health, safety, and welfare if not otherwise addressed. Similarly, the degradation or destruction of Wetlands of Regional Significance is allowed for projects that are "clearly in the public interest and no other reasonable alternative exists". As discussed above, the need for the project to avoid the potential system overloads and voltage issues in delivering power to the region make the project clearly in the public interest. The FPSC also determined that the Andytown, Oasis, Quarry, and Levee and Midway Substations are the appropriate starting and ending points for meeting the need. Need Order, pp. 9-10. FPL analyzed multiple corridors to connect these substations and determined that the AOP was the preferred option. The basis of FPL's analysis is addressed in Section 2.1 of the Application for Certification, as discussed in response to MDC-30.
- The Project is also consistent with the Comprehensive Everglades Restoration Plan and therefore consistent with CON-7J. No conflict with any CERP project, including the BBSEER and the Southern Everglades Restoration Project, are anticipated.

- Consistent with CON-8I, within FPL's transmission line rights-of-way, during initial construction, FPL will use best management practices aligned with general integrated vegetation management strategies to eliminate prohibited species of exotic vegetation and perform periodic maintenance following construction to control exotic vegetation.
- The Project is consistent with Objective CON-9 because it will not adversely affect the conservation or use of freshwater fish, wildlife and plants. Since the Proposed Corridor is co-located with existing transmission lines and canals for approximately 75% of its length and the majority of existing habitat within the right-of-way will not be disturbed, no significant changes to vegetation, wildlife, and aquatic life are anticipated as a result of the construction of the Project.
- The Project is also consistent with Objective CON-9A, as the Proposed Corridor does not cross federally designated critical habitat areas for any listed species and construction will not significantly impact undeveloped habitat critical to federal, state, or County designated endangered, threatened, or rare species or species of special concern.
- The Project will not result in significant impact to nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, consistent with Objective CON-9B. To support this objective, FPL will conduct pre-clearing wildlife surveys in coordination with FWC and improve wildlife habitat within the right-of-way through control of exotic vegetation, in accordance with the Conditions of Certification. Consistent with Objective CON-9C, rookeries and nesting sites used by federal or State designated endangered or threatened species will not be moved or destroyed.

In summary, the Proposed Corridor from the MDC - Broward County line south to the Oasis substation is consistent with the MDC CDMP in that it largely co-locates new electrical transmission facilities within established utility and drainage corridors, supports interagency coordination, meets future electric service needs, and protects environmentally sensitive lands in accordance with CDMP Land Use, Conservation, and Intergovernmental Coordination policies.

The Proposed Corridor is consistent with the adopted comprehensive plans of Broward County, the Town of Southwest Ranches, and MDC. In each jurisdiction, the routing has been designed to align with the established goals, objectives, and policies related to land use, community facility siting, conservation and resource management, and utility infrastructure. By co-locating new transmission facilities with existing rights-of-way and linear infrastructure corridors, and by applying siting criteria that avoid or minimize environmental and community impacts, the Project supports the long-term planning objectives of all three jurisdictions. Collectively, the Project advances regional infrastructure reliability while remaining fully consistent with the comprehensive planning frameworks of Broward County, Southwest Ranches, and MDC.

2.4.3.2 Comprehensive Plan Consistency Determination (Rev. 1)

Broward County

The Proposed Corridor is consistent with the Broward County Comprehensive Plan. The methodology used to establish the Proposed Corridor balances a comprehensive set of criteria that considers environmental, social, land use, and technical factors. Similarly, the Broward County Land Use Plan (LUP) requires consideration of these same factors when evaluating uses within designated land use categories.

While the area surrounding the Andytown substation is designated Community on the Broward County LUP Map (Series), the majority of the Proposed Corridor is located within the Conservation – Reserve Water Supply Area category.

- Community ~~Designation~~Use Consistency – ~~Under Policy 2.20.2~~The Proposed Corridor is consistent with the Community Use designation of the Broward County LUP, allowable uses within the Community category include Land Use Plan. The Community Use is intended to ensure the availability of land necessary to provide a full range of regional and community facilities and utilities, such as to meet the current and future needs of Broward County. The Community Use category expressly allows utilities, including water and wastewater treatment plants, pumping stations, electrical substations, solid waste disposal facilities, and transfer stations, excluding electrical power plants. Essential facilities and associated infrastructure are permissible, where location and design are deemed appropriate and compatible with surrounding planned land uses. The Proposed Corridor area surrounding the Andytown Substation meets this requirement as they constitute necessary utility infrastructure consistent with Policy 2.20.2 by the local government.
- Conservation – Reserve Water Supply Areas Consistency – Per Policy 2.21.2, within~~Under the Broward County Land Use Plan's Conservation Use – Reserve Water Supply Areas provisions, all uses other than active outdoor recreation require~~are subject to authorization by the South Florida Water Management District ~~and must comply in accordance~~ with applicable laws, rules, and regulations. ~~Utilities~~The Plan further provides that utilities, transportation, and communication facilities are communications facilities, specifically excluding hazardous liquid pipelines and electrical power plants, may be permitted if where they do not impair the natural environment or disturb the natural ecosystem and are not in conflict with applicable water management and wildlife protection policies of local, state, and federal agencies; hazardous liquid pipelines and electrical power plants are prohibited. The Proposed Corridor aligns with this policy because it has been routed. In addition, Policy 2.24.3 directs Broward County to designate and protect lands west of Levees 33, 35A, 36, L-37, and L-35 for Conservation Use in order to promote groundwater recharge and prevent saltwater intrusion. Accordingly, to the extent practicable, the Proposed Corridor is routed along existing linear infrastructure and is designed, reviewed, and permitted to avoid or minimize environmental impacts, thereby meeting the compatibility and protection standards outlined in and comply with applicable agency requirements, it is consistent with the Broward County Land Use Plan's Reserve Water Supply Areas provisions and Policy 2.24.3.
- Public Facilities and Service – The Proposed Corridor is consistent with Broward County Land Use Plan Recommended Practices Policy 3.4.5, which provides that local governments, Florida Power & Light Company, developers, and landowners should coordinate and cooperate with respect to utility route selection and the location of electric facilities to ensure that Broward County's future electrical energy needs will be served. Policy 2.21.2. Because FPL's proposed 3.4.5 further provides that new electric transmission line will undergo review by all relevant regulatory authorities, is located within areas where such lines subject to the Florida Transmission Lines Siting Act should be sited to consolidate such lines within existing corridors and that new corridors should be planned in coordination with local government land use plans. The Proposed Corridor's use of existing or planned utility uses are expressly allowed under Policies 2.20.2 and 2.21.2, and has been routed to avoid or minimize impacts on conservation lands and management plans, the Proposed Corridor is consistent with the objectives and policies of the Broward County

Comprehensive Plan corridor areas is therefore consistent with Broward County's recommended planning framework for coordinated electric-facility siting and corridor consolidation.

Town of Southwest Ranches

The Proposed Corridor segment traversing Southwest Ranches is consistent with the Town's Comprehensive Plan, with particular emphasis on the provision of essential public services, as well as the preservation of rural character and the co-location of infrastructure within existing corridors. Reliable electric transmission infrastructure is a fundamental component of essential public services, supporting the health, safety, and welfare of the community and the broader region.

While the Town's Comprehensive Plan is less detailed on utility siting than some county-level plans, it prioritizes maintaining a rural lifestyle—reflected in the Town's motto, *"Preserving Our Rural Lifestyle."* The proposed corridor advances essential public service objectives by strengthening regional electrical reliability while being sited in a manner that respects these rural preservation goals. Specifically, co-locating transmission facilities along existing rights-of-way, avoiding fragmentation of rural-residential lands, and minimizing visual and environmental impacts ensures that the delivery of essential services occurs in a compatible and context-sensitive manner.

In summary, the Proposed Corridor through Southwest Ranches is consistent with the Town's Comprehensive Plan by supporting the provision and reliability of essential public services, while maintaining the Town's rural character and aligning with its long-term land use goals and objectives.

Miami-Dade County

The Proposed Corridor is consistent with the MDC CDMP. The Proposed Corridor was established through a methodology that balances a comprehensive set of environmental, social, land use, and technical considerations. These are similar to the ~~same~~ factors that MDC requires to be evaluated when determining the appropriateness of uses within designated land use categories.

- ~~• **Public Facilities and Services**—The siting of high-voltage electric transmission lines with existing utility and drainage corridors, such as the Dade-Broward Levee and L-31N Canal rights-of-way, is consistent with Policy LU-8L (Land Use Element), which encourages co-location of essential public facilities and services within existing or designated corridors to minimize new disturbance of undeveloped areas. This approach also aligns with Policy LU-1E, which supports the timely provision of public facilities, including electric transmission infrastructure, to meet projected needs while protecting environmental resources.~~
- ~~• **Conservation, Open Space, and Drainage Corridors**—The Bird Drive Basin and L-31N Canal segments are located within areas designated for water management and conservation purposes. Policy CON-5A (Conservation, Aquifer Recharge and Drainage Element) supports continued use and enhancement of canal, levee, and drainage system corridors for multiple compatible purposes, including utilities, provided such uses do not impair water management functions or environmental protection goals. Co-location of transmission facilities with these corridors reduces the need for additional clearing and is consistent with the County's policy to protect sensitive resources while accommodating essential services.~~
- ~~• **Utility Corridor Coordination**—The Proposed Corridor advances Policy LU-8M, which promotes coordination between utility providers and land use planning to consolidate infrastructure within established corridors, thereby minimizing land use conflicts and preserving the character of surrounding areas. The use of an existing undeveloped FPL Public Facilities and Services - The proposed siting of high-voltage electric transmission infrastructure within existing utility, drainage, canal, levee, and/or other established corridor areas is supported by CDMP Policy LU-4J, which directs the County to ensure that suitable land is provided for utility facilities necessary to support proposed development and provides that necessary utility facilities may be located throughout the County in all land-use categories as provided in the Land Use Plan Map Interpretation text. The~~

Land Use Plan Map Interpretation text for “Institutions, Utilities and Communications,” incorporated into the adopted Land Use Policies by Policy LU-5A, further provides that “[c]o-location of communication and utility facilities are encouraged” and that electric-power transmission line corridors are permitted “in every land-use category when located in established rights-of-way or certified under the Florida Electrical Power Plant Siting Act (Sections 403.501-403.518, F.S.) as an ancillary use to a new power plant, or the Transmission Line Siting Act (Sections 403.52-403.5365 F.S.) for individual electrical transmission lines.” The proposed use of existing corridor areas is therefore consistent with the CDMP’s policy framework for accommodating necessary utility infrastructure.

- Conservation, Open Space, and Drainage Corridors - Co-locating transmission facilities within or adjacent to existing utility, drainage, canal, levee, and/or other established corridor areas also advances the CDMP’s environmental compatibility framework by limiting additional disturbance of undeveloped areas. This approach is consistent with CDMP Objective LU-3 and Policies LU-3A and LU-3B, which require development location, design, and management practices to protect natural resources and systems, ensure consistency with the Conservation, Aquifer Recharge and Drainage Element and applicable environmental regulations, and protect significant natural resources from incompatible land uses. The Land Use Plan Map Interpretation text for “Open Land,” at I-73, recognizes that Open Land areas may accommodate compatible utility and public facilities while also serving conservation and environmental-maintenance functions. The Open Land Subarea 3 text for the Tamiami-Bird Canal Basins, at I-77, where applicable, identifies public facilities and utility and communications facilities as uses that may be considered. The project’s use of existing corridor areas also maintains applicable drainage, flood-protection, water-quality, groundwater-recharge, and hydrologic functions consistent with Objective CON-5 and Policies CON-5A and CON-5F of the Conservation, Aquifer Recharge and Drainage Element. The proposed use of existing corridor areas is therefore consistent with the CDMP’s policy framework for minimizing environmental disturbance while accommodating necessary utility infrastructure, provided the facilities are designed, permitted, and operated in a manner that does not impair water-management, drainage, conservation, or environmental-protection functions.
- Utility Corridor Coordination - The proposed use of the existing easement along the L-31N Canal segment further supports Policy ICE-5C (is consistent with CDMP Intergovernmental Coordination Element), encouraging joint Policy ICE-5C, which supports Miami-Dade County’s participation in regional planning among MDC, FPL, and water management agencies to ensure infrastructure placement is efficient and compatible with other corridor functions.
- activities involving natural resources, economic development, and service delivery functions. FPL is specifically listed in Table 2 of the Intergovernmental Coordination Element as an Intergovernmental Coordination Participant. Table 2 provides the “major regional, State and federal entities with which Miami-Dade County must coordinate its planning and growth management.”
Minimization of Environmental Impacts - Consistent with Policy CON-8A, which requires that siting of utilities in or near environmentally sensitive areas incorporate measures to minimize impacts, the Proposed Corridor’s location within existing disturbed or managed corridors reduces habitat fragmentation and limits encroachment into undisturbed wetlands.
 - Consistent with CON-7A, FPL will minimize wetland impacts within the right-of-way through co-location within existing upland access areas to the greatest extent practicable and all unavoidable wetland impacts will be mitigated in accordance with federal, state, and local regulations. As described in Section 3.1.2, FPL’s right-of-way design and construction will incorporate appropriately sized culverts to maintain flow and wetland hydrology. Furthermore, CDMP Policy CON-7A provides that the degradation or destruction of Wetlands of Regional Significance as identified in CDMP Land Use Element Figure 14 may occur for certain activities. The Project falls within several of the identified categories of activities. For example, activities that prevent or eliminate a threat to public health, safety or welfare are allowed. As described in Section 1.1.1., by 2033, as

a result of the growing customer base and electric demand load in Miami-Dade County (MDC), the FPL transmission system is projected to exceed voltage and thermal facility ratings under several contingency scenarios. These transmission assessment studies identified that by 2033, FPL's existing transmission network will not be able to support the growing load demand MDC, and a need for a new transmission solution is required to maintain transmission reliability in the area. These studies conducted by FPL in 2025 identified system limitations exceeding transmission criteria required by NERC Reliability Standards TPL-001-5.1 and NUC-001-4. The Project will address NERC TPL-001-5.1 and NUC-001-4 system reliability deficiencies and provide a resilient, hardened path from Broward County into MDC. Without these reliability improvements, potential system limitations will impact the ability to effectively transmit and distribute power into the major load centers in MDC, and the proposed transmission lines for the Project are required to prevent grid failure as energy consumption in MDC increases. On June 1, 2026, the Florida Public Service Commission ("FPSC") issued its Final Order Approving Determination of Need for Electrical Transmission Lines, Docket No. 20260020-EI, Order No. PSC-2026-0179-FOF-EI. ("Need Order"). In its Need Order, the FPSC found that "AOP is essential to mitigate the load growth of Miami-Dade County and to continue to maintain NERC reliability standards in effect. Without the AOP, there is a significant risk of overloads and potential voltage issues." Need Order, p. 8. The FPSC also found that, "each of the four transmission lines of the AOP are needed for abundant, low-cost electrical energy to assure the economic well-being of the citizens of the State." Need Order, p.10. Thus, these potential system limitations would directly adversely affect the public health, safety, and welfare if not otherwise addressed. Similarly, the degradation or destruction of Wetlands of Regional Significance is allowed for projects that are "clearly in the public interest and no other reasonable alternative exists". As discussed above, the need for the project to avoid the potential system overloads and voltage issues in delivering power to the region make the project clearly in the public interest. The FPSC also determined that the Andytown, Oasis, Quarry, and Levee and Midway Substations are the appropriate starting and ending points for meeting the need. Need Order, pp. 9-10. FPL analyzed multiple corridors to connect these substations and determined that the AOP was the preferred option. The basis of FPL's analysis is addressed in Section 2.1 of the Application for Certification, as discussed in response to MDC-30.

- The Project is also consistent with the Comprehensive Everglades Restoration Plan and therefore consistent with CON-7J. No conflict with any CERP project, including the BBSEER and the Southern Everglades Restoration Project, are anticipated.
- Consistent with CON-8I, within FPL's transmission line rights-of-way, during initial construction, FPL will use best management practices aligned with general integrated vegetation management strategies to eliminate prohibited species of exotic vegetation and perform periodic maintenance following construction to control exotic vegetation.
- The Project is consistent with Objective CON-9 because it will not adversely affect the conservation or use of freshwater fish, wildlife and plants. Since the Proposed Corridor is co-located with existing transmission lines and canals for approximately 75% of its length and the majority of existing habitat within the right-of-way will not be disturbed, no significant changes to vegetation, wildlife, and aquatic life are anticipated as a result of the construction of the Project.
- The Project is also consistent with Objective CON-9A, as the Proposed Corridor does not cross federally designated critical habitat areas for any listed species and construction will not significantly impact undeveloped habitat critical to federal, state, or County designated endangered, threatened, or rare species or species of special concern.

- The Project will not result in significant impact to nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, consistent with Objective CON-9B. To support this objective, FPL will conduct pre-clearing wildlife surveys in coordination with FWC and improve wildlife habitat within the right-of-way through control of exotic vegetation, in accordance with the Conditions of Certification. Consistent with Objective CON-9C, rookeries and nesting sites used by federal or State designated endangered or threatened species will not be moved or destroyed.

In summary, the Proposed Corridor from the MDC - Broward County line south to the Oasis substation is consistent with the MDC CDMP in that it largely co-locates new electrical transmission facilities within established utility and drainage corridors, supports interagency coordination, meets future electric service needs, and protects environmentally sensitive lands in accordance with CDMP Land Use, Conservation, and Intergovernmental Coordination policies.

The Proposed Corridor is consistent with the adopted comprehensive plans of Broward County, the Town of Southwest Ranches, and MDC. In each jurisdiction, the routing has been designed to align with the established goals, objectives, and policies related to land use, community facility siting, conservation and resource management, and utility infrastructure. By co-locating new transmission facilities with existing rights-of-way and linear infrastructure corridors, and by applying siting criteria that avoid or minimize environmental and community impacts, the Project supports the long-term planning objectives of all three jurisdictions. Collectively, the Project advances regional infrastructure reliability while remaining fully consistent with the comprehensive planning frameworks of Broward County, Southwest Ranches, and MDC.

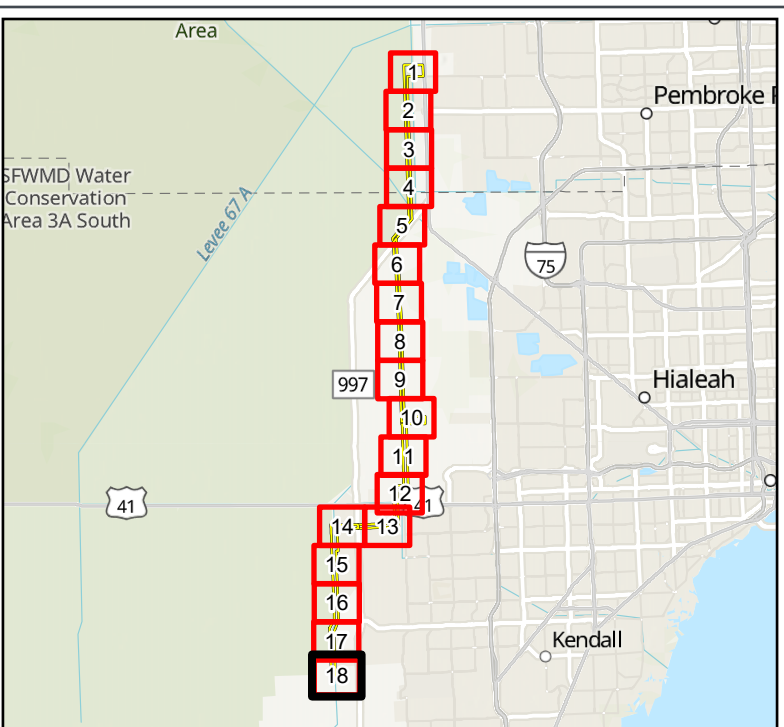
ATTACHMENT MDC-5

Attachment MDC-5. Conceptual Design Assumptions for Portion of Project within Miami-Dade County

Segment	Depth of Fill (ft)	Access Road Length (ft)	Access Road Width (2:1 Slope) (ft)	Access Road Fill (Acres)	Number of Pads					Type of Pads	Pad Fill (2:1 Slope) (Acres)	Total Access Road and Pad Fill (Acres)
					Pad Extension	Structure Pads	Mid-Span Structures	Turning Structures	Pulling Pads			
Andytown to Levee/Quarry	3	0	24	0.0	41	2	0	3	6	Pad Extension, Pulling Pad - North, Type 4 Structure Pad, Type 3,4,5 Turning Pads	16.34	16.34
Levee and Quarry	5	1,300	28	0.8	1	4	0	0	0	Pad Extension, Type 1 Structure Pad	2.90	3.74
North of Tamiami Trail	5	16,657	28	10.7	0	15	17	3	1	Type 1 Structure Pad (12), Type 2 Structure Pad (3), Type 1 Mid Span Structure Pad, Pulling Pad-South, Types 6, 7, and 8 Turning Pads	27.11	37.82
Bird Drive Basin	6	12,967	30	8.9	0	10	11	1	1	Type 1 Structure Pad, Type 1 Mid Span Structure Pad, Type 9 Turning Pad, Pulling Pad-South	13.59	22.52
East of L31N Canal (North)	2	12,761	22	6.4	0	9	7	1	1	Type 1 Structure Pad (3), Type 3 Structure Pad (6), Type 1 Mid Span Structure Pad (4), Type 2 Mid Span Structure Pad (3), Type 10 Turning Pad, Pulling Pad-South	10.32	15.21
East of L31N Canal (South)	1	0	20	0.0	0	19	9	0	1	Type 3 Structure Pad, Type 1 Mid Span Structure Pad (1), Type 2 Mid Span Structure Pad (8), Pulling Pad-South	9.81	9.81
West of L31N Canal	6	14,908	30	10.3	0	12	7	1	1	Type 2 Structure Pad (7), Type 4 Structure Pad (5), Type 1 Mid Span Structure Pad, Type 11 Turning Pad, Pulling Pad-South	11.24	21.51
West of L31N (Upland)	1	5,782	20	2.7	0	5	3	1	1	Type 2 Structure Pad, Type 1 Mid Span Structure Pad, Type 12 Turning Pad, Pulling Pad-South	6.7	9.35 (upland)
											TOTAL WETLAND ACREAGE	126.95

Pad Type (See Figures 1-24 through 1-26 for Conceptual Pad Designs)				Acreage					
Structure	Mid-Span	Turning	Pulling	1ft Depth of Fill	2ft Depth of Fill	3ft Depth of Fill	4ft Depth of Fill	5ft Depth of Fill	6ft Depth of Fill
Pad Extension						0.22		0.26	
Type 1					0.49	0.59	0.62	0.66	0.7
Type 2				0.46		0.51	0.57	0.61	0.65
Type 3				0.34	0.47				
Type 4						0.23			0.34
	Type 1			0.13	0.14	0.15	0.16	0.17	0.18
	Type 2			0.19	0.27				
			Pulling Pad - North			0.57			
			Pulling Pad - South	1.7	1.74	1.78	1.83	1.87	1.91
		Type 1				0.74			
		Type 2				0.77			
		Type 3				0.79			
		Type 4				0.76			
		Type 5				1.89			
		Type 6					2.17	2.24	
		Type 7					2.41	2.65	
		Type 8					2.63	7.71	
		Type 9				2.47		2.62	2.7
		Type 10			2.92				
		Type 11				1.7			1.82
		Type 12		2.31					

ATTACHMENT MDC-7



- Substation
- Proposed Corridor
- County Boundary
- 0.5 Mile Buffer
- Wetlands
- Land Use/ Land Cover
 - 118: Rural Residential
 - 214: Row Crops
 - 221: Citrus Groves
 - 223: Other Groves
 - 241: Tree Nurseries
 - 243: Ornamentals
 - 251: Horse Farms
 - 261: Fallow Cropland
 - 310: Herbaceous (Dry Prairie)
 - 320: Upland Shrub and Brushland
 - 512: Channelized Waterways, Canals
 - 617: Mixed Wetland Hardwoods
 - 641: Freshwater Marsh
 - 643: Wet Prairie
 - 747: Dikes and Levees
 - 814: Roads and Highways
 - 820: Communications
 - 831: Electrical Power Facilities

Substations, Proposed Corridor: FPL 2025
0.5 Mile Buffer: SWCA 2025
County Boundary: Florida Geospatial Open Data Portal 2025
Land Use, Wetlands: 5FWMD, modified by SWCA 2025

ANDYTOWN-OASIS PROJECT
Land Use/Land Cover
Within 0.5 Mile

Page 18 of 18



Broward County, FL
Miami-Dade County, FL

NAD 1983 StatePlane Florida
East FIPS 0901 Feet
25.6542°N 80.4957°W

Base Map: ESRI ArcGIS Online,
accessed June 2026
Updated: 6/22/2026
Project No. 96475
Layout: 2-09_Land_Use-
Land_Cover_HalfMile
Aprx: 96475 FPL Andytown-Oasis TLSA

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0 110 220 Meters

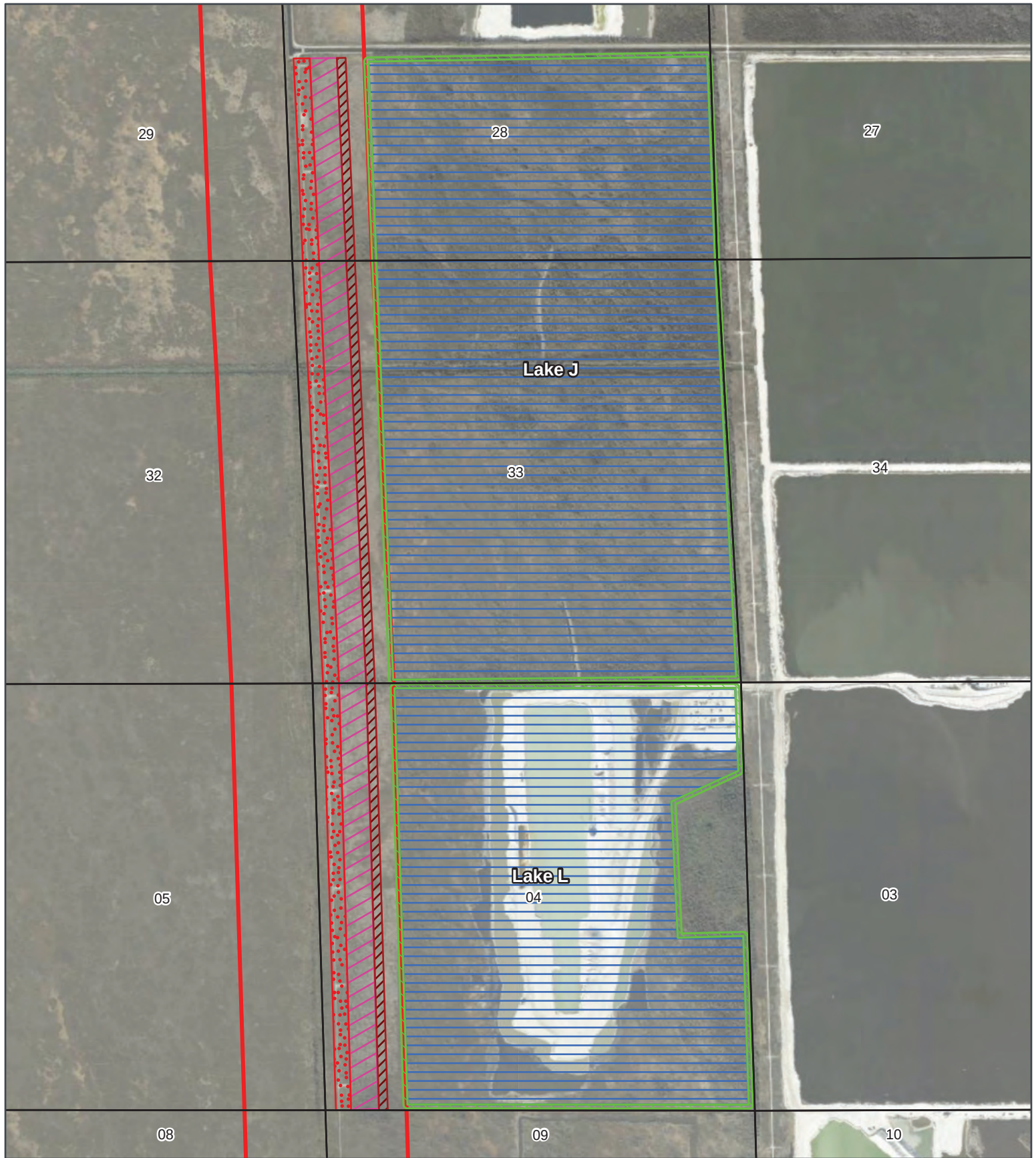
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Attachment MDC-7
(Revised Excerpt Figure 2-9)

Attachment MDC-7: Revised Table 2-6. Acreage of Land Use Type and Dominant Vegetative Communities within the Proposed Corridor

FLUCFCS	Description	Acreage	Percentage
	Urban and Built-Up		
118	Rural Residential	16.4	0.27%
163/166	Rock Quarries/Holding Ponds	141.4	2.37%
176	Correctional	0.3	0.01%
	Agricultural		
214	Row Crops	138.9	2.32%
251	Horse Farms	0.7	0.01%
	Rangeland		
320	Upland Shrub and Brushland	49.1	0.82%
	Wetlands and Surface Waters		
512	Channelized Waterways, Canals	136.4	2.28%
617	Mixed Wetland Hardwoods	99.2	1.66%
619	Exotic Wetland Hardwoods	727.1	12.17%
641	Freshwater Marsh	3,819.7	63.93%
643	Wet Prairie	399.2	6.68%
	Transportation and Utilities		
740	Disturbed Land	20.4	0.34%
747	Dikes and Levees	256.1	4.29%
814	Roads and Highways	27.4	0.46%
831	Electrical Power Facilities	78.1	1.31%
832	Electrical Power Transmission Lines	64.0	1.07%
TOTAL		5,974.4	100%

ATTACHMENT MDC-11

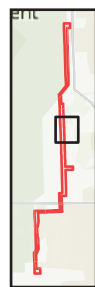


ANDYTOWN-OASIS PROJECT

Proposed Corridor and Titan Florida Mining Plan For Lake J and L Map

Proposed Corridor: SWCA 2025
Mitigation and Mining
Plan: Titan and Cemex 2024

- Proposed Corridor
- PLSS Section Boundaries
- 50-foot Littoral Area
- FPL Easement
- Mining Area
- Offsite Mitigation for Lake J (107' Wide)
- Offsite Mitigation from other Titan Permits (335' wide)
- CEMEX Wetland Mitigation Area, 4.09 Acres



Miami-Dade County, FL
NAD 1983 StatePlane Florida
East FIPS 0901 Feet
25.8732°N 80.4437°W

Base Map: ESRI ArcGIS Online,
accessed July 2026
Updated: 7/9/2026
Project No. 96475
Layout: 50_MDC_11
Aprx: 96475 FPL Andytown-Oasis TLSA

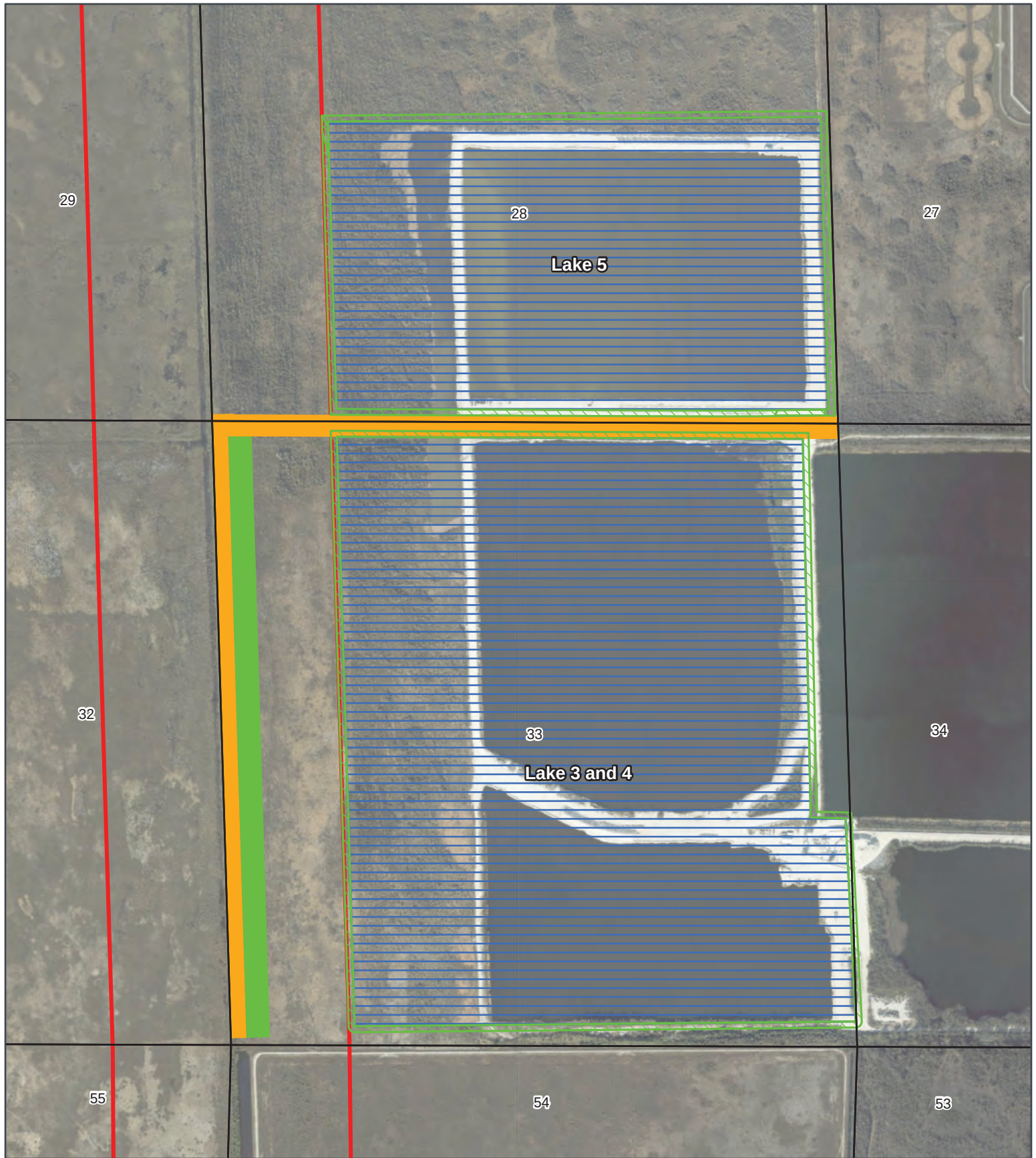
0 790 1,580 Feet

0 200 400 Meters

1:19,000

Attachment MDC-11

[Map 1 of 3]

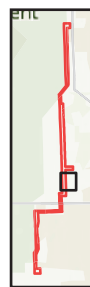


ANDYTOWN-OASIS PROJECT

**Proposed Corridor and
CEMEX Mining Plan
for Lakes 3, 4, and 5
Map**

Proposed Corridor: SWCA 2025
Mitigation and Mining
Plan: Titan and Cemex 2024

- Proposed Corridor
- PLSS Section Boundaries
- 50-foot Littoral Area
- Mining Area
- Canal Reservation
- Off-Pit Mitigation Area, 23.33. Acres
- CEMEX Wetland Mitigation Area, 4.09 Acres



Miami-Dade County, FL
NAD 1983 StatePlane Florida
East FIPS 0901 Feet
25.7936°N 80.4416°W

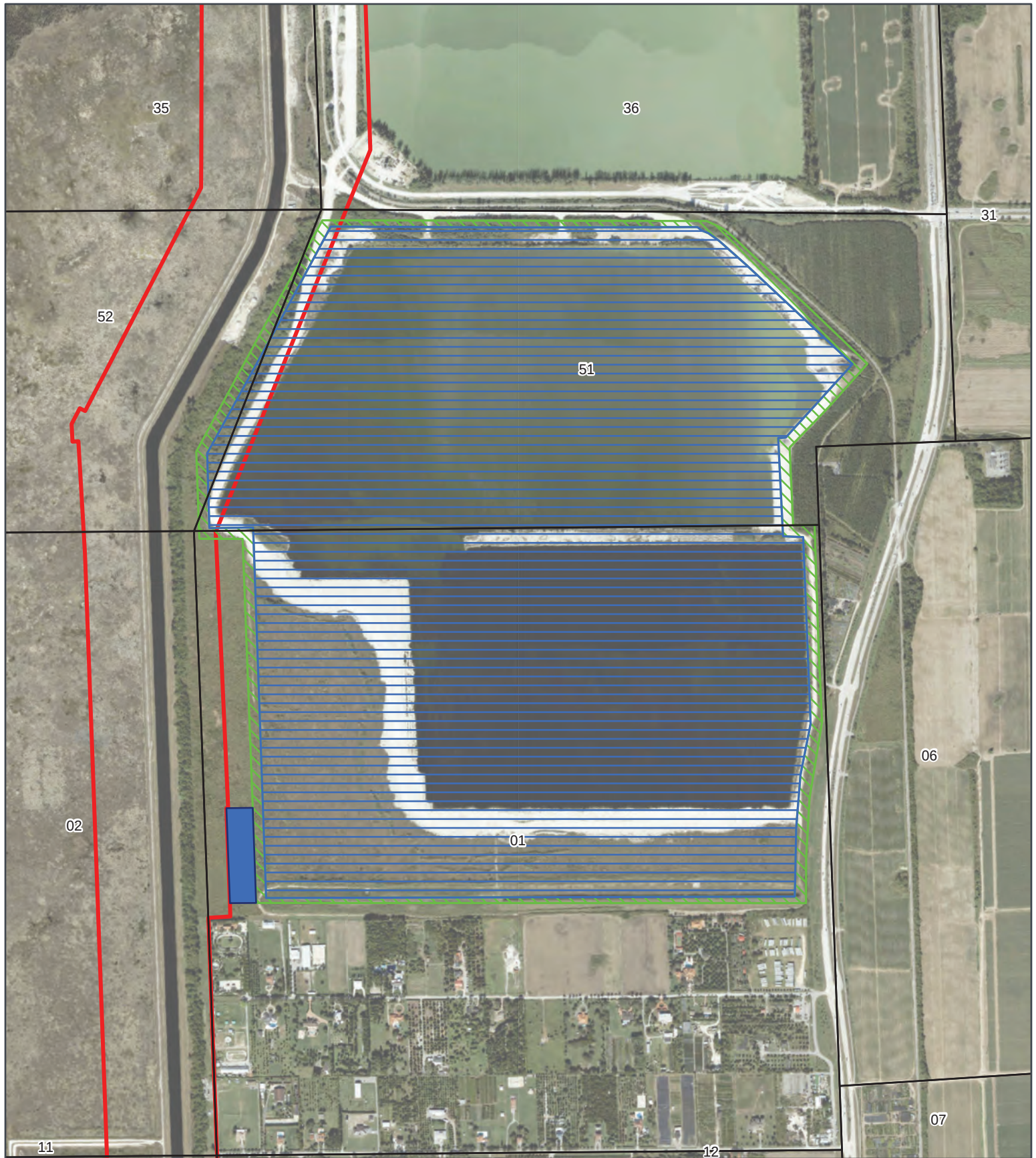
Base Map: ESRI ArcGIS Online,
accessed July 2026
Updated: 7/9/2026
Project No. 96475
Layout: 50_MDC_11
Aprx: 96475 FPL Andytown-Oasis TLSA

0 540 1,080 Feet

0 130 260 Meters

1:13,000

Attachment
MDC-11
[Map 2 of 3]

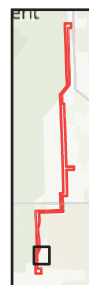


ANDYTOWN-OASIS PROJECT

**Proposed Corridor and
CEMEX Shoma Phase I
and II Wetland
Mitigation Area Map**

- Proposed Corridor
- PLSS Section Boundaries
- Mining Area
- Safety Shelf
- CEMEX Wetland Mitigation Area, 4.09 Acres

Proposed Corridor: SWCA 2025
Mitigation and Mining
Plan: Titan and Cemex 2024



Miami-Dade County, FL
NAD 1983 StatePlane Florida
East FIPS 0901 Feet
25.6801°N 80.4893°W

Base Map: ESRI ArcGIS Online,
accessed July 2026
Updated: 7/9/2026
Project No. 96475
Layout: 50_MDC_11
Aprx: 96475 FPL Andytown-Oasis TLISA

0 540 1,080 Feet
0 130 260 Meters

1:13,000

Attachment
MDC-11
[Map 3 of 3]

ATTACHMENT MDC-15-1

STATE OF FLORIDA

IN RE: MEETING OF THE GOVERNOR AND
CABINET

CABINET MEMBERS: GOVERNOR RICK SCOTT
ATTORNEY GENERAL PAM BONDI
CHIEF FINANCIAL OFFICER JEFF
ATWATER
COMMISSIONER OF AGRICULTURE
ADAM PUTNAM

DATE: TUESDAY, MAY 13, 2014

LOCATION: CABINET MEETING ROOM
LOWER LEVEL, THE CAPITOL
TALLAHASSEE, FLORIDA

REPORTED BY: NANCY S. METZKE, RPR, FPR
COURT REPORTER

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By Secretary Vinyard 39

* * * *

P R O C E E D I N G S

GOVERNOR SCOTT: Good morning. Welcome to the May 13th, 2014, Cabinet Meeting.

At this time I'd like to welcome Reverend Bernard Hudson of St. John AME Church in Campbellton to lead this morning's invocation. Please remain standing after the invocation for the pledge of allegiance, which will be led by members of the Rickards High School Marching Band who have a great story to tell us, so if everybody will please rise.

(WHEREUPON, THE INVOCATION WAS GIVEN AND THE PLEDGE OF ALLEGIANCE WAS SAID).

GOVERNOR SCOTT: Thank you very much. Please be seated. Thank you, Reverend Hudson; and thank you to the Rickards High School Marching Band.

* * * *

STATE BOARD OF ADMINISTRATION

1
2 GOVERNOR SCOTT: I'd like now to recognize
3 Executive Director Ash Williams with the State
4 Board of Administration to present his agenda.
5 Good morning, Ash.

6 EXECUTIVE DIRECTOR WILLIAMS: Good morning.

7 GOVERNOR SCOTT: Did you make money?

8 EXECUTIVE DIRECTOR WILLIAMS: Yes, sir. We
9 are making a few bucks. As of last night's close,
10 fiscal year to date, the fund is up 14.41 percent.
11 That's 43 basis points ahead of target. The
12 balance is at 146.3 billion. That's an all-time
13 high, and it's above where it was at the peak back
14 in 2007 net of distributions.

15 (APPLAUSE).

16 EXECUTIVE DIRECTOR WILLIAMS: Thank you.

17 Item 1, request approval of the minutes of the
18 March 18 meeting.

19 GOVERNOR SCOTT: Is there a motion to approve?

20 CFO ATWATER: So move.

21 ATTORNEY GENERAL BONDI: I'll second.

22 GOVERNOR SCOTT: Moved and seconded, show the
23 minutes approved without objection.

24 EXECUTIVE DIRECTOR WILLIAMS: Thank you.

25 Item 2, request approval of the fiscal

1 determination of an amount not exceeding \$18
2 million, Florida Housing Finance Corporation,
3 Multifamily Mortgage Revenue Bonds. This is the
4 Ridge Club Apartment, which is an acquisition and
5 rehabilitation project in Orange County, Florida.

6 GOVERNOR SCOTT: Is there a motion to approve?

7 CFO ATWATER: So moved.

8 GOVERNOR SCOTT: Is there a second?

9 ATTORNEY GENERAL BONDI: Second.

10 GOVERNOR SCOTT: Any comments or objections?

11 (NO RESPONSE).

12 GOVERNOR SCOTT: Hearing none, the motion
13 carries.

14 EXECUTIVE DIRECTOR WILLIAMS: Thank you.

15 Item 3, request approval of fiscal
16 determination of an amount not exceeding \$6.3
17 million, Florida Housing Finance Agency
18 Corporation, Multifamily Mortgage Revenue Bonds.
19 This is another acquisition and rehabilitation
20 project, the Caravelle Arms Apartments in Broward
21 County.

22 GOVERNOR SCOTT: Is there a motion to approve?

23 ATTORNEY GENERAL BONDI: So move.

24 GOVERNOR SCOTT: Is there a second?

25 CFO ATWATER: Second.

1 GOVERNOR SCOTT: Any comments or objections?

2 (NO RESPONSE).

3 GOVERNOR SCOTT: Hearing none, the motion
4 carries.

5 EXECUTIVE DIRECTOR WILLIAMS: Thank you.

6 GOVERNOR SCOTT: Thank you, Ash.

7
8
9 * * * *

DEPARTMENT OF VETERANS AFFAIRS

GOVERNOR SCOTT: I would now like to recognize Executive Director Mike Prendergast with the Department of Veterans Affairs to present his agenda.

EXECUTIVE DIRECTOR PRENDERGAST: Good morning, again, Governor and Cabinet.

Before we discuss the agenda items this morning, I'd like to take a brief moment to update you on two important developments that impact our Department of Veterans Affairs and our community of more than 1.5 million veterans in the Sunshine State.

The first item is about some of the great charity work that's recently been done by some of Florida's veterans charities, and indeed one of the charities that I've been able to take part in some of their -- and benefit from as an agency, is a charity known as Support the Troops, Incorporated. It's a veteran-led charity based in Wesley Chapel, right up the interstate from the Tampa Bay area.

Each week Support the Troops sends out approximately 110 care packages to our forward-deployed troops in a combat zone in

1 Afghanistan. And at the height of combat
2 operations in Iraq and Afghanistan, through their
3 great work, they were able to send between 200 and
4 220 care packages each weighing approximately 50 to
5 60 pounds each to our remotely deployed soldiers,
6 sailors, airmen, Marines, and Coast Guard's men
7 over in the desert serving in harm's way.

8 The packages that they have sent out contain a
9 variety of items popular with the troops, including
10 coffee, snack foods, Girl Scout cookies, batteries,
11 DVDs, suntan lotion, sun glasses, and a whole array
12 of personal hygiene items that are very hard to get
13 when you're forward deployed. Some of the goods
14 are donated by local businesses from our state, and
15 others are paid for through the generous
16 contributions of those folks who support this great
17 charitable endeavor.

18 During my combat deployments in Iraq and
19 Afghanistan, I personally witnessed my troops
20 receiving care package from this great
21 organization, and I remarked often to my sergeant
22 major about how neat it was to get care packages
23 from folks back home in the Sunshine State who I
24 never had the privilege of meeting. I'm very
25 humble to report to you that this great

1 organization recently delivered 21 pounds of
2 donated goods worth in excess of over \$50,000 to
3 our seven state veterans homes and our assisted
4 living facility. The items donated included more
5 than 2,000 nearly new or new set of hospital scrubs
6 that have been donated to them by St. Joseph's
7 Hospital in the Tampa Bay area that originally were
8 destined to our combat docs and medics and medical
9 staff in our forward-deployed hospitals in the
10 desert.

11 With the drawdown in Iraq completed and the
12 drawdown continuing down to its logical conclusion
13 in Afghanistan, they had these excess goods; and
14 when the director, Mark Vantrees, asked me, hey, do
15 you guys think you could use any of these, or do
16 you know anybody who could use them, I said, well,
17 I have about 900 folks who work in our state
18 veterans nursing homes who could use some
19 additional sets of hospital scrubs for their uniform
20 kit. And Mark said, well, we'll package them up
21 and send them to you.

22 Now along with that generous donation, they
23 also put together some packages of Girl Scout
24 cookies, personal hygiene items for our veterans,
25 and then Walmart, a great supporter of our troops

1 as we all know, they volunteered a brand new truck
2 with a driver who has driven accident free for
3 millions of miles in support of Walmart operations.
4 And this Viet Nam veteran, during the height of the
5 storms of a couple of weeks ago, drove throughout
6 the state and delivered 21 pallets of these goods
7 to our veterans home throughout the state.

8 So we're grateful to Support the Troops, and
9 we're grateful to Walmart for going above and
10 beyond to take care of our troops right here in the
11 Sunshine State.

12 GOVERNOR SCOTT: We live in a great state
13 where people care about each other.

14 EXECUTIVE DIRECTOR PRENDERGAST: They really
15 do, Governor, they really do.

16 As I mentioned, Support the Troops is located
17 right off of I-75 in Wesley Chapel, and it's just
18 one example of those great organizations that go
19 out of their way. And I'd be remiss because I know
20 there are a couple of folks on the Cabinet who do
21 enjoy hunting sports, Support the Troops also put
22 together some care packages for an organization
23 called American Patriot Outfitters right over here
24 in Madison County to help them during their annual
25 spring turkey hunt. And they assembled 25 sets of

1 what we call field humidors, and they put some
2 cigars that came from the J. C. Newman Factory in
3 Tampa that Commissioner Putnam was at just about a
4 week ago with Bobby Newman, over there in Tampa
5 rolling some cigars at one of the great last
6 bastions of cigar aficionados in the world.

7 They donated the cigars, J. C. Newman and
8 Company and Rocky Patel and some others donated
9 some cigars. A group of guys made cedar inserts to
10 put inside of these ammo cans. They put some
11 snacks in there, some cigars, and some lighters;
12 and they helped out the American Patriot Outfitters
13 during their annual spring turkey hunt that was
14 very, very successful for the third year in a row.

15 And there are a lot of other great volunteer
16 organizations that support us, and we're truly
17 grateful to the volunteers who donate tens of
18 thousands of hours each and every year and to those
19 folks who donate their spirit and come and spend
20 time with our veterans in our state veterans
21 nursing homes.

22 And today we only have one bed available out
23 of our 869 beds in our state veterans nursing home
24 enterprise, and we're looking forward to working
25 towards getting a groundbreaking established in the

1 not-too distant future for the 7th state veterans
2 nursing home here in the Sunshine State so that we
3 can open up that facility and provide another 120
4 additional beds for our veterans.

5 GOVERNOR SCOTT: Do you want to brag about all
6 of the awards they win?

7 EXECUTIVE DIRECTOR PRENDERGAST: Well,
8 Governor, we could take up the rest of the Cabinet
9 Meeting. I know it's been a long meeting and there
10 are a lot of folks here waiting to get to the meat
11 of some substance at the end of the day. But we
12 have four five-star award winners, and the other
13 two state veterans nursing homes that are skilled
14 facilities are rated at the four-star level. We're
15 waiting for some additional reports to come out so
16 we can elevate them to the five-star level as well.
17 They're great homes, and they provide that
18 world-class service that our veterans in Florida so
19 richly deserve with their faithful service to this
20 great country of ours.

21 The second important update for you this
22 morning is the debut of a brief new Florida
23 Department of Veterans Affairs video destined for
24 use within our agency and any other organization
25 that endeavors to support Florida's veterans.

1 (WHEREUPON, A VIDEO WAS PLAYED)

2 EXECUTIVE DIRECTOR PRENDERGAST: Well,
3 Governor and members of the Cabinet, ladies and
4 gentlemen, I think that video says it all. We're
5 humbled to serve the third largest population of
6 veterans each and every day, and it's our honor to
7 be a part of a great team that takes care of this
8 great population of America's patriots.

9 The Department of Veterans Affairs has three
10 agenda items for your consideration today. Agenda
11 Item 1 consists of Cabinet Meeting minutes for the
12 March 6, 2014, Cabinet Meeting. We respectfully
13 request approval of these minutes.

14 GOVERNOR SCOTT: Is there a motion to approve?

15 ATTORNEY GENERAL BONDI: So much.

16 GOVERNOR SCOTT: Is there a second?

17 CFO ATWATER: Second.

18 GOVERNOR SCOTT: Moved and seconded, show the
19 minutes approved without objection.

20 EXECUTIVE DIRECTOR PRENDERGAST: Thank you,
21 Governor.

22 Agenda Item 2 is the Agency's third quarter
23 report for fiscal year 2013 and 2014. Each of your
24 offices received a copy of this report earlier, and
25 we would be pleased to review it with you in

1 further detail if you have any questions.

2 Now I'll just briefly cover a couple of key
3 points from that report. The Bureau of Claim
4 Services down in Bay Pines, down in St. Petersburg,
5 has fully implemented the use of the U.S.
6 Department of Veterans Affairs new Veterans
7 Benefits Management System that allows us to do a
8 hundred percent paperless claims for veterans when
9 new claims come in. This has significantly
10 enhanced our efficiency and made it more compatible
11 with the products that the federal VA is working
12 towards to more expeditiously resolve our federal
13 VA claims.

14 Recently, FDVA had the honor and pleasure of
15 working on behalf of one of our nation's most
16 recent medal of honor recipients. Port St. John
17 resident Melvin Morris who was awarded the medal
18 of honor at a ceremony at the White House back in
19 March recently received his overdue medal of honor
20 supplemental payments. Those account to
21 approximately \$1,260 per month.

22 For the first quarter, the Bureau of Field
23 Services claims examiners attended 188 outreach
24 events providing state and federal benefits
25 information to more than 8,300 veterans, and they

1 also participated in six state veterans -- homeless
2 veterans stand-downs assisting more than 460
3 veterans get access to the benefits.

4 The Bureau of Field Services also helps our
5 veterans file disability and pension claims, and
6 most recently our reporting included more than
7 \$14,900,000 of issue resolutions for our veterans
8 across the state.

9 And as I mentioned previously, we're
10 maintaining a 99 percent occupancy rate in our
11 state veterans nursing homes, and today we only
12 have one bed available in our facilities. In
13 summary, as you can see from the figures presented
14 in our report, the Department continues to provide
15 outstanding world-class service to our veterans and
16 a great return on investment to the citizens of the
17 Sunshine State.

18 Subject to your questions, we respectfully
19 request approval of our third quarter report for
20 fiscal year '13/'14

21 GOVERNOR SCOTT: Is there a motion to accept
22 the report?

23 ATTORNEY GENERAL BONDI: So moved.

24 GOVERNOR SCOTT: Is there a second?

25 CFO ATWATER: Second.

1 GOVERNOR SCOTT: Any comments or objections?

2 (NO RESPONSE) .

3 GOVERNOR SCOTT: Hearing none, the motion
4 carries.

5 EXECUTIVE DIRECTOR PRENDERGAST: Thank you.

6 Agenda Item 3 consists of the final adoption
7 of a proposed rule repealed for Rule 55-11.010,
8 residents' deposits and money. Previously,
9 Governor and Cabinet, you approved publication of
10 the notice of rule development for this rule
11 amendment on January 22nd, 2014. The notice was
12 published in the Florida Administrative Register on
13 February 17th, and the notice of proposed rule was
14 published on April 9th, 2014. No hearing was
15 requested by the public.

16 This rule amendment eliminates language that
17 conflicts with the statute clarifying that interest
18 earned on resident trust accounts may be withdrawn
19 at will by the resident who originally deposited
20 the money. We respectfully request approval of the
21 proposed rule for final adoption.

22 GOVERNOR SCOTT: Is there a motion to approve?

23 ATTORNEY GENERAL BONDI: So moved.

24 GOVERNOR SCOTT: Is there a second?

25 CFO ATWATER: Second.

GOVERNOR SCOTT: Any comments or objections?

(NO RESPONSE).

GOVERNOR SCOTT: Hearing none, the motion carries.

EXECUTIVE DIRECTOR PRENDERGAST: In closing, thank you Governor Scott and members of the Cabinet for making Florida the most veteran friendly state in the nation. We look forward to continuing to strive for excellence in all of our endeavors.

Thank you.

GOVERNOR SCOTT: Thank you for what you do. Have a good day.

* * * *

OFFICE OF FINANCIAL REGULATION

GOVERNOR SCOTT: I'd now like to recognize
Drew Breakspear, Commissioner of the Office of
Financial Regulation, to present his agenda.

Good afternoon.

COMMISSIONER BREAKSPEAR: Good afternoon
Governor Scott, Attorney General Bondi,
CFO Atwater, and Commissioner Putnam.

Two items today, the first is the Office
requests the approval of the minutes of the
November 19th, 2013, meeting.

GOVERNOR SCOTT: Is there a motion to approve?

COMMISSIONER PUTNAM: So move.

GOVERNOR SCOTT: Is there a second?

CFO ATWATER: Second.

GOVERNOR SCOTT: Moved and seconded, show the
minutes approved without objection.

COMMISSIONER BREAKSPEAR: The Second item, the
Office requests approval to publish notices of
proposed rule -- for 25 rules to update the
materials incorporated by reference in Chapter 69W,
Florida Administrative Code, relating to securities
regulations. One proposed new rule, to update the
method by which materials are incorporated by

1 reference to Chapter 69W, Florida Administrative
2 Code, and ten rule amendments to update rules
3 relating to the registration of securities.

4 GOVERNOR SCOTT: Is there a motion to approve?

5 ATTORNEY GENERAL BONDI: So moved.

6 GOVERNOR SCOTT: Is there a second?

7 CFO ATWATER: Second.

8 GOVERNOR SCOTT: Any comments or objections?

9 (NO RESPONSE).

10 GOVERNOR SCOTT: Hearing none, the motion
11 carries.

12 COMMISSIONER BREAKSPEAR: Thank you members
13 of the Cabinet.

14 GOVERNOR SCOTT: Thank you.

15
16
17 * * * * *

BOARD OF TRUSTEES

GOVERNOR SCOTT: Now I would like to recognize Secretary Herschel Vinyard to present his agenda.

Good afternoon, Herschel.

SECRETARY VINYARD: Good morning or maybe good afternoon now, Governor, Attorney General Bondi, CFO Atwater, and Commissioner Putnam.

There are 7 items on the Board of Trustees agenda this morning. The first one is the confirmation of our new State Lands Director. We request confirmation of Kelley Boree as the Director of State Lands.

As a quick background, Kelley comes from the City of Jacksonville where she served as the director of parks and recreation overseeing one of the largest city park systems in the nation. Kelley championed the \$312 million preservation project for Jacksonville preserving more than 80,000 acres in Duval County. She was previously appointed by Governor Scott to the acquisition and restoration council where she actively worked on ranking acquisition projects for Florida Forever.

Kelley has a degree in business administration and is a certified park and recreation

1 professional. The Department recommends approval.
2 And, Governor Scott, with your permission, Kelley
3 would like to say a couple of words.

4 GOVERNOR SCOTT: Good morning or good
5 afternoon I guess.

6 MS. BOREE: Yes, sir, it is good afternoon.
7 Thank you.

8 I appreciate this opportunity. It's
9 incredible to be able to come from Jacksonville
10 from one of the largest urban park systems over to
11 Florida to lead -- hopefully to work with the great
12 State of Florida and its people and with your team
13 and with you to continue to protect and conserve a
14 lot of our properties here in Florida. So I look
15 forward to the opportunity and thank you again.

16 GOVERNOR SCOTT: Is there a motion to approve?

17 ATTORNEY GENERAL BONDI: So move.

18 GOVERNOR SCOTT: Is there a second?

19 COMMISSIONER PUTNAM: Second.

20 GOVERNOR SCOTT: Any comments or objections?

21 (NO RESPONSE).

22 GOVERNOR SCOTT: Hearing none the motion
23 carries unanimously. Congratulations.

24 (APPLAUSE).

25 SECRETARY VINYARD: Item Number 2 is the

1 Bartow service office. It's consideration of a
2 contract to acquire seven acres in Bartow from the
3 Southwest Florida Water Management District, known
4 as SWFWMD, on behalf of the Department of
5 Agriculture for \$1.35 million.

6 In 2013 the Florida legislature appropriated
7 one and a half million dollars and authorized DACS
8 to acquire the SWFWMD property. The property has
9 an office building, a shop building and other
10 ancillary improvements. Upon closing, DACS
11 proposes to relocate its staff from the Florida
12 Citrus Building in Winter Haven to Bartow. DACS is
13 requesting the Board of Trustees acquire the
14 property on its behalf, and the Department
15 recommends approval.

16 GOVERNOR SCOTT: All right. Is there a motion
17 to approve?

18 ATTORNEY GENERAL BONDI: So move.

19 GOVERNOR SCOTT: Is there a second?

20 CFO ATWATER: Second.

21 GOVERNOR SCOTT: Do you know anything about
22 this area of the state?

23 COMMISSIONER PUTNAM: God's country.

24 GOVERNOR SCOTT: All right. Any comments or
25 objections?

1 (NO RESPONSE) .

2 GOVERNOR SCOTT: Hearing none, the motion
3 carries.

4 SECRETARY VINYARD: Item Number 3 is Watson
5 Island partial deed modification. This is a
6 request for a partial modification of the City of
7 Miami Deed 19447. It's very similar to previous
8 Board of Trustees' approvals in 2004 and 2011 for
9 the same property. The City of Miami will submit
10 semi-annual payments of 15 percent of the total
11 preconstruction, construction and base rents for
12 activities on Watson Island.

13 The biggest change is this agenda has the
14 Board of Trustees working exclusively with the City
15 of Miami and not a developer. Your approval today
16 does not waive the need for any other regulatory or
17 environmental approvals for this project.

18 We do, Governor, have several speakers. Our
19 first speaker is Mr. Sam Dubbin.

20 GOVERNOR SCOTT: Good afternoon.

21 MR. DUBBIN: Good afternoon. Thank you,
22 Mr. Secretary, members of the Cabinet.

23 My name is Sam Dubbin. I'm an attorney from
24 Miami. I represent residents of the Venetian
25 Isles, Stephen Hurbitz and the 1000 Venetian Way

1 Association, Inc. I've also been asked by
2 Professor Stephen Mahoney, Sierra Club of Miami
3 Conservation Chair, to submit a request that the
4 Board defer any decision on this.

5 My clients are substantially affected by this
6 development because they live very near to this
7 project and would be affected by the traffic which
8 is already horrendous, the increase in the traffic
9 as well as the environmental problems which I'm
10 going to touch on here, and as taxpayers because of
11 the huge subsidies that the City and the state
12 taxpayers are going to be providing for this
13 development.

14 There's a rushed quality about this item today
15 because the developer has a June 2nd deadline to
16 start digging or else the entire project gets
17 opened up again. And although it's true that the
18 Cabinet approved similar measures in 2004 and in
19 2011, what's different today is that all of the
20 relevant public policy criteria have changed in
21 that period of time.

22 This project has rents based upon appraisals
23 that were conducted in the year 2002. That
24 property has gone up in value 400 percent. It's
25 based on traffic studies conducted in 2004. The

1 traffic situation, you can ask anybody in
2 Miami/Dade County going over McArthur Causeway is
3 horrendous, and the additional burden caused by
4 this in today's real world has not been factored
5 in.

6 The current project has not taken into account
7 the sea level rise issue, and nobody in south
8 Florida today would consider approving building
9 right on the water's edge on sea level property
10 without taking into account the damage that will
11 inevitably occur in 10, 20, 30 years.

12 My clients' position is that the proposal
13 before you fails the public-interest test to which
14 you as the fiduciaries for the State of Florida and
15 its citizens and taxpayers are bound. The only
16 action the body can take today, consistent with the
17 public interest, is to defer it and ask the City --
18 advise the City to conduct current appraisals and
19 readjust the rent to 2014 levels, to conduct
20 current traffic studies and current environmental
21 studies.

22 The reason that these changes are so dramatic
23 is the natural market growth that has occurred in
24 the Miami and Miami Beach area in the last decade.
25 The cities are completely different than they were

1 in 2001 and 2002 when this project was first
2 approved. The City conducted an appraisal in 2013
3 because another developer was considering getting
4 in which concluded that whereas the current -- the
5 then existing fair market rent which was set at a
6 minimum of \$2 million a year was based upon
7 appraisals conducted in 2002 showing the property
8 was worth \$30 million.

9 Today, the City's appraisals show this
10 property is worth \$110 million which would require
11 a minimum fair market rent of at least \$7 million a
12 year. But the project you have before you only has
13 a \$2 million a year minimum annual rent, so the
14 City and the state taxpayers are subsidizing this
15 project.

16 Now the City of Miami itself has cited its
17 phenomenal growth; downtown population has grown
18 from 39,000 to 65,000 people, over 80 percent in
19 the last decade. Twenty-two thousand condominium
20 units were built there in the last decade in
21 downtown Miami. Over three million square feet of
22 new office space has been built with 200 new
23 restaurants and retail shops opening in the last
24 five years. And the number of hotels in Miami,
25 downtown, is 31 with 68 hundred rooms and

1 132,000 square feet. This all occurred through the
2 private marketplace, and that's why the fair market
3 value of this parcel on Watson Island is now
4 400 percent greater than it was before.

5 Why would the State of Florida subsidize a
6 private developer to the tune of at least
7 \$5 million a year to do on this public waterfront
8 land what the private marketplace has already done
9 on its own without any public subsidies? This is a
10 crucial question of the public interest.

11 The second problem is the traffic studies
12 conducted in 2004. Today, a professional review of
13 those traffic studies compared with the current
14 situation on McArthur Causeway -- remember Watson
15 Island has one road going in and one road going
16 out; that's McArthur Causeway. The peak level
17 traffic in that area today is already 32 percent
18 over capacity, and that's with today's realities,
19 and yet this traffic study was done in 2004.

20 Anyone in south Florida will tell you the
21 traffic is much, much worse now than it was ten
22 years ago. And think about this: To get from the
23 mainland to Miami Beach, you've got to go over
24 McArthur Causeway and Venetian Causeway. The
25 traffic on McArthur causes additional -- much

1 greater traffic on Venetian.

2 When that road is clogged up, it creates a big
3 disincentive for people to go to the beach. Why do
4 tourist come to Miami/Dade County? It mostly has
5 to do with Miami Beach. If this kind of traffic
6 congestion is allowed to go rampant without some
7 current assessments of what actually has to be done
8 there, you're going to kill the real economic
9 engine of tourism in south Dade. If you go to Los
10 Angeles, nobody goes to the beach there because the
11 traffic is so terrible; you go to other things.
12 But this would cut off the main economic engine of
13 south Florida for a project like this to proceed
14 without a current study.

15 And the same thing goes with the sea level
16 rise issue because all the four counties bought
17 into the idea that sea level rise is a reality.
18 The current design puts these buildings right on
19 the water's edge without taking into account the
20 fact that everybody says this water is going to be
21 ten feet higher.

22 So the damage that will be done to this
23 project, since it's not accounted for in the
24 current agreement, and that's something the city
25 commission admitted last week, the taxpayers,

1 again, will be forced to pay for that damage.

2 So what we're asking you respectfully is take
3 a step back, no harm will be done. It's true the
4 city commission would have to reconsider this in a
5 public vote which we frankly know they would prefer
6 not to do, but we're looking to this body to take
7 the entire state's interest, including future
8 generations' interest, into consideration, require
9 updated appraisals to make sure there's no undue
10 subsidy, require current traffic studies, require
11 current environmental studies, and the other
12 factors that all go to the public interest
13 standards to which this Board is bound.

14 Thank you.

15 SECRETARY VINYARD: Governor, our next speaker
16 is Stephanie Kunkel with the Sierra Club.

17 GOVERNOR SCOTT: Good afternoon.

18 MS. KUNKEL: Good afternoon, Governor,
19 Attorney General Bondi, CFO Atwater, Commissioner
20 Putnam. Stephanie Kunkel, representing Sierra Club
21 of Florida. I know you have a very detailed
22 agenda, and so I will be brief.

23 I just wanted to touch on the fact that Sierra
24 Club of Florida is opposed to the deed
25 modification. The major purpose of our opposition

1 is the fact that this is public land. It was
2 originally given by the State of Florida to the
3 City of Miami.

4 The City of Miami wants to lease it for
5 private development for the building of a resort
6 and a marina. We are opposed to using state land
7 for the benefit of private landowners. This could
8 set a precedent in terms of state lands being
9 developed for private gain.

10 We don't believe that the proposed development
11 meets the requirements of the public interest test,
12 and we could urge you to deny the deed
13 modification, allow for this to go back before the
14 City of Miami, actually to use the land for a true
15 public interest, such as a park or a waterway that
16 is used for the public's use only.

17 So thank you very much, and I appreciate your
18 consideration of this issue.

19 GOVERNOR SCOTT: Thank you.

20 SECRETARY VINYARD: The next speaker is Laura
21 Reynolds from Tropical Audubon.

22 GOVERNOR SCOTT: Good afternoon. How you
23 doing?

24 MS. REYNOLDS: Hi, great to see you. Thank
25 you so much for listening to our comments on this

1 very important issue.

2 I won't try to make all of the same points
3 that have already been made in the interest of
4 time; however, just to remind you how important the
5 state statute is, the state statute that protects
6 aquatic preserves is. In 1974, the legislature
7 protected 70,000 acres of submerged lands in Dade
8 County and, you know, look at the economics of what
9 submerged land is for Dade County. I want you to
10 consider the fisheries here, I want you to consider
11 what the sea grass, the ecological value, what it
12 provides to the community because I think more
13 often than not that gets overlooked.

14 And so in this particular case, the Tropical
15 Audubon is concerned that this deed modification is
16 not passing the public interest test as Sierra Club
17 mentioned, but also it's undervalued, and even the
18 ecological survey that was done is ten years old.
19 So it's possible that there's a lot more there than
20 has been mitigated for.

21 So if you choose to modify the deed, which
22 Tropical Audubon is against, I ask you to make the
23 city -- make Flagstone redo these assessments
24 because they're at least a decade old. Thank you.

25 GOVERNOR SCOTT: Thanks.

1 SECRETARY VINYARD: Governor Scott, our final
2 speaker on this one is Alice Bravo with the City of
3 Miami.

4 GOVERNOR SCOTT: Good afternoon.

5 MS. BRAVO: Good afternoon. Alice Bravo,
6 deputy city manager. Thank you for the opportunity
7 to speak on this project that's very important to
8 the City of Miami and a long time in the making.

9 To us this is probably our greatest
10 public/private partnership that we've embarked on,
11 and we're very fortunate that our private-sector
12 partner has made it through many trials and
13 tribulations and stuck with us to this point.

14 Just to address a number of the items that
15 were brought up previously, there was a discussion
16 about the need to update a traffic study. A
17 traffic study was updated in November of 2013.
18 That showed a favorable outcome. And more
19 specifically, this is a project that was part of
20 our downtown DRI, Development of Regional Impact,
21 and also was approved as a MUSP, a Major Use
22 Special Permit, through the City of Miami.

23 And what, basically, that did in 2004 is
24 establish this as a base level traffic condition
25 for other projects that may be planned in the

1 future. So in essence, this traffic resulting from
2 this project should be accounted for in any other
3 future developments.

4 With regard to Miami Beach, we've spoken to
5 the City of Miami Beach. They're not here today to
6 comment negatively on this project, and the project
7 does have all of the environmental permits that are
8 necessary to move forward. Those permits require,
9 you know, updates of sea grass surveys and
10 compliance with all applicable regulatory criteria.

11 So, once again, this is, I think, a great
12 project for the City. It creates jobs, has
13 economic benefits in terms of sales tax to the
14 state, revenues to the state and we're glad for the
15 opportunity to work cooperatively with everyone
16 here.

17 GOVERNOR SCOTT: Thank you.

18 SECRETARY VINYARD: The Department recommends
19 approval.

20 GOVERNOR SCOTT: All right. Is there a motion
21 to approve?

22 CFO ATWATER: So moved.

23 GOVERNOR SCOTT: Is there a second?

24 ATTORNEY GENERAL BONDI: Second.

25 GOVERNOR SCOTT: Any comments or objections?

1 (NO RESPONSE) .

2 GOVERNOR SCOTT: Hearing none, the motion
3 carries.

4 SECRETARY VINYARD: Governor the last four
5 items will be presented by Kal Knickerbocker with
6 the DACS, Division of Aquaculture.

7 DIRECTOR KNICKERBOCKER: Thank you, secretary.
8 Good afternoon, Governor, members of the Board of
9 Trustees.

10 GOVERNOR SCOTT: Good afternoon.

11 DIRECTOR KNICKERBOCKER: For your
12 consideration this afternoon, Item Number 4 is a
13 request from Karen Folks and Addies Folks for two
14 one-and-a-half-acre lease modifications to use the
15 full water column in Alligator Harbor, which is in
16 Franklin County, southeast Franklin County.

17 The leaseholders plan to culture oyster in
18 off-bottom rack systems. The Department has a
19 United States Coast Guard private aids to
20 navigation permit and has already marked the
21 aquaculture use zone with signs and beacons to aid
22 boaters. We're recommending that you approve this
23 item.

24 GOVERNOR SCOTT: Great. Is there a motion to
25 approve?

1 CFO ATWATER: So moved.

2 GOVERNOR SCOTT: Is there a second?

3 COMMISSIONER PUTNAM: Second.

4 GOVERNOR SCOTT: Any comments or objections?

5 (NO RESPONSE).

6 GOVERNOR SCOTT: Hearing none, the motion
7 carries.

8 DIRECTOR KNICKERBOCKER: Thank you.

9 Item Number 5 is a request from Charles Earl
10 for a two-acre 10-year sovereignty submerged land
11 aquaculture lease to authorize the use of the
12 bottom and full water column for the purpose of
13 shellfish aquaculture in Wakulla County's Oyster
14 Bay which is near Panacea.

15 The applicant plans to use various cages and
16 deployment methods in different levels of the water
17 column. The applicant is required to obtain the
18 U.S. Coast Guard aid to navigation permit.

19 The Department is recommending approval on
20 this item.

21 GOVERNOR SCOTT: Is there a motion to approve?

22 CFO ATWATER: So moved.

23 GOVERNOR SCOTT: Is there a second?

24 ATTORNEY GENERAL BONDI: Second.

25 GOVERNOR SCOTT: Any comments or objections?

1 (NO RESPONSE) .

2 GOVERNOR SCOTT: Hearing none, the motion
3 carries.

4 DIRECTOR KNICKERBOCKER: Thank you.

5 Item Number 6 is a request from Clayton Lewis
6 for a two-acre 10-year sovereignty submerged land
7 aquaculture lease to authorize the use of the
8 bottom and full water column for the purpose of
9 shellfish aquaculture. Again, this is in Oyster
10 Bay in Wakulla County.

11 The applicant plans to test different
12 deployment methods and grow-out apparatuses. The
13 applicant will be required to obtain the U.S. Coast
14 Guard private aid to navigation.

15 The Department is recommending approval of
16 this item.

17 GOVERNOR SCOTT: Is there a motion to approve?

18 ATTORNEY GENERAL BONDI: So move.

19 GOVERNOR SCOTT: Is there a second?

20 COMMISSIONER PUTNAM: Second.

21 GOVERNOR SCOTT: Any comments or objections?

22 (NO RESPONSE) .

23 GOVERNOR SCOTT: Hearing none, the motion
24 carries.

25 DIRECTOR KNICKERBOCKER: Thank you.

1 Item Number 7 is a request from the Wakulla
2 Oyster Farms, LLC for a five-acre, 10-year
3 sovereign submerged land lease to authorize the use
4 of the bottom and full water column for the purpose
5 of shellfish aquaculture in Wakulla County's Oyster
6 Bay.

7 The applicant plans to use a system known as
8 the Australian long-line system which consists of a
9 series of horizontal lines with oyster bags,
10 grow-out bags attached at varying levels within the
11 water column. This applicant will also be required
12 to obtain the U.S. Coast Guard permit for aids to
13 private navigation.

14 The Department is recommending approval.

15 GOVERNOR SCOTT: Is there a motion to approve?

16 ATTORNEY GENERAL BONDI: So move.

17 GOVERNOR SCOTT: Is there a second?

18 CFO ATWATER: Second.

19 GOVERNOR SCOTT: Any comments or objections?

20 (NO RESPONSE) .

21 GOVERNOR SCOTT: Hearing none, the motion
22 carries.

23 DIRECTOR KNICKERBOCKER: Thank you.

24 COMMISSIONER PUTNAM: Governor.

25 GOVERNOR SCOTT: Yes, sir.

1 COMMISSIONER PUTNAM: Kal, I understand you've
2 taken some Cabinet staff out to view these, and I
3 just want to reaffirm there's a standing
4 invitation -- this Board has been very good about
5 approving quite a few of these in the last several
6 meetings, and there's a standing invitation for
7 anyone who is interested, staff or members of the
8 Board of Trustees, to get out on the water and see
9 what these things look like, see how successful
10 they are, talk to the watermen and get a sense for
11 how all of this comes together.

12 It's sort of hard to get a grasp looking at a
13 Google map, but I would encourage you to do it.
14 And maybe we'll figure out the right way to do it
15 in the Sunshine and all go together. We'll get
16 another boat and put Cotterell on it. But we would
17 encourage folks to get out there and see what's
18 going on.

19 GOVERNOR SCOTT: It's exciting. It's exciting
20 to see all of the new things that are happening.

21 COMMISSIONER PUTNAM: It is. Thank you,
22 Governor.

23 GOVERNOR SCOTT: All right. Thank you,
24 Herschel.
25

POWER PLANT SITING BOARD

GOVERNOR SCOTT: Please continue on to present this Siting Board agenda.

SECRETARY VINYARD: Governor Scott, there are two items on today's Siting Board agenda. The first one is for your consideration of the November 19, 2013, Siting Board minutes.

GOVERNOR SCOTT: Is there a motion to approve?

ATTORNEY GENERAL BONDI: So move.

GOVERNOR SCOTT: Is there a second?

CFO ATWATER: Second.

GOVERNOR SCOTT: Moved and seconded, show the minutes approved without objection.

SECRETARY VINYARD: Item Number 2 is FP&L Turkey Point Unit 6 and 7.

Governor and Cabinet, the final item before you today is in your capacity as the Siting Board, which has final authority to approve permitting, siting, and construction of electrical power plants and transmission lines.

DEP has drafted a final order for your consideration that essentially adopts the recommended order of the Administrative Law Judge.

1 A quick overview of the project: FP&L is
2 seeking to expand its existing Turkey Point nuclear
3 plant and construct new electrical transmission
4 lines. All of these facilities will be located in
5 Miami/Dade County.

6 The Public Service Commission determined that
7 this project is needed. The PSC found that there
8 are no renewable energy sources or conservation
9 measures reasonably available to FP&L which might
10 mitigate the need for this project. That decision
11 cannot be changed by this Board.

12 In addition to the new reactors, FP&L proposes
13 88 miles of transmission line corridors to connect
14 the plant site in unincorporated Miami/Dade County
15 with the Miami electrical substations.

16 We've done one of these power plants before
17 with TECO I think late last year. Just a reminder,
18 the Power Plant Siting Act is a one-stop shop for
19 obtaining state and local permits and approvals to
20 build or modify power plants and transmission
21 lines. Without this unified process, each local
22 jurisdiction would then have different inconsistent
23 requirements on a project and stop power lines from
24 going through a community.

25 DEP coordinates on your behalf under the act

1 participation of all state agencies and local
2 governments impacted by the proposed project.
3 There is an opportunity for the agencies to work
4 together on every application. Federal permits are
5 not part of this site certification. They are
6 issued separately.

7 Here FP&L must obtain a Federal Nuclear
8 Regulatory Commission license from the NRC. The
9 the NRC, not the Siting Board, is responsible for
10 all aspects of nuclear safety. NRC has not yet
11 acted on the Turkey Point nuclear license
12 application.

13 The draft final order before you, adopts
14 FP&L's stipulation that it will not build the
15 portion of transmission lines that runs through
16 Coral Gables and Pinecrest until it receives the
17 NRC license.

18 There was an administrative hearing. When DEP
19 received the Turkey Point siting application in
20 June of 2009, it was assigned to a judge at the
21 Division of Administrative Hearings. In the summer
22 and fall of 2013, the Judge conducted an eight-week
23 certification hearing of the Turkey Point matter.

24 The primary focus of the parties was the
25 siting of the transmission lines. Seven and a half

1 of the eight weeks of this trial was focused on the
2 proposed transmission lines. Multiple state
3 agencies, local governments and affected private
4 parties participated.

5 In December of 2013, the Judge issued a
6 332-page recommended order recommending approval of
7 the entire FP&L project. The Judge selected two
8 corridors, what's known as the Eastern Preferred
9 Corridor and the Western Consensus Corridor as the
10 transmission line corridors having what's called
11 the least adverse impact.

12 Quickly, on the East Preferred Corridor, the
13 overwhelming majority of this corridor already has
14 either existing power lines, is along a metro rail
15 line, or is along U.S. 1. Several local
16 governments however objected to siting the
17 transmission lines in their jurisdiction, primarily
18 for aesthetic reasons, economic reasons; and they
19 didn't want local ordinances to be preempted by the
20 Act.

21 The Judge made findings of fact that the
22 siting of the lines in the urban areas of the East
23 Preferred Corridor would not have an adverse impact
24 on property values. The Judge also found that
25 aesthetic concerns were not credible because of the

1 many existing power lines already in the corridor
2 and that landscaping could help ease some concerns.

3 Pine Crest suggested an alternative corridor
4 that runs through other mining and neighborhoods,
5 and their expert testified that the other
6 neighborhoods would not be as economically
7 impacted, but the Judge rejected that argument.

8 There was a proposal for undergrounding,
9 putting the power lines underground as opposed to
10 on the poles. Pinecrest has argued that if the
11 East Preferred Corridor is chosen their portion of
12 the transmission lines should be undergrounded.

13 The Judge found undergrounding was nine times
14 more expensive than putting it on the poles. The
15 Judge also found that underground lines may be
16 difficult to repair. In the final order that DEP
17 has drafted for your consideration, the Siting
18 Board authorizes and encourages FP&L to work with
19 local governments that want to pay the additional
20 cost of undergrounding to benefit their local
21 communities.

22 Now the West Consensus Corridor, the primary
23 concerns in the western corridor were potential
24 impacts on Everglades National Park. A secondary
25 concern was impacts to private businesses. There

1 are some limestone mines in Limonar Development
2 whose lands the lines may cross.

3 Initially, FP&L had proposed a corridor that
4 went directly through the park, but during the
5 hearing, FP&L agreed to move the corridor further
6 east to avoid direct impacts on the park and other
7 concerns; and that's why it's known as the Western
8 Consensus Corridor.

9 By adopting the draft final order, the Siting
10 Board includes a new condition agreed to by the
11 parties that requires the parties to work together
12 to the maximum extent possible to keep any siting
13 of power lines in the Western Consensus Corridor
14 outside of Everglades National Park; however, in
15 the event that a transmission line pole would need
16 to be sited on the western side of the levy that
17 runs along Everglades National Park, the Judge
18 found it would not interfere with the flow of water
19 in the park.

20 Economic impact: The Judge found that the
21 project would be an enormous economic benefit to
22 Miami/Dade. The Judge found that this project
23 would create over 800 permanent jobs at the plant
24 and up to 8,000 temporary jobs during the
25 construction of the project. The Judge found that

1 this project will account for up to \$11 billion of
2 total economic output in the construction period
3 and \$28 billion during the life of the plant.

4 Now the decisions for the Siting Board, the
5 Siting Board sits in an appellate review capacity,
6 which is why I'm going through all of this for
7 y'all, hopefully it will help, and cannot consider
8 evidence that was not included in the record before
9 the Judge. When considering this order, the Siting
10 Board cannot overturn a finding of fact made by the
11 Judge unless the record is devoid of any evidence
12 to support the finding of fact. The Siting Board
13 cannot change the Judge's decisions on what
14 evidence to accept or reject, and it can't make new
15 findings of fact.

16 The Siting Board cannot delay or defer this
17 hearing unless the applicant, FP&L, agrees to waive
18 the time clock which is contained in the statute.
19 The Board's job is to determine whether the project
20 is in the public interest.

21 Governor, with your permission, I'd like to
22 turn it over to Matt Leopold who is DEP's general
23 counsel. He will be acting as your counsel for
24 today's hearing. He'll act kind of as a hearing
25 officer or parliamentarian for this proceeding.

1 GOVERNOR SCOTT: Thank you.

2 MR. LEOPOLD: Thank you, Secretary.

3 Good morning, Governor and Cabinet.

4 As part of our agenda today, we have several
5 parties who are going to speak, both parties to the
6 Siting Board proceeding and public commenters. But
7 before we proceed to the commenting portion, I'd
8 like to add one more item.

9 Late last night DEP received word that there
10 was a settlement between FPL, the applicant, and
11 the City of Coral Gables. That resolves Coral
12 Gables' concerns about the power lines within their
13 corridor and accounts for certain pole heights and
14 diameter to account -- to adjust for the City's
15 concerns.

16 DEP, as staff to the Board, would like to
17 adopt that settlement agreement in a new condition
18 of certification which we propose be added to the
19 draft final order that we're presenting for your
20 consideration today.

21 GOVERNOR SCOTT: Thank you.

22 MR. LEOPOLD: Now on to the party
23 presentations. There are many different parties
24 who presented in the eight-week administrative
25 hearing before the Judge. For those parties who

1 decided to be with us here today, we've set
2 allotted amounts of time for each of them. First,
3 FPL and the other proponents of the draft final
4 order will have a total of 15 minutes to present.
5 Next, those parties in opposition will have 10
6 minutes each to present. The parties will be
7 notified when they have two minutes left to speak
8 and when their time is expired.

9 Also, I want to inform the parties that the
10 Siting Board staff will assist you in operating
11 your Power Point presentations on the display. I
12 also want to reiterate and remind the parties not
13 to discuss facts outside the record in this case.
14 And as the Secretary mentioned, the Siting Board
15 may not consider and should disregard any facts
16 that are raised today that are outside the record.

17 At the conclusion of the parties'
18 presentations, there will be a public comment
19 period. And for those members of the public who
20 have not yet filled out a speaker card with DEP
21 staff outside the Cabinet room, I'd ask you to go
22 and do that and we'll get you on the speaking
23 agenda.

24 So with that, I'd like to call our first
25 speaker, Mr. Peter Cunningham who is representing

1 FPL.

2 GOVERNOR SCOTT: Good afternoon.

3 MR. CUNNINGHAM: Good afternoon, Governor,
4 Members of the Cabinet. My name is Peter
5 Cunningham with Hopping, Green and Sams, and I'm
6 representing Florida Power & Light Company today.
7 With me today are two FPL folks, Steve Scroggs, who
8 is the senior director for FPL, he's been
9 responsible for development of this project since
10 it's inception in 2006; and Mike Kiley, who is the
11 vice president in charge of the existing FPL
12 nuclear plant at Turkey Point.

13 The review of this project has been extensive
14 and rigorous and open through the Power Plant
15 Siting Act which Secretary Vinyard well explained.
16 Many of the issues that were of concern to one or
17 another party originally have been resolved to
18 their full satisfaction. In fact, virtually all of
19 the issues related to the power plant itself have
20 been fully resolved as Secretary Vinyard mentioned.

21 As to the transmission lines, there are still
22 some disagreements about exactly where the
23 transmission lines should best be located. FPL
24 from the start choose to allow other parties to
25 propose alternate transmission lines, and both

1 FPL's lines and those alternate lines were very
2 carefully scrutinized during the eight-week
3 administrative hearing. Most of that hearing was
4 taken up with consideration of the transmission
5 line locations.

6 Very recently there have been agreement by all
7 parties to support, as far as I know, the West
8 Consensus Corridor. I don't believe there is no
9 party that objects to the West Consensus Corridor.

10 In addition, even more recently, last evening,
11 FPL and the City of Coral Gables reached a
12 settlement agreement that resolves all of the
13 disputes between them as to the East Transmission
14 Corridor that would go through a portion of Coral
15 Gables. And this agreement resolves all issues in
16 dispute between those parties, and both Coral
17 Gables and FPL support inclusion of the pole size
18 limits under that agreement as a condition of
19 certification which FPL and the Department
20 recommend as a condition of certification.

21 Based on the interests and the recommendations
22 of all of the reviewing agencies in this case,
23 there are more than 180 pages of conditions of
24 certification that would govern both the
25 construction and the operation of this project, and

1 FPL truly appreciates the dialogue we've had, the
2 input we've had from all of the agencies that have
3 been a part of this process.

4 And to point out how extensive that's been,
5 that process included, at the state level, the
6 Florida Public Service Commission, the Department
7 of Economic Opportunity, the Department of
8 Transportation, and the Florida Fish and Wildlife
9 Conservation Commission; at the regional level, the
10 South Florida Water Management District and the
11 South Florida Regional Planning Council; and at the
12 local level, in addition to some of the municipal
13 and county governments you'll hear today, were the
14 City of Homestead and Florida City. They're the
15 two municipalities closest to the power plant site.
16 In addition, the project has been considered
17 several times by the board of county commissioners
18 of Miami/Dade County and, in each case, that board
19 has approved the aspect of the project that came
20 before it.

21 The experienced Administrative Law Judge who
22 heard all of the evidence in this case and who
23 evaluated the credibility of all of the witnesses
24 ultimately made 787 findings of fact, and his
25 recommendation for approval rests on those findings

1 of fact. Now you may hear contrary assertions
2 about the facts from some parties, but the
3 Administrative Law Judge's findings are in fact the
4 truth of this case.

5 You may hear legal arguments from opposing
6 counsel today urging this Board to reach legal
7 conclusions that they would prefer; but the only
8 two neutral and uninterested entities that have
9 considered the legal aspects of this case, the ALJ
10 and the DEP acting as your staff, have spoken
11 clearly and reached legal conclusions fully
12 supporting certification of the project.

13 The DEP, as staff to the Siting Board, has
14 provided a draft final order that recognizes the
15 solid factual and legal basis for the ALJ's
16 recommendation for certification and properly
17 addresses the exceptions to the recommended order
18 taken by some parties. FPL accepts that draft
19 final order, and FPL agrees to comply with all of
20 those conditions of certification.

21 So I thank you, and I'll turn next to
22 Mr. Scroggs.

23 GOVERNOR SCOTT: Good afternoon.

24 MR. SCROGGS: Good afternoon, Governor Scott
25 and members of the Cabinet.

1 My name is Steve Scroggs. I've been managing
2 this project since 2006, and on behalf of the
3 10,000 employees at Florida Power & Light, I
4 appreciate the opportunity to present this project
5 to you today.

6 The Turkey Point 6 and 7 project was developed
7 to ensure that Florida's electric system is able to
8 support a vibrant and growing economy while
9 preserving the unique environment that we all
10 enjoy. The hurricane seasons of 2004 and 2005
11 reminded us that Florida, while rich in many
12 things, is dependent on fuel brought in from out of
13 state to maintain our security, our safety, and our
14 standard of living. Fuel diversity therefore is
15 not just a buzz word; it's a critical requirement
16 to maintain a balance of generational sources to
17 provide reliability and economic stability.

18 FPL responded to this need in 2006 by
19 beginning the process of obtaining the approvals to
20 add more nuclear generation to the state. Through
21 the intervening years, FPL has sought and
22 considered input from the public, from local
23 governments, and from state agencies as these
24 applications were developed and then reviewed. The
25 project before you has been shaped by this process

1 and has benefitted from this interaction.

2 The economic benefits from this project are
3 impressive. Let me be specific: In the first year
4 of full operation, our customers will save
5 \$644 million in avoided fuel charges. In the
6 40 years of operation for the plant, the customers
7 will save over \$64 billion in avoided gas costs.
8 So this is a primary driver for the economic
9 benefits of this project.

10 Secretary Vinyard did provide a summary of the
11 jobs, the economic input both during construction
12 and during operation, so I won't review those. But
13 in total, we're talking about 8,000 jobs and over
14 \$36 billion into the Florida economy benefitting
15 Florida residents for generations to come.

16 Of course equally important is the ability to
17 deliver all of these benefits while preserving and
18 maintaining Florida's unique land, air and water
19 resources. In this regard, this project is
20 exemplary. Turkey Point 6 and 7 will use an
21 existing power plant site and 70 percent of the
22 transmission lines will be placed in existing
23 rights of way.

24 The plants will produce energy 24 hours a day,
25 seven days a week for months at a time with no

1 greenhouse gas emissions. Finally, the project was
2 specifically designed to utilize 100 percent
3 reclaimed water from Miami/Dade County Water and
4 Sewer as cooling for the plants. This is a very
5 important way to reuse treated wastewater, and it's
6 beneficial for our partners in Miami/Dade County to
7 meet some of their future regulations that they'll
8 need to meet.

9 In summary, FPL has worked diligently over the
10 past eight years to bring a complex but necessary
11 project before you at this stage. And be assured,
12 FPL has done everything in its power to accommodate
13 and understand the desires expressed during the
14 process while maintaining our statutory obligations
15 to meet the needs of our customers. We thank you
16 for your attention.

17 MR. KILEY: Governor Scott, members of the
18 Cabinet, as was stated, my name is Mike Kiley. I'm
19 the vice president for the existing Turkey Point
20 nuclear units. I'm here today to represent the
21 more than 600 full-time employees that we have at
22 the station as well as the hundreds and, at times
23 during refueling outages, thousands of contract
24 workers and, just to reemphasize, our continued
25 commitment to continue to operate the plant safely

1 and reliably.

2 I'm also here today to represent small
3 business. In south Florida, I also serve on the
4 Homestead/Florida City Chamber of Commerce, and I
5 see every day the economic impact that our facility
6 has on the local economy. And lastly, I'm here to
7 represent the next generation of nuclear
8 professionals. I've been privileged to have over
9 27 years in this industry, and I was really
10 thrilled to see some of the young engineers here
11 from the University of Florida, and I hope that
12 they have that opportunity going forward.

13 So in closing, on behalf of all of us, I
14 encourage you to approve this project to allow us
15 to continue to operate the units, the project units
16 6 and 7, and to be an essential part of south
17 Florida's economy.

18 Thank you.

19 MR. LEOPOLD: Thank you.

20 Our next speaker will be Francisco Pines and
21 Patrick DePietro representing Limonar Development
22 in support.

23 MR. DEPIETRO: Good afternoon, Governor,
24 members of the Cabinet. My partner, Francisco
25 Pines, and I represent the Limonar and Wonderly

1 Companies, routinely referred to collectively as
2 Limonar throughout this matter. They own 650 acres
3 on the east side of Chrome Avenue which, depending
4 on the selection of Western Transmission Line
5 Corridor, will be more or less affected by the
6 corridor selection.

7 As you heard, there's been agreement reached
8 on a consensus Western Transmission Line Corridor.
9 We are therefore simplifying our presentation
10 greatly to this point to express our support for
11 the consensus Western Transmission Line Corridor
12 and respectfully urge you to enter an order which
13 favors that corridor.

14 Thank you.

15 GOVERNOR SCOTT: Thank you.

16 MR. LEOPOLD: The next speaker will be Kerri
17 Barsh with the Miami/Dade Limestone Products
18 Association.

19 MS. BARSH: Good afternoon, Governor and
20 members of the Cabinet. My name is Kerri Barsh.
21 I'm joined today by Tom McVicker, and we're here
22 today on behalf of the Miami/Dade Limestone
23 Products Association.

24 As shown today on the slide, the Miami/Dade
25 Limestone Products Association is a trade

1 association whose members -- member companies
2 produce about 40 percent of all of the aggregate
3 used for road construction and general construction
4 in the state which includes Florida DOT. Our land,
5 as shown on the map, is generally a buffer between
6 the Everglades and urban areas.

7 We saw an opportunity to locate some of the
8 transmission lines on our property rather than the
9 Everglades. As shown on the second slide, to
10 protect the Pennsuco Wetland, which is the source
11 where we mitigate some of our impacts, we submitted
12 the only alternative corridor during the original
13 process. We then petitioned to reopen the process
14 to try to move some of the transmission lines out
15 of the Everglades National Park. And then we
16 offered two additional alternatives to move the
17 line out of the park.

18 And indicated on the third slide is our
19 commitment. We work with FPL and the stakeholders,
20 which you already have -- some of whom you've
21 already heard speak, on a hybrid corridor that's
22 known as the West Consensus Corridor that was
23 originally in DLP Number 2. And the result of that
24 was to reduce the impacts both on the Park and the
25 water conservation area.

1 We committed ourselves in an agreement that we
2 signed with FPL in August of 2013, and we are here
3 today in support of the ALJ's recommended order and
4 the final proposed recommended order; and we want
5 to note that today to you, and we thank you for
6 your time.

7 GOVERNOR SCOTT: Thank you.

8 MR. LEOPOLD: Next we have Dennis Kerbel on
9 behalf of Miami/Dade County speaking in opposition.

10 MR. KERBEL: Good morning, Governor Scott,
11 members of the Cabinet. My name is Dennis Kerbel.
12 I'm an assistant county attorney representing
13 Miami/Dade County.

14 First I want to thank you and your staff and
15 DEP staff for the time and the effort that they
16 have put into reviewing this project. We also want
17 to thank FPL for their efforts in resolving the
18 disputes, the many disputes that arose over the
19 course of this litigation.

20 The County approved the plant, as was
21 mentioned, through its zoning process, and so we
22 have no objection to that. We've come to
23 reasonable conditions of certification. The County
24 has also resolved its issues as to the eastern
25 corridor, but we support the City's efforts to

1 protect their communities and enforce their local
2 and development regulations.

3 We also appreciate FPL's efforts to resolve
4 the issues on the Primary Western Corridor, now the
5 West Consensus Corridor, and we particularly
6 appreciate the efforts of the Limestone Products
7 Association and the Water Management District in
8 facilitating that. We think that the West
9 Consensus Corridor with the new condition that's
10 being presented to you today does a reasonable job
11 of avoiding impacts to Everglades National Park;
12 but unfortunately, there's still the matter of the
13 backup corridor.

14 The recommended order still recommends that
15 the West Preferred Corridor be certified as a
16 backup in the case that the right of way necessary
17 in the West Consensus Corridor cannot be acquired.
18 And while we have every hope that the parties will
19 come to an agreement and this will be unnecessary,
20 nevertheless the West Preferred Corridor presents a
21 problem, and I'll show you briefly on the map.

22 The reason that this remains a problem is
23 because the West Preferred Corridor, the northern
24 segment, which is the part that presumably would be
25 necessary, is the most sensitive of the ecological

1 areas and the ones that have been the greatest
2 focus of the County's efforts. That's where the
3 high quality wetland -- the highest quality
4 wetlands and the endangered species are located.
5 And so unfortunately, despite all of the efforts to
6 come to a resolution, we nevertheless must stand in
7 objection to the West Preferred Corridor as a
8 backup and instead to urge the certification of the
9 National Parks Conservation Corridor as a backup.

10 Simply put, there are fundamental legal errors
11 that infect the order from the inception of the
12 case that have led to a place where the West
13 Preferred Corridor could be certified in any
14 capacity. The issue is the applicability of local
15 land use and zoning, which is the same issue that
16 the cities will be addressing you about with
17 regards to the eastern corridor.

18 The county also has a unique Everglades
19 protection ordinance, which is an environmental
20 regulation but we believe was erroneously
21 considered to be purely zoning; and so that legal
22 error infects the entire decision on the West
23 Preferred Corridor as well.

24 Local regulations are particularly important
25 to the County particularly here because the backup

1 corridor, as I mentioned, includes land that the
2 County long ago recognized the unique environmental
3 value about, even before it became part of the
4 national park. The entire point of that ordinance
5 is to protect the environmental values of the area
6 for the County's water supply and to minimize human
7 impacts in that area.

8 How did we get this far with such a
9 fundamental error? Because the statute gave FPL
10 the unilateral discretion to declare what
11 facilities are exempt from land-use review and to
12 decide that these need not be subject to analysis
13 under local land development regulations or to
14 decide that the County's environmental protection
15 ordinance, Chapter 33B, was a zoning ordinance that
16 need not be considered.

17 There's a consequence if they're wrong. The
18 Board, this Board can reject their application or
19 remand the matter back for additional hearings so
20 that the ALJ can create a truly comprehensive
21 record for this Board to make a decision. And
22 remand is within this Board's discretion as the
23 second district recognized in the Manasota 88 case,
24 a case that has also been cited by FPL.

25 These are conclusions of law and policy

1 opinions over which this Board owes no deference to
2 the Administrative Law Judge. We recognize the
3 high hurdle to overturn findings of fact, and while
4 as set forth in our exceptions, we believe that the
5 ALJ reached the wrong conclusion about the
6 environmental impacts of the West Preferred
7 Corridor. We recognize it's a high hurdle;
8 nevertheless, the legal edifice is what infects the
9 entire order and causes our continued objection to
10 the West Preferred Corridor. We simply have a
11 fundamental view -- fundamentally different view of
12 the entire legal edifice than FPL and DEP have.

13 Our view is that there's a preemption of
14 process, not substance. So once you recognize that
15 local regulations -- local zoning regulations have
16 a role here, the rest of our arguments we think
17 fall into place.

18 Why is it that they comply -- that they can
19 comply with environmental regulations that may
20 differ across jurisdictions or true mitigation,
21 ordinances that may differ across different
22 jurisdictions, but land development regulations
23 which are incredibly sensitive to the local areas
24 are a bridge too far? We submit to you that the
25 preemption is one-stop shopping for permits but

1 that the substantive regulations that DEP is to
2 apply come from the affected local jurisdictions.
3 So, yes, it is one-stop shopping, but it's
4 procedural.

5 FPL has called the preemption sweeping and the
6 Administrative Law Judge and DEP have agreed with
7 that assessment in their final order, but we submit
8 to you that the legislature did not make such a
9 sweeping preemption of local land development
10 regulations. If the legislature had wanted to do
11 that, it could have simply said all projects will
12 be reviewed according the state standards, and it
13 would have made no reference to local land
14 development regulations.

15 The legislature chose not to do that.
16 Instead, it directed an analysis of consistency
17 with applicable local plans and land development
18 regulations. And if they were going to wipe it
19 away, that reference wouldn't have been there.

20 The word "applicable" is significant. We
21 recognize that not every site would be subject to
22 land development regulations. The exception, as
23 set forth in the statute, relates to things that
24 go, in our view, in preexisting rights of way. The
25 ALJ also made an erroneous determination, legal

1 conclusion about that.

2 We believe that the statute is rendered
3 nonsense. If you say whenever FPL decides that
4 they're going to establish a right of way past,
5 present or future, that that then becomes exempt
6 from land development regulations, that's simply
7 not how the language reads; it's not what it
8 provides; it doesn't make sense.

9 And the draft final order doesn't address this
10 fundamental legal problem because it conflicts two
11 separate issues. One is the City's demand that FPL
12 underground its transmission line facilities; the
13 second is the demand that local land development
14 regulations be considered and be given their proper
15 due in this process.

16 The Supreme Court of Florida has only ever
17 addressed undergrounding, and we recognize that
18 that is unique, but it's treated differently in the
19 case law and it's treated differently in the
20 statutes. No court has said that local land
21 development regulations are preempted. And
22 certainly as comes the County's objections to the
23 West Preferred Corridor and its support for the
24 National Parks Conservation Corridor, we are not
25 talking about the scale of cost causers in terms of

1 the difference that the Florida Supreme Court was
2 concerned about on undergrounding. It's an
3 incremental difference, 10 or 15 percent. It's not
4 nine times as you have heard the Secretary
5 correctly note about the cost of undergrounding
6 based on this record.

7 And so with that, while we again appreciate
8 the efforts of all of the parties in coming to an
9 agreement on the West Consensus Corridor, we
10 nevertheless must continue to urge this Board to
11 reject the West Preferred Corridor as a backup, to
12 instead certify the National Parks Conservation
13 Corridor as the backup; and if this Board is not
14 inclined to so do that today, to remand this matter
15 back to the Administrative Law Judge to create a
16 truly comprehensive record based on a proper
17 assessment of the law to determine what is an
18 appropriate backup on the west.

19 Thank you for your time.

20 ATTORNEY GENERAL BONDI: A quick question,
21 Governor.

22 I assume you're referring to the FPL and
23 Seminole Indian case.

24 MR. KERBEL: I'm sorry.

25 ATTORNEY GENERAL BONDI: The Supreme Court

1 case, the FPL Seminole Indian case.

2 MR. KERBEL: Yes, General Bondi.

3 GOVERNOR SCOTT: Thank you. Oh, you have a
4 question.

5 COMMISSIONER PUTNAM: So to be clear,
6 Miami/Dade County is okay with 22 hundred megawatts
7 of new nuclear power, and y'all have approved that
8 and taken a vote to approve that?

9 MR. KERBEL: That is correct, Commissioner.

10 COMMISSIONER PUTNAM: And you're generally
11 okay accepting the municipality's objection, you're
12 generally okay with the eastern corridor that's the
13 most densely urban populated area?

14 MR. KERBEL: The issues that are within the
15 County's jurisdiction, FPL and the County were able
16 to come to an agreement. We have very little in
17 terms of our local zoning jurisdiction in the
18 eastern corridor, and FPL has also agreed to the
19 other environmental criteria and tree mitigation
20 and other types of sensitive issues that occur
21 along the east corridor that are within our
22 jurisdiction.

23 COMMISSIONER PUTNAM: So your primary concern
24 then is with the backup western corridor as it
25 relates to running across the top of the levy up to

1 the Pennsuco property?

2 MR. KERBEL: That's correct. Well, the west
3 preferred runs along the entire length from, I
4 believe it's Southwest 120th Street up to where it
5 jogs over the Pennsuco wetlands.

6 The reason that I haven't had to object to the
7 entire length is because we believe, based on the
8 stipulation that we've reached, that FPL will be
9 able to avoid those lines on the west side of the
10 levy in those portions. But to the extent that
11 they were seeking permission to install lines on
12 the west side of the levy for that length, for the
13 entirety of that length, we would certainly be
14 opposed to that.

15 COMMISSIONER PUTNAM: Thank you.

16 GOVERNOR SCOTT: Any other questions?

17 (NO RESPONSE).

18 GOVERNOR SCOTT: Thank you.

19 MR. LEOPOLD: Our next speaker will be Sara
20 Fain representing the National Parks Conservation
21 Association.

22 GOVERNOR SCOTT: Good afternoon.

23 MS. FAIN: Good afternoon. It is afternoon.

24 Mr. Governor, members of the Board, my name is
25 Sara Fain. I'm the Executive Director of

1 Everglades Law Center, and I'm here today on behalf
2 of the National Parks Conservation Association to
3 speak about the western transmission lines.

4 NPCA is a nonpartisan, not-for-profit
5 membership organization that is a leading voice of
6 the American people for protecting and enhancing
7 our national park system. We have over 750,000
8 members and supporters nationwide and over 17,000
9 members in the State of Florida.

10 I want to provide some historical context for
11 why NPCA is here today. When we first heard some
12 years ago that FP&L was proposing to build giant
13 transmission lines inside Everglades National Park,
14 we were clearly concerned. And this isn't just any
15 national park, this is a world heritage site. This
16 is wetlands of international importance, and as you
17 know very well, it's also the site of the most
18 ambitious ecological restoration plan ever
19 undertaken in the history of the world of which the
20 State of Florida is a critical partner.

21 So NPCA convened a number of the parties,
22 including DEP, Water Management District, FP&L, the
23 MDLPA, Miami/Dade County, the Department of
24 Interior, and the Miccosukee Tribe of Indians to
25 see if we could look at alternatives. And the

1 result of that getting together was the Consensus
2 Corridor and the NPCA Corridor.

3 So we come here today to express our support
4 for the West Consensus Corridor inasmuch as it's
5 able to get transmission lines outside of existing
6 Everglades National Park boundaries. We do
7 appreciate the efforts of FP&L, the South Florida
8 Water Management District and the Miami/Dade
9 Limestone Products Association in working to create
10 an alternative that has lower impacts on our
11 national park. And we especially welcome MDLPA's
12 offer to take the transmission lines off of those
13 lands belonging to the American people and putting
14 it on their private land.

15 We do also recognize that challenges remain,
16 and it may be difficult to have the final corridor
17 completely outside of Everglades National Park
18 boundaries, and we call on all of these parties to
19 remain flexible in their design and land uses to
20 make sure that we best accommodate the lines
21 outside the park. And we absolutely commit to
22 working with the parties to make sure that we can
23 have that happen.

24 As Miami/Dade County mentioned, we would also
25 like to briefly talk about the West Preferred

1 Corridor. While FP&L would like to have this as a
2 backup corridor, we believe that this corridor has
3 too many environmental and policy complications
4 with it and should be denied certification. We do
5 expect that the Consensus Corridor could be built
6 in a way that works for FP&L, works for all of the
7 other parties involved and so it may not even be an
8 issue, but we still don't think it meets the
9 criteria.

10 The Power Plant Siting Act is fundamentally a
11 balancing test. This Siting Board is required to
12 certify the transmission line that has the least
13 adverse impact regarding the criteria in Florida
14 Statute Section 403.509.

15 Applying the ALJ's findings of fact, we do
16 believe that the West Preferred Corridor fails and
17 should not be certified. As a matter of policy,
18 the Siting Board has the discretion to weigh the
19 criteria and the facts on its own terms. And there
20 is a series of conclusions made by the ALJ and also
21 adopted into the final draft order that the Siting
22 Board could come to a different opinion than the
23 ALJ regarding the West Preferred Corridor.

24 As to the substance of the West Preferred
25 Corridor, the recommended order recognizes that the

1 West Preferred Corridor is the closest to nesting
2 sites of wood storks, federally and state listed
3 endangered species. It's the only corridor that
4 lies within the primary zone of the U.S. Fish and
5 Wildlife Services habitat guidelines on wood
6 storks, and the primary zone is the most critical
7 area for wood storks, and the guidelines recommend
8 no power lines be placed within this zone.

9 The West Preferred Corridor requires the most
10 panther mitigation credits. It would have the
11 greatest impact on wetlands, both quality and
12 quantity of wetlands. The West Preferred Corridor
13 also goes closest to Tamiami Trail, in fact crosses
14 Tamiami Trail which, as you know, is the site of a
15 very, very critical Everglades restoration project.

16 It's the only corridor that lies within the
17 Management Area 2A of the Miami/Dade County's east
18 Everglades area of critical environmental concern
19 where roads are explicitly prohibited. Also, the
20 West Preferred Corridor would have to be located
21 wholly within existing national park boundaries.
22 The corridor does depend on a land swap with the
23 National Park Service that would require the
24 utilization of all seven miles of that land
25 transferred from the National Park Service to be

1 used for transmission lines and infrastructure.

2 And we would continue to fight vigorously to
3 ensure any land swap from the National Park Service
4 significantly minimizes transmission lines in
5 existing national park boundaries, and the West
6 Preferred Corridor does not come close to
7 accomplishing that. In fact, right now the
8 National Park Service is undergoing environmental
9 review of the land swap; and if the National Park
10 Service and the Department of Interior chooses the
11 alternative to buy out FP&L's existing land, the
12 West Preferred Corridor would be fundamentally
13 flawed in that FP&L would not own the land interest
14 in order to build that transmission line.

15 Conversely, the National Parks Conservation
16 Association corridor has the least environmental
17 impacts, and the additional cost to build, mitigate
18 and purchase the land is de minimis. On balance,
19 this Board should choose to certify the West
20 Consensus Corridor while certifying the NPCA
21 corridor as the backup corridor.

22 I very much appreciate your staff in putting
23 this all together and the opportunity to address
24 you today.

25 GOVERNOR SCOTT: Thank you.

1 MS. FAIN: Thank you.

2 GOVERNOR SCOTT: Do you have a question?

3 CFO ATWATER: Yes. Thank you. Very
4 articulate, thank you.

5 So I just want to be sure I heard you, that
6 the West Consensus Corridor with the -- it looks
7 like some agreements that have been made by the
8 MDLPA, you're good with that?

9 MS. FAIN: Yes, and we very much appreciate
10 the parties working together to come to this
11 consensus.

12 COMMISSIONER PUTNAM: Can I ask?

13 MS. FAIN: Yes.

14 COMMISSIONER PUTNAM: You mentioned CERP, and
15 I didn't know if I should ask you this or ask DEP
16 this. Is there any conflict between a planned CERP
17 project and these corridors?

18 MS. FAIN: In sticking to what's on the
19 record, there was conflicting testimony about that.
20 I think all of the parties agree that there is no
21 specific infrastructure that is planned for CERP
22 that lies within either of these corridors. There
23 was conflicting testimony on whether there would be
24 impacts on the policies and goals of CERP.

25 COMMISSIONER PUTNAM: But there will be no

1 conflict on the infrastructure?

2 MS. FAIN: On planned infrastructure today on
3 CERP, yes. CERP being Comprehensive Everglades
4 Restoration Plan.

5 COMMISSIONER PUTNAM: Okay.

6 ATTORNEY GENERAL BONDI: And, Matt, can you
7 address that based on the four corners of the ALJ
8 ruling?

9 MR. LEOPOLD: Sure. I would be happy to. I'd
10 like to ask Mr. Fred Aschauer, our attorney who
11 represented us at the hearing, to come address that
12 point.

13 Thank you.

14 MR. ASCHAUER: Good afternoon, Governor and
15 members of the Cabinet.

16 Madam Attorney General, to address your
17 question, the recommended order found that there
18 was nothing inconsistent with CERP with the
19 transmission lines, whether they're in the West
20 Preferred or the West Consensus Corridor. So it's
21 kind of tricky, but for legal reasons, we go with
22 not inconsistent with CERP instead of consistent
23 with CERP. In fact, there were significant
24 discussions about that as we were going through the
25 whole process, but there are none -- there is no

1 finding that there is a consistency issue with
2 either the preferred or the West Consensus
3 Corridor.

4 ATTORNEY GENERAL BONDI: Thank you.

5 COMMISSIONER PUTNAM: Thank you.

6 GOVERNOR SCOTT: Thank you.

7 MS. FAIN: Thank you.

8 MR. LEOPOLD: Our next speaker will be Craig
9 Leen, city attorney for the City of Coral Gables
10 speaking in support.

11 GOVERNOR SCOTT: Good afternoon.

12 MR. LEEN: Good afternoon, Governor.

13 Governor and members of the Cabinet, this is
14 an important matter for the City of Coral Gables,
15 as I'm sure you understand, and we have great
16 respect for the positions of the different cities
17 and for that of FPL. There are a lot of issues you
18 have to consider in making your decision.

19 And yesterday evening I was reading a passage
20 from Abraham Lincoln about sometimes, you know, in
21 difficult matters you have to try to do what's in
22 the best interest of your citizens, and I feel that
23 the proposed stipulation that we've offered to you
24 does that for the citizens of Coral Gables.

25 After looking at the recommended order and the

1 proposed final order and considering the findings
2 that the Administrative Law Judge made, we think
3 that the citizens of Coral Gables are well served
4 at maximum heights of 77 feet, 81 feet, and 85 feet
5 for these power poles considering what they could
6 otherwise be. And I appreciate that FPL worked
7 with us over the course of many -- several years in
8 order to reach those heights. And I do think that
9 that serves the City of Coral Gables well and
10 ultimately is in the best interest of the City.

11 I would ask that the Governor and the Cabinet
12 include that condition of certification in the
13 final order. It's very important to our City and
14 something we worked on for a long time. I'd also
15 ask and I'd also express my appreciation for
16 Footnote Number 13, and we ask that it continue to
17 be in the order.

18 That footnote ensures that what happens in
19 this proceeding does not serve as collateral
20 estoppel in our separate lawsuit, which we do
21 maintain, but that's a matter of contract law. We
22 are resolving this matter based on this condition
23 of certification and as well as the inclusion of
24 this footnote which we ask continue to be in the
25 final order.

1 I'd just like to thank Matt Leopold and David
2 Clark because they were very helpful in talking to
3 us and discussing these matters with us as we
4 sought to reach this final resolution. I'd like to
5 thank your Cabinet Aides who spent a lot of time
6 with us, I really appreciate it. And I'd like to
7 thank Mike Tamara and Steve Scroggs because, you
8 know, even though there were disagreements at
9 times, they did speak with us for a long time about
10 this, and I did appreciate that. And finally, I'd
11 like to thank Elizabeth Hernandez who has
12 represented our City very well for many years.

13 Thank you, Mr. Governor and Cabinet.

14 GOVERNOR SCOTT: Thank you.

15 MR. LEOPOLD: Thank you, Mr. Leen.

16 Next we'll have Bill Garner representing the
17 Village of Pinecrest speaking in opposition.

18 GOVERNOR SCOTT: Good afternoon.

19 MR. GARNER: Good afternoon, Governor Scott,
20 Attorney General Bondi, CFO Atwater and
21 Commissioner Putnam.

22 Thank you for the opportunity to address you
23 today. My name is Bill Garner with the law firm
24 Nabors, Giblin & Nickerson. I'm here representing
25 the Village of Pinecrest.

1 The Village hasn't resolved its issues with
2 FP&L in this matter and maintains its position that
3 it raised in its exceptions and doesn't waive those
4 today. As a practical matter, rather than get into
5 lengthy legal arguments which are what most of the
6 exceptions hinge on, I wanted to talk about a more
7 practical issue that we actually raised last week
8 at your Cabinet Aides' meeting and that was
9 addressed by Secretary Vinyard in his opening,
10 having to do with the delay of starting
11 construction of the transmission lines until the
12 Nuclear Regulatory Commission license is obtained.

13 What generated that came from a stipulation
14 that was made by FPL at the hearing, and it was
15 offered to expedite a portion of the hearing that
16 was obviously very lengthy and time consuming in
17 general.

18 The parties accepted the stipulation that they
19 offered by changing how they questioned the
20 witnesses for the remainder of the hearing. It's a
21 matter of the record, and it's been acknowledged by
22 FPL and the Department and it's why the amendment
23 has been suggested by DEP at our request in your
24 order. But we think that it strays just a little
25 bit away from the stipulation, the language that

1 has been provided in the draft by DEP staff. And
2 we also would like for that language, language from
3 the stipulation to be added as a condition of
4 certification rather than merely in the body of the
5 order as part of the summary.

6 On this slide you can actually see the text
7 of the stipulation. There are two things you'll
8 note if you look at it closely, FPL's attorney,
9 Ms. Raepple, stipulates that FPL won't build the
10 Davis Miami transmission lines unless all other
11 regulatory approvals are issued. Second, she
12 stipulates that building a line won't occur unless
13 all approvals are issued for the Turkey Points 6
14 and 7 project.

15 Despite our disagreements with FPL that
16 continue, we applaud them for this commitment, it's
17 an important one to the Village because we think it
18 sort of gets the order of things right. But the
19 language -- any language that is added to the order
20 should track the stipulation more closely. It
21 should require that the transmission lines won't be
22 built unless all approvals are issued, not merely
23 the NRC license, and not simply the NRC -- and the
24 language added should also require that all
25 approvals for the project be issued instead of

1 merely for the units. In other words, the revision
2 should track the language of the stipulation
3 because that's what the stipulation says.

4 When I made my request to your aides to
5 address this last week, I myself resisted the
6 inclination, my natural inclination to try and
7 revise what was in the stipulation to make it more
8 precise or what have you, because once you start
9 doing that, it's not a stipulation any more. So we
10 would ask that the Siting Board also resist the
11 Department's temptation to stray a little bit from
12 the stipulated language and adhere more closely.

13 As I mentioned, language should be included as
14 a condition of certification and not simply be left
15 as dicta in the summary of the body of the order.
16 As you can see on this slide, there's a statutory
17 citation that provides that FPL in building its
18 project will be subject only to the conditions of
19 certification that are included in the order.

20 We don't want any confusion on that point.
21 FPL's representatives have committed to abiding by
22 their stipulation, and I have no reason today to
23 doubt their intention; but FPL, like many
24 organizations, is an institution. Institutions are
25 made up of people, people change and institutions

1 can change, and their positions can change over
2 time. So we prefer that this language be a
3 condition of certification, part of the license
4 requirements so that there is no doubt, there is no
5 room for argument later on that the stipulation is
6 binding.

7 Now if it's helpful to your decision, we
8 provided earlier today language to DEP staff, and I
9 believe it was circulated to your aides, that
10 provides a markup of the language that we think
11 should be more appropriately put in the body of the
12 order and the language of the condition of
13 certification to be added. And if it's the will of
14 the Cabinet, those are available to allow you to
15 make that decision.

16 ATTORNEY GENERAL BONDI: Governor.

17 GOVERNOR SCOTT: Do you have a question?

18 ATTORNEY GENERAL BONDI: I do. I'd ask
19 Mr. Leopold to respond to the NRC issue since he is
20 acting as my lawyer today. It's hard for me not to
21 speak. If you can respond to that as well as the
22 electromagnetic field, everything that the NRC --
23 that all has to happen first, correct, before
24 anything else can take place?

25 MR. LEOPOLD: Thank you, General Bondi, and

1 it's an honor to be acting your lawyer today.

2 ATTORNEY GENERAL BONDI: Thank you.

3 MR. LEOPOLD: So with respect to Mr. Garner's
4 comments, DEP -- what we did in our draft final
5 order is we recognized a ruling of the ALJ which
6 specifically says that all stipulations made on the
7 record are incorporated as conditions of
8 certification to the recommended order. And, you
9 know, our draft order incorporates by reference the
10 Judge's recommended order.

11 So we actually agree with Mr. Garner that it
12 is a requirement of the DEP draft final order, if
13 entered by the Siting Board, and our language
14 simply highlights the most contentious issue with
15 respect to the NRC licensing process which still
16 has a long ways to go and hasn't been concluded
17 yet.

18 With respect to your question about the EMF,
19 DEP separately regulates electromagnetic
20 frequencies; and this project, as proposed, is well
21 within and below the human health standards that
22 DEP has for EMF.

23 Any additional questions?

24 GOVERNOR SCOTT: Any other questions?

25 (NO RESPONSE).

1 MR. LEOPOLD: Thank you.

2 Okay. Our next speaker will be Deborah Swim
3 representing the City of South Miami.

4 GOVERNOR SCOTT: Good afternoon.

5 MS. SWIM: Thank you, Secretary. Good
6 afternoon everyone.

7 My remarks today are going to focus on your
8 consideration on FPL's Preferred East Corridor for
9 the high voltage transmission line. We have two
10 specific requests for relief. The first is in the
11 alternative. As regards to FPL's Preferred East
12 Corridor, we want you to stay the certification,
13 deny and remand the certification, or deny the
14 certification and approve certification of the
15 city-approved alternative corridor.

16 We think you should stay the certification
17 until the NRC approves the proposed new reactor
18 units because the information in the NRC review
19 about safety will be useful in striking your
20 balance that you have to strike today for the
21 public interest.

22 We think that you should deny -- as an
23 alternative, deny and remand the east corridor
24 certification because the ALJ did not conduct a
25 necessary analysis. And this has been talked about

1 before by counsel in this case and we, you know,
2 take the same position. But basically, the ALJ
3 never evaluated the extent to which the project or
4 lines is consistent with local requirements, and
5 that is a specific consideration under 403.509.

6 So we adopt the argument of the other parties.
7 We think it was erroneous not to make this
8 evaluation, and we ask that you remand the case to
9 the law judge to conduct that evaluation.

10 And then the third alternative is to deny the
11 east corridor and approve certification of the
12 alternative corridor that the cities have proposed.
13 And in this regard, it is your job today to strike
14 a balance for the public interest, and I want to
15 put the cost of this alternative route in
16 perspective, a little bit of perspective anyway.

17 And based on figures in the record, for every
18 hundred dollars that FPL would spend on the FPL
19 preferred corridor, investing only 11 cents more
20 would fund the alternative route. And for every
21 thousand dollars that FPL would spend on the total
22 project, investing only two cents more would fully
23 fund the alternative route.

24 So I mean we're talking about a pretty major
25 project that's going to be around for a long time.

1 So I'd encourage you to really give some fair
2 consideration to the alternative route that has
3 been proposed.

4 The other specific request that we wanted to
5 make today is that if any corridor is certified
6 then include as a condition of certification two
7 things: One, a prohibition on any construction
8 until the entire project has all the regulatory
9 approvals. You've been discussing this already
10 today. It relates to the stipulation that FPL made
11 in the record and that we would like to see
12 included in the conditions of certification. The
13 attorney for Pinecrest has already provided the
14 details.

15 And the second condition that we'd like to see
16 is a requirement that any lines along the U.S.
17 corridor be undergrounded and that FPL fund this
18 undergrounding as a part of the cost of this
19 project. We understand that, you know, as the
20 Siting Board you conduct a de novo review on issues
21 of policy, and we call on you to consider this
22 request as part of the striking a fair balance for
23 the public.

24 A city where a high voltage transmission line
25 is called upon to -- hold on a second -- is really

1 called upon to, in effect, sponsor the line and the
2 effects of the line and the line is largely going
3 to serve nonresidents of that city, so what we're
4 talking about here in terms of public policy is a
5 disproportionate impact on the cities where the
6 corridor is being placed. It's really just a lot
7 of unfairness there.

8 The presence of a high voltage line and the
9 effects of a high voltage line are a huge concern
10 to local residents, and you can look at the public
11 transcript in this case and see that it is a huge
12 concern. Undergrounding the lines really helps to
13 address these concerns, and it also helps to avoid
14 the disproportionate impacts on the small subset of
15 communities that are basically being hosts for
16 these lines that benefit people that don't live in
17 those communities.

18 Indeed Florida Power & Light has actually
19 undergrounded a lot of lines in Dade County,
20 especially in populated areas such as this one, but
21 unfortunately in this case, FPL would call upon the
22 disproportionately impacted communities to bear the
23 entire incremental cost of undergrounding, and
24 we're asking that instead you condition the
25 corridors approval on undergrounding the lines at

1 FPL's expense, and this is the right balance to
2 strike. Based on the records for FPL, the
3 incremental costs of undergrounding are minor
4 compared to the entire cost of the project.

5 The incremental cost of undergrounding the
6 lines in the U.S. 1 corridor is only about two
7 percent of total project cost. On the other hand,
8 for the local government where a high voltage line
9 is being placed, undergrounding incremental costs
10 are quite probably not something that's doable,
11 quite probably not budgeted. So we ask in the
12 interest of fairness that you consider this
13 scenario so that the disproportionately affected
14 communities in FPL's service area are not called
15 upon to fully bear the burden of these effects.

16 And I think it's fair to say that the
17 record -- the record does indicate that adverse
18 effects to local communities include a loss in
19 property values; and a loss in property values, as
20 you probably know, includes a loss in municipal
21 revenues. And so this is a matter of great concern
22 not only to the, you know, citizens that testified
23 at the public hearing but also to the elected
24 officials who are responsible for running our local
25 governments.

1 My last point that I want to make today is
2 that the City of South Miami also adopts the
3 arguments made by the Village of Pinecrest and,
4 unless it's of conflict with our record position,
5 the arguments of the City of Miami, and that
6 concludes my remarks.

7 GOVERNOR SCOTT: Attorney General Bondi.

8 ATTORNEY GENERAL BONDI: Ma'am, I just hope
9 you understand that our role as a sitting body
10 today here is very limited, and just to address two
11 of your points, and I'd ask Mr. Leopold to address
12 them. First you asked us about requiring FPL to
13 underground the transmission lines. Everything
14 I've found, including the case law, is that that
15 solely rests within the jurisdiction of the PSC,
16 not this body, and that we cannot infringe on the
17 PSC.

18 And you also asked us to stay, issue a motion
19 to stay. Nowhere in the process is there
20 authority, I believe, for this sitting board to
21 approve a stay. That's not within our limited
22 power here today, I don't believe, but I'm going to
23 defer to counsel on that and try not to act like a
24 lawyer.

25 MS. SWIM: Well, I mean whatever you find your

1 legal authority is in the area of stay, you know,
2 we will defer to that. We just thought it would be
3 helpful if you could get the information from the
4 NRC about safety before you make the balancing that
5 you need to make in the public interest.

6 I am -- you know, I'd like to hear more about
7 why you think that the PSC is the only one that can
8 require transmission lines. The way I look at the
9 Power Plant Siting Act, you have pretty broad
10 authority to impose conditions and strike a balance
11 and, you know, a lot of the conditions reflect that
12 breadth.

13 GENERAL BONDI: That's why I'm going to defer
14 to the lawyer.

15 Thank you, ma'am.

16 MR. LEOPOLD: General Bondi, sure, if I may.
17 With respect to the question of whether this Board
18 can require undergrounding as a condition of
19 certification, the Florida Supreme Court in the
20 Seminole County case has been very clear that the
21 cost causer has to bear the increased cost of
22 undergrounding. And the Judge found in this case
23 that it would be nine times more expensive to
24 underground along the Eastern Preferred Corridor,
25 and so it is within the jurisdiction of the PSC to

1 make the final decision. While the draft order
2 that DEP has drafted for you, the Siting Board
3 encourages FPL and the parties to do everything
4 possible along with the PSC to allow undergrounding
5 at the expense of those who would benefit from the
6 undergrounding.

7 One other thing I wanted to point out, with
8 respect to the property values, there was a
9 misstatement about what the record was in this
10 case. The Judge found that the eastern corridor,
11 if lines were sited along that corridor, there
12 would be no impact on property values. So I just
13 want to make that statement corrected for the
14 record.

15 And did you have another question, General
16 Bondi?

17 ATTORNEY GENERAL BONDI: Yes, I believe she
18 requested us to grant a motion to stay.

19 MR. LEOPOLD: That's right. The stay, with
20 respect to the stay, the Power Plant Siting Act is
21 clear that there's a statutory time clock for this
22 Board to act, and the applicant -- DEP has taken
23 the position that the applicant needs to waive the
24 statutory time clock in order for the Board to stay
25 the case. And in this case, the applicant, FPL,

1 has only waived until May 20th for the Board to
2 take action.

3 Do you have any additional questions?

4 GOVERNOR SCOTT: I have none. Thank you very
5 much.

6 Does anybody else have any questions?

7 MS. SWIM: May I respond briefly?

8 GOVERNOR SCOTT: Sure, go ahead.

9 MS. SWIM: Thank you. Thank you, I
10 appreciate it.

11 I just wanted to say that in terms of the
12 Seminole case, that concerned distribution lines
13 and not transmission lines. And, you know, that
14 principal of the cost causer, from the City's
15 perspective, the cost causer is the location of the
16 line in our community. So it's kind of -- you can
17 have a couple of different ways of looking at that.

18 And in terms of the factual finding that
19 there's not an impact on property values from the
20 location of a transmission line in a community,
21 there is, you know, conflicting evidence within the
22 record about the quantity of impacts and whether
23 commercial areas might be impacted, but both -- but
24 FPL's own witness acknowledged that, to some
25 degree, the literature shows that there is a

1 decline in residential property values due to the
2 location of a high voltage transmission line.

3 GOVERNOR SCOTT: Thank you.

4 Any other questions?

5 (NO RESPONSE).

6 GOVERNOR SCOTT: Thank you.

7 MS. SWIM: Thank you.

8 MR. LEOPOLD: Our next and final speaker in
9 the party presentations will be Victoria Mendez
10 representing the City of Miami.

11 MS. MENDEZ: Good afternoon.

12 GOVERNOR SCOTT: Good afternoon.

13 MS. MENDEZ: Good afternoon, Governor and
14 members of the Cabinet. My name is Victoria
15 Mendez. I'm the city attorney for the City of
16 Miami, and I was born and raised in Miami, and this
17 case has a huge impact on the citizens of the City
18 of Miami, 400,000 strong, and Miami/Dade County as
19 a whole, which is about two million, 1.2 which are
20 registered voters.

21 This project, given the time constraints of my
22 participation today, which we object to on the time
23 constraints, Miami has focused on selected
24 arguments and exceptions today. We rely on our
25 previous written submissions and specifically do

1 not waive any oral arguments, written arguments and
2 exceptions made during the whole certification
3 process. The City also adopts the opposition
4 arguments with regard to NPCA, Miami/Dade County,
5 the Village of Pinecrest, with regard to arguments
6 made on land use and preemption, the stipulation on
7 Page 1938 of the record and the environmental
8 impacts.

9 So briefly, with my ten-minute allotment,
10 which is down to about nine minutes, we're asking
11 this Board to do a few things, and this is a
12 roadmap basically to what this Board can do. One,
13 outright deny certification. That is one option
14 that this Board can do today.

15 Deferring certification is another option
16 until after the NRC approval. This Board can do
17 that. That would be an action by this Board, and
18 you can defer.

19 Modifying conditions, that is another option,
20 modifying the conditions to require the NRC
21 approval prior to construction; and also
22 undergrounding at FPL's cost; or if not at FPL's
23 cost, at a reasonable rate of five million per
24 mile.

25 The other option this Board can take is to

1 remand for further evidentiary proceedings. The
2 Siting Board reviews based on policy and
3 conclusions of law. So basically, you sit in an
4 appellate capacity but as if no decision had
5 previously been made.

6 403.509(3), this is your test for
7 certification, Florida Statute. Simplified
8 version, you need to see if the public welfare and
9 protection is given, if there are reasonable
10 assurances to that. It needs to be consistent with
11 non-procedural requirement of the agencies and
12 local comprehensive and zoning development
13 regulations. It has to meet the electrical energy
14 needs.

15 You need to consider the impacts on air, water
16 quality, fish and wildlife, and other natural
17 resources. You need to minimize through reasonable
18 available methods any adverse effects on human
19 health and the environment and ecology of the land;
20 and in a nutshell, all of that needs to serve and
21 protect the broad interests of the public.

22 Deny certification, one of your options. It
23 is the City of Miami's position that the power
24 plants and the western and eastern corridors, any
25 of the corridors here before you today, none of

1 them are proper for certification, so denying
2 certification. Like I said, Miami/Dade County
3 dense environment, especially on the eastern
4 corridor, any of the corridors on the eastern
5 corridor, especially through the City of Miami, are
6 dense urban environments, and it's not proper for
7 certification.

8 Now we'll go through each prong of the test,
9 and basically for public health and welfare and
10 protection, DEP did not consider population or
11 population density at all in any of their studies.
12 The ALJ did not consider sea level rise issues.
13 The ALJ did not consider that Miami is in a high
14 velocity hurricane zone, Miami/Dade County as a
15 whole, not just the City of Miami but all the
16 municipalities here.

17 The ALJ didn't consider lack of truly hardened
18 FPL monopolies and how that could present a danger
19 to the public welfare. There was a lack of strict
20 compliance with FEMA standards; that wasn't
21 considered. And the ALJ did not rule on Miami's
22 claims of poor engineering and hardening standards.

23 Now Miami/Dade County made a good point of
24 expressing the land use and zoning concerns, and
25 that is under B and C of 403.509. The ALJ did not

1 make adequate findings regarding the nonprocedural
2 requirements as mandated in B and C, only --
3 basically it is the City's position that it's only
4 consistent with land use and zoning only if it's
5 undergrounded.

6 DEP improperly struck proposed conditions of
7 certification that sited to comprehensive plans and
8 land-use regulations. The ALJ improperly applied
9 the preemption law which is some of the arguments
10 that Mr. Kerbel made with regard to land use and
11 zoning. And even FPL's own witnesses only recalled
12 two instances where a city ever paid for
13 undergrounding lines.

14 With regard to meeting the electrical needs,
15 the project only meets the state's electrical needs
16 if the NRC approves the nuclear reactors, and the
17 transmission lines are unnecessary without those
18 reactors. There is no reasonable balance between
19 the need for the facility and the impacts on all
20 the resources. You've heard about impacts to the
21 Everglades, Simpson Park within the City, and there
22 is no benefit of the transmission lines alone.

23 Also, the use of reasonable or available
24 methods and adverse impacts on health, again dense
25 urban population, DEP didn't even factor that in.

1 Population analysis must be complete prior to
2 certification. The poles are too large and too
3 wide to comply with ADA standards. These are
4 105-foot poles and up to five feet in diameter.

5 And placing the poles every 200 feet affects
6 the quality of life, bike paths and pedestrian
7 access. For all of the reasons above, you should
8 deny certification.

9 Next option, deferring certification until the
10 NRC approval. Basically you need the reactors,
11 based on the testimony, in order to meet the
12 electrical needs. If the reactors are not
13 approved, then you don't need the transmission
14 lines, so deferring certification until the NRC
15 approval.

16 And I'm going to skip through some of these
17 slides since I only have three minutes.

18 Modifying conditions of certification, that is
19 another option for this Board. And you've heard
20 about the stipulation on Page 1938 of the
21 8,000-page record, and Mr. Garner went into all of
22 that and the stipulations should be as he
23 described, so we're going to skip through the
24 stipulation.

25 All the cities agree that you need to be

1 consistent with local requirements, so land use,
2 zoning and all of the requirements that require
3 undergrounding. Just to show a photograph, this is
4 a picture in Coral Gables, but pretty much there
5 are poles like this throughout all of the cities.
6 This is what it would look like if the 105-foot
7 poles were placed, one more time.

8 So these are some of the other areas within
9 the City of Miami, and we require that
10 undergrounding would be an option as a condition.
11 The poles, there is a picture of one of the poles
12 that would be placed, and a lot of the places would
13 require guidewires, and our sidewalks are too small
14 to allow for that. And these lines would be
15 consistent with land use and zoning if placed
16 underground.

17 The ALJ cannot decide which parties pay.
18 That's not something for the ALJ to decide, but
19 this Board can. In the Seminole County case, that
20 had to do with distribution lines, as you heard,
21 but it doesn't limit the Siting Board under the
22 Power Plant Siting Act to require undergrounding.

23 Moving ahead, there's just some other
24 photographs showing the corridor. This corridor
25 is a mile wide, a mile wide. Some of the things

1 that were discussed below just had to do with a
2 route, a proposed route, and it didn't take into
3 account all of the different uses and the single
4 family areas that were in the corridors, especially
5 on the east side.

6 These are more photographs. I have one minute
7 left, but basically, land use applies, other
8 issues, land-use consistency, population data,
9 adverse archeological impacts due process. The
10 fact that DEP's attorney was the attorney below and
11 now the attorney for you, it just raises due
12 process issues.

13 The fact that land development regulations
14 were not taken into account, another problem. So
15 basically remanding, that is another option, for
16 you to remand based on the case law, based on the
17 fact that the ALJ got it all wrong. Even FPL and
18 DEP confirmed that the land use and zoning do
19 apply.

20 Also, attorney general opinion says --
21 Attorney General Bondi, something for you to
22 consider -- 97-08 has to do with land use and
23 zoning also applying. So remanding is very
24 important, the legislative intent clearly says it.

25 I'm out of time, but really quick, 380.04, did

1 bring up the fact that development should not apply
2 to power plants placements -- I'm sorry, not power
3 plant placement, but actually line -- power pole
4 placement. This is for small projects.

5 The Power Plant Siting Act clearly says that
6 land use and zoning apply. We talked about the
7 corridors. One photograph of how these corridors
8 can be wider in some areas. Look at all of the
9 single family areas in the east. And the route
10 data does not describe the entire corridor, so
11 these things should be taken into account.

12 There's a lot of unanswered questions, a
13 lot of things that need to be remanded, and I
14 believe -- if you need copies of this presentation,
15 if you don't have it, we have it for you to be able
16 to review and if you have any questions. But deny,
17 defer, or remand; and if you decide that you want
18 to approve, approve it with conditions that it is
19 not approved at all unless the NRC says that these
20 nuclear reactors should be built. If they're not
21 built, the transmission lines should not be built,
22 period.

23 Thank you.

24 GOVERNOR SCOTT: Thank you.

25 Any questions?

1 CFO ATWATER: Governor, thank you.

2 Thank you for the presentation. I was looking
3 at that last side that none of the corridors that
4 were presented were consistent, and I know that the
5 process I think provided that anyone could offer --
6 did I get your presentation on the recommended
7 corridor that you drew?

8 MS. MENDEZ: The City of Miami did not approve
9 any of the corridors. Unfortunately, any of the --

10 CFO ATWATER: Did they accept the invitation
11 to present one?

12 MS. MENDEZ: Yes, the problem is that any of
13 the alternate corridors would come straight through
14 the City of Miami, so unfortunately the City of
15 Miami is impacted no matter what. And given the
16 dense population of the City of Miami, the only
17 proper alternate corridor would be an undergrounded
18 corridor.

19 CFO ATWATER: Go ahead.

20 ATTORNEY GENERAL BONDI: I have one question,
21 I'm confused. I thought they agreed not to start
22 building these until it was approved by the NRC; is
23 that correct or not?

24 MS. MENDEZ: Only if you place that as a
25 condition of certification that could be an option,

1 but it has to be that if there is no NRC
2 approval -- for that to be a proper condition, if
3 there's never NRC approval of these nuclear
4 reactors, then there should be no transmission
5 lines built, period, and that's the key. If that
6 is going to be a condition, that if there is no NRC
7 approval and then there should be no transmission
8 lines, then I guess you can issue a recommendation
9 that way, but that -- it needs to be clear that if
10 there's no NRC approval of the plants, then these
11 transmission lines cannot go built. That's the
12 important catchall.

13 GOVERNOR SCOTT: All right. Anything else?

14 ATTORNEY GENERAL BONDI: Thank you.

15 (NO RESPONSE).

16 GOVERNOR SCOTT: Great. Thank you.

17 MS. MENDEZ: Thank you very much. I'm very
18 honored to be here before you today.

19 MR. LEOPOLD: Governor, we've heard a lot from
20 this last presenter. If I may, I would invite
21 DEP's trial counsel to address just a few issues
22 quickly.

23 MR. ASCHAUER: Good afternoon, I will be
24 quick. My name is Fred Aschauer. I represented
25 the Department below in the hearing so I had the

1 opportunity to spend eight weeks in Miami, enjoyed
2 my time with these folks.

3 The cities that participated, the governments
4 that participated were represented by excellent
5 counsel who had their opportunity over eight weeks
6 to present evidence. You've heard a lot today, in
7 essence, that would be considered reargument of the
8 the case.

9 I would remind the Siting Board, ask the
10 Siting Board to consider the position that it's in,
11 and that you are simply acting as an appellate
12 review as the secretary said.

13 The Administrative Law Judge had the
14 opportunity to hear expert witnesses presented by
15 FPL and by those who were opposed to FPL's cite
16 certification application. And after doing that,
17 he concluded that the corridors presented by FPL
18 were the best corridors after weighing them under
19 the criteria in 403.509. So after eight weeks of
20 testimony, not two hours, the ALJ issued an order
21 of 330 pages concluding that FPL's preferred
22 corridors were the best corridors under the lens of
23 the criteria that you're being asked to consider it
24 for.

25 I would say that we do disagree with the

1 argument with regard to the applicability of local
2 land development regulations. The Power Plant
3 Siting Act does set up a procedure where it allows
4 the applicant, in this case, FPL, to come in and
5 identify as part of its land-use determination
6 instances where there are the site and associated
7 facilities; and in doing so, advise what associated
8 facilities are exempt from regulation.

9 And it says that we look to 380.04, Ms. Mendez
10 pointed to that. When you look to 380.04, that
11 actually exempts out and says development is not,
12 in essence, transmission lines. So it's been our
13 position all along that statute is very clear, land
14 development regulations are not applicable to
15 transmission line.

16 It's not an unfettered discretion within FPL,
17 it's a statutory framework established by our
18 legislature. The legislature said that
19 transmission lines are not development under 380,
20 and in the Power Plant Siting Act, they said to the
21 applicant, FPL, and to the local governments, come
22 in and identify those things that are exempt. In
23 this case, we would submit that those are the
24 transmission lines.

25 That's all I have. Thank you.

1 GOVERNOR SCOTT: Thank you.

2 Any questions?

3 (NO RESPONSE).

4 GOVERNOR SCOTT: Thank you.

5 MR. LEOPOLD: Governor, that concludes the
6 parties' presentations for today, and now we're
7 going to move into the public comment portion of
8 our agenda.

9 GOVERNOR SCOTT: We do have one more question
10 from the CFO.

11 CFO ATWATER: Thank you, sir.

12 Just so I -- because it's been brought up
13 several times, and I thought it was brought up
14 right at the very beginning in the early
15 presentations from DEP. The final order is clear
16 that until there was approval from the NRC the
17 transmission lines will not be built; is that
18 clear?

19 MR. LEOPOLD: Our final order makes clear that
20 a portion of the transmission lines from -- in the
21 urban area in Coral Gables and Pinecrest known as
22 the Davis to Miami part of the Eastern Preferred
23 Corridor will not be constructed until the NRC
24 license is granted.

25 CFO ATWATER: Okay. Thank you.

1 MR. LEOPOLD: Yes.

2 MS. MENDEZ: If I may just clarify that.

3 MR. LEOPOLD: All right.

4 GOVERNOR SCOTT: If you -- okay.

5 MS. MENDEZ: That is a very good question
6 because it's two different things from what I was
7 asking to what's in the order right now. What's in
8 the order right now is that -- is a stipulation
9 made by Ms. Raepple from FPL saying that a portion
10 of the Miami to Davis line, which falls within the
11 eastern corridor, that portion won't be built until
12 there's NRC approval.

13 That is great, and that should be a condition;
14 but my other condition is a little deeper than
15 that. If there is no NRC approval of the power
16 plant, these transmission lines, as a whole,
17 wherever they fall, western corridor, eastern
18 corridor, should not be approved because this came
19 under the Power Plant Siting Act.

20 There is a power plant that's being upgraded
21 along with transmission lines. If the power plant
22 is not upgraded, then you don't need the
23 transmission line, and that needs to be clear in
24 the order. If it's not approved by the NRC,
25 nothing with regard to transmission lines should be

1 built anywhere. They would need to start all over
2 again through the Transmission Line Siting Act if
3 all of a sudden they want transmission lines.

4 Unfortunately, they have come in through the
5 Power Plant Siting Act, FPL, and taken cost
6 recovery for five years because they're building
7 power plant upgrades and transmission line
8 upgrades. If the power plant is not approved, then
9 the upgrades to that, then there should be no
10 transmission lines. So if you decide that you want
11 to certify this project, then that condition also
12 needs to be added. That is the City's position.

13 Thank you.

14 GOVERNOR SCOTT: Thank you.

15 MR. LEOPOLD: Okay. Now we're ready for our
16 public comment section. I'll remind public
17 commenters they'll be given a reasonable
18 opportunity to speak and they'll have one to two
19 minutes to present to the Cabinet.

20 Our first speaker is Mayor Phil Stoddard of
21 the City of South Miami.

22 GOVERNOR SCOTT: Good afternoon.

23 MAYOR STODDARD: Good afternoon, Governor and
24 members of the Cabinet. I thank you for your great
25 endurance today and your service to the state.

1 I'm going to try to make two main points for
2 you today. The first is that urban transmission
3 lines are a job killer despite what the ALJ
4 summarily thought. And the second is that
5 aboveground urban transmission lines are massively
6 unpopular with the voters in my part of the State
7 of Florida.

8 The projected losses from these lines going
9 through an urban area are \$400 million in property
10 value, 306 million in lost activity per year, and
11 25 million in lost municipal revenues per year.

12 You, Governor Scott, ran as the jobs governor.
13 You have before you the opportunity to save a lot
14 of jobs with your decisions here. The nuclear
15 plant FPL projects would make 806 jobs. That's on
16 the record. Likewise on the record is that the
17 losses from lost property values were going to cost
18 between four and 8,000 jobs. That's a lot of jobs.
19 And you, Mr. Governor, particularly know how hard
20 it is to make jobs, and I'm sure you do not want to
21 lose jobs as a consequence of your decision.

22 The second point is the corridor is wide. It
23 has many beautiful things in it. This is the path
24 underneath the metro lines. People walk on these
25 paths. The lines will go directly above.

1 This is directly across the street. This is
2 also part of the corridor. Beautiful sidewalk cafe
3 neighborhood, not the sort of place where lines are
4 going to be good.

5 The ALJ says that there are existing lines.
6 In fact, the city attorney from Miami says there
7 are existing lines. Your eyes tell you there are
8 no lines in South Miami. Your own eyes don't lie.

9 This over on the right is what the lines would
10 look like. You can't conceal those lines with
11 trees and landscaping. You can see the trees in
12 the background. Our hurricanes keep them clipped
13 to 35 feet. You simply can't landscape those away.
14 And so my citizens, the citizens who voted for me,
15 it was a landslide election, this was the issue.
16 Every candidate who was sympathetic with FPL's
17 position lost. Every candidate who opposed these
18 lines won by a landslide. I won by 46 and
19 40 points respectively in a three-way raise.
20 Please consider the voters' desires.

21 Thank you very much for your time.

22 GOVERNOR SCOTT: Thank you.

23 MAYOR STODDARD: Any questions for me?

24 GOVERNOR SCOTT: Any questions.

25 (NO RESPONSE)?

1 GOVERNOR SCOTT: Thanks.

2 MR. LEOPOLD: The next speaker will be the
3 Mayor Cindy Lerner of Village of Pinecrest speaking
4 in opposition.

5 GOVERNOR SCOTT: Good afternoon.

6 MAYOR LERNER: Good afternoon, Governor and
7 members of the Cabinet.

8 You have before you today as you just heard
9 something that has been highly contentious in south
10 Florida, predominantly the southern part of
11 Miami/Dade County for going on five years now.

12 The contention is between all of the residents
13 and all of the commercial property owners along
14 that U.S. 1 corridor, both in our municipalities
15 and along the west side which is the unincorporated
16 part of the county who have come out to public
17 hearings for five years, came out and testified
18 throughout the evidentiary hearings as a part of
19 the ALJ. And their testimony was replete with very
20 passionate pleas not to provide to what is the
21 gateway to our communities and very high-end
22 commercial corridor to what would instantaneously
23 transform it into an industrial wasteland.

24 That's what we see. That's what you saw in
25 those panels. That's what you heard. We had

1 residents and we had property owners, property
2 owners like Ed Williamson Cadillac who spent a
3 fortune to build a state-of-the-art gorgeous
4 Cadillac dealerships. Those monstrosities would
5 destroy it.

6 Another one of our property owners who have
7 owned a residential -- excuse me, a commercial
8 strip shopping center spent \$4 million to renovate
9 it, and he testified he would not have put a penny
10 into that property had he known that those
11 monstrosities were going up.

12 So your decision must be as the city attorney
13 from Miami said, to put very strict conditions for
14 certification; that unless and until and license
15 from Nuclear Regulatory Commission is acquired,
16 that the harm that will be visited upon the entire
17 corridor, both municipal, residential and
18 commercial, is not worth what the injury would be.

19 Thank you.

20 GOVERNOR SCOTT: Thank you.

21 MR. LEOPOLD: Thank you. Our next speaker, I
22 understand Representative Michelle Rehwinkle
23 Vasilinda is here.

24 GENERAL BONDI: She was here. I did see her
25 here earlier.

1 UNIDENTIFIED SPEAKER: She told me she had to
2 leave.

3 MR. LEOPOLD: Okay.

4 GOVERNOR SCOTT: We received a letter that she
5 sent us.

6 UNIDENTIFIED SPEAKER: Thank you. Appreciate
7 it.

8 MR. LEOPOLD: Moving on, our next speaker will
9 be Richard Weisskoff from south Miami.

10 MR. WEISSKOFF: Can you actually see?

11 GOVERNOR SCOTT: We can see it.

12 MR. WEISSKOFF: This is the corridor, and this
13 is the route, the blue lines mark from the falls to
14 Brickell, and the aerals are the residential,
15 commercial, industrial property all along the
16 route.

17 My name is Richard Weisskoff. I'm the
18 professor of economics at the University of Miami.
19 I testified at the administrative hearing. And
20 because my study which had been done in 2011 was
21 thrown out, although it's in the record, I want to
22 correct that misjudgment on the part of the judge
23 and I want to tell you the facts and how he made a
24 mistake, not the judge made a mistake, but his
25 advisor which was an FPL assessor from Leon County,

1 misread the Miami/Dade assessor's file and misread
2 my report, if he read it at all; and the
3 literature, because he's not an economist, I don't
4 fault him for that, but he didn't read the economic
5 literature; and I'll tell you what I concluded.

6 There are kinds of things if you build a park,
7 you make -- it's an amenity, and the property value
8 around the park increases. If you build a dump
9 yard or you build a warehouse with lots of traffic,
10 then the houses might lose value around that.

11 So the first question is: Power lines, is it
12 an amenity or a dis-amenity? So the literature, if
13 you ask your real estate agent -- say it's a
14 dis-amenity, the question an economist is asked is:
15 How much of a dis-amenity is it? Is it one
16 percent, or is it 30 percent? How much value does
17 my house lose if there's a power line in my
18 backyard where it's visible, okay?

19 So there are 20 studies of residential power
20 lines -- power lines and residential effects in the
21 United States and in Canada, my job is to review;
22 my mental hypothesis is: It doesn't make any
23 difference. The consensus however in the
24 quantitative literature said it ranges from two
25 percent to a high of 34 percent.

1 Okay. So the average I took is about 18
2 percent. For my study I was going to use 10
3 percent. How much is the value of land under the
4 power lines? So the critique of my study was that
5 there was -- I use a parcel -- a hundred parcels.
6 Well, that number was off in the arithmetic error
7 because I reviewed 4,029 parcels. I reviewed all
8 of the parcels that are on a two-block area around
9 it.

10 The total value of property is \$4 billion.
11 Ten percent of \$4 billion is a loss of property
12 value of \$400 million. So then the question is:
13 How do you translate a property loss of
14 \$400 million into jobs? Well, that's a job for a
15 program called Implant and Remedy, which the Army
16 Corp of Engineers hired me to do on the economic
17 impact of the Everglades restoration. That was
18 \$8 billion at that time.

19 So the answer was that there's a range of from
20 4,000 to 8,000 jobs that would result from all of
21 the decrease in value because there will be less
22 taxes, less spending. If my property loses a
23 certain percent, how am I going to decrease my own
24 spending?

25 The last points that was made against my

1 testimony was there's a prob -- an arithmetic --
2 listen to this, this is amazing, amazing. How can
3 two plus one equal -- two plus one is four. How
4 can two plus one equal four? He said Weisskoff
5 made a billion dollar mistake. And on the basis of
6 that counsel, he threw my report out.

7 Okay. Here's the the answer: In the
8 Miami/Dade assessor file, here's a million
9 dollar -- a million and a half dollar assessment.
10 Land value zero; building value zero, right? Zero
11 plus zero should be zero. Market value 1.5
12 million. How is that? Because a condo they don't
13 assess separately land and building.

14 So on my file it shows a \$4 billion assessor's
15 value for this property on your map. I was faulted
16 for a mistake when actually that's the way
17 Miami/Dade assessor -- it's the Leon County
18 assessor that was hired to go against my report, he
19 didn't know that. He couldn't read the Miami/Dade
20 assessor's legend. So that's what I wanted to tell
21 you.

22 GOVERNOR SCOTT: Thank you.

23 Any questions?

24 (NO RESPONSE).

25 MR. WEISSKOFF: I urge you to look carefully

1 at my report. It's in the record, and it
2 contradicts all the good things that this power
3 line is supposed to bring, and you don't make a
4 palm tree that's ten story high in order to
5 disguise the power lines in a commercial and
6 upgraded residential area.

7 GOVERNOR SCOTT: Thank you.

8 MR. LEOPOLD: Thank you. Just remind the
9 Siting Board that findings of fact made by the ALJ
10 can't be overturned without competent and
11 substantial evidence to the contrary.

12 Next we'll have Laura Reynolds representing
13 Tropical Audubon Society.

14 MS. REYNOLDS: Thank you so much. I don't
15 know how I can possibly talk about all of this in
16 two minutes, but thank you for listening to us
17 anyway, Governor and members of the Board.

18 A couple of things, I will echo some of the
19 comments of the previous speakers. I think that
20 the City of Miami attorney really hit this home and
21 made some really great points, and so I wanted to
22 echo that.

23 And so many people have spoken about the power
24 lines in particular. I'd like to sort of broaden
25 the scope a little bit, and the concerns that the

1 Tropical Audubon Society has had since 2007
2 actually when FPL pursued an up rate, we have said
3 -- and I know a question was asked earlier about
4 whether this is in conflict with CERP, and I think
5 that it is. And the reason I think that is because
6 the amount of water it takes to operate nuclear
7 power is a concern for the state, I think. I think
8 if we're pursuing energy that's very water
9 intensive and on the same token we're spending
10 potentially \$22 billion to restore the Everglades
11 for drinking water for one third of the state,
12 you're sort of in direct conflict there.

13 So just in far -- as far as your decision
14 today where you're looking at, is this in the
15 public interest, and I assure you that our water
16 and the cost of it is directly related to our
17 economy, and so I want you to take that into
18 consideration today. And I think the best solution
19 for that is to make sure that there is an NRC
20 approval before anything is done in the state
21 because they are looking at a number of these
22 issues and that information not available yet.

23 Second, at all costs we should keep the power
24 lines out of Everglades National Park. This is an
25 international treasurer, it's a biosphere reserve

1 and, as a biologist, it has a special place in my
2 heart personally. So I ask you to require Florida
3 Power & Light -- no matter what happens, the
4 language in there is sort of ambiguous in my mind
5 and I applaud the efforts of the rock miners, the
6 water management district, especially NPCA for
7 trying to come to an agreement to keep it out of
8 the park, but yet I think that the language doesn't
9 require it to be out of the park.

10 So I urge you to keep the option open for the
11 NPCA corridor as a backup plan so that you can say
12 to the public, to the state: We have done
13 everything we can to protect this international
14 treasurer.

15 Thank you.

16 GOVERNOR SCOTT: Thank you.

17 Any questions.

18 COMMISSIONER PUTNAM: Just one.

19 GOVERNOR SCOTT: We have one question for you,
20 Laura.

21 MS. REYNOLDS: Gladly.

22 COMMISSIONER PUTNAM: Is it Miami/Dade or the
23 City of Miami that's sending their partially
24 treated wastewater to the plant?

25 MS. REYNOLDS: It's Miami/Dade, and my --

1 COMMISSIONER PUTNAM: Isn't that a positive
2 thing, that we're not using virgin water to cool a
3 power plant?

4 MS. REYNOLDS: Well, my issue with that -- and
5 I think it's a great thing that we're going to do
6 something with that instead of use ocean outfalls.
7 My issue is that we are going to need all of the
8 water that we have. That was identified for CERP
9 as part of the Biscayne Bay Coastal Wetlands
10 Project and could be used for other things.

11 The City -- I'm sorry, the County right now is
12 considering reverse osmosis, which is ten times
13 more costly than what we currently do which is pull
14 it right out of the aquifer. So, you know, my
15 problem is: Could using that wastewater be the
16 County's future supply or the supply for CERP? And
17 we don't know the answer to that, but instead we're
18 guaranteeing that the future water supply for Dade
19 County is going to go to generate nuclear power. I
20 think that that's a mistake. Thank you.

21 GOVERNOR SCOTT: Thank you.

22 MR. LEOPOLD: Next speaker is Susan Glickman,
23 a citizen speaking in opposition.

24 MS. GLICKMAN: Good afternoon. I know you're
25 used to hearing people say good morning. Usually

1 the meetings don't go this long from what I
2 understand.

3 I'm Susan Glickman. I am the Florida Director
4 of Southern Alliance for Clean Energy, and I have
5 grave concerns about this proposal. I was inspired
6 this morning by Reverend Hudson who sort of
7 prophetically called on y'all and prayed for
8 integrity in your planning and your decisions for
9 the common good, and I join him in that prayer and
10 respectfully ask for the common good for you to
11 deny or to defer this proposal.

12 At the very least, there are many, many,
13 unanswered questions that do fall into your areas
14 of responsibility to serve and protect the broad
15 interests of the public and meet the electrical
16 energy needs in an orderly reliable fashion and in
17 operational safeguards that are technically
18 sufficient to protect public welfare.

19 I'm going to concentrate in two areas, and one
20 is the financial implications of what it means to
21 saddle future generations with a project such as
22 this. And we know from what we saw in Duke Energy
23 territory, which is my home community, that despite
24 this the law was passed in 2006 that we now in
25 hindsight can see was a very misguided law. That

1 shifted 100 percent of the risk from shareholders
2 to ratepayers by allowing for advanced cost
3 recovery. So we used advance cost recovery to
4 upgrade the Crystal River plant, as well as the
5 Levy plant, and that has got Duke ratepayers on the
6 hook for \$5.1 billion for nothing.

7 So we have absolutely no guarantees that this
8 plant is even going to get built. So the financial
9 implications of saddling future generations with
10 those costs is not in the broad interest of the
11 public.

12 And second, the lack of attention by the
13 Administrative Law Judge to the threats of sea
14 level rise. The project has been designed, by
15 Florida Power & Light in that they have offered --
16 they put a conservative estimate of one foot of sea
17 level rise over the life of the plant. This issue
18 should be remanded back to the ALJ, because they
19 did not do their homework.

20 I'd like to quote from Harold Wallace, a
21 University of Miami professor, who has been
22 studying sea level rise his entire life, and he
23 says: Even the most conservative estimates predict
24 a two to a 6.6-foot sea level rise by 2100.

25 And if you include the sea level rise from Ice

1 Melt, the U.S. Government projections are more like
2 four to six feet by 2100. The same situation
3 occurs at Turkey Point which occurs at Fukushima
4 which is they are storing spent nuclear rods in
5 storage pools. And if we do -- if you have those
6 at a circumstance where the diesel generators go
7 down and they are inundated with water, which is
8 very likely, then you could have a very similar
9 situation to that.

10 To have an order that considers a one foot sea
11 level rise, consideration is not responsible and
12 you need to remand that right back to the
13 Administrative Law Judge. You know, Governor, we
14 have to look at what we're going to do with a
15 trillion dollars of real estate investment. What
16 is the plan for dealing with sea level rise, and
17 what is the plan for bringing Florida into a clean
18 energy future? And it may serve Florida Power &
19 Light shareholders, but it does not serve and
20 protect the broad interests of the public.

21 GOVERNOR SCOTT: Thank you.

22 Are there any questions?

23 (NO RESPONSE).

24 GOVERNOR SCOTT: Thank you.

25 MR. LEOPOLD: Next we have Brad Ashwell with

1 the Florida Alliance for Consumer Protection
2 speaking in opposition.

3 GOVERNOR SCOTT: Good afternoon.

4 MR. ASHWELL: Good afternoon, Captain,
5 Governor. CFO Atwater, it's been a while. It's
6 nice to see you again. Commissioner Putnam,
7 General Bondi.

8 My name is Brad Ashwell. I'm a director and a
9 co-founder of the new consumer advocacy
10 organization of the Florida Alliance for Consumer
11 Protection.

12 Our interest in this issue is fairly narrow,
13 and I think Ms. Glickman spoke to it, but she
14 didn't really go into it. I'll use my time --

15 MR. LEOPOLD: Turn your mike on. There you.

16 MR. ASHWELL: Okay. Test. Much better.

17 Okay. Again, my name is Brad Ashwell. I'm
18 the director and co-founder of the consumer --
19 Florida Alliance for Consumer Protection. Our main
20 issue with the project at hand is really the way
21 it's funded, the early cost for recovery. I know
22 that's not really in the purview of what you're
23 deciding here; but in effect, your decision will
24 decide whether that continues.

25 Our ask of you is very similar to the attorney

1 from the Miami. We'd like to see you defer
2 certification or possibly approve it with
3 conditions; namely, that the project wouldn't
4 continue unless the NRC -- or, yeah, the NRC, sorry
5 get nervous -- approves it.

6 I'll encourage you to embrace your role as the
7 final step in this process. It's a long process
8 and FPL and regulators deserve a lot of credit for
9 all the time they put into, but you're the final
10 guard. You're the one who gets to decide whether
11 FPL gets to continue charging these fees to
12 consumers on their monthly bill.

13 Without that NRC approval, there's no telling
14 whether they'll be able to move forward or this
15 project. One of the fundamental problems with the
16 early cost recovery and why we see it as being one
17 of the most anti-consumer laws in the state is that
18 consumers pay month after month, and they may never
19 see a project borne from those fees they pay; they
20 never receive that money back. As Ms. Glickman
21 said, the Levy County plant is really a case in
22 point.

23 So I really just want to beg you to slow down
24 a little, defer certification if possible, or
25 approve it with conditions that it not move forward

1 until it receives NRC approval. Thank you.

2 GOVERNOR SCOTT: Thank you.

3 Any questions?

4 (NO RESPONSE).

5 MR. ASHWELL: Okay. Thanks.

6 MR. LEOPOLD: Next speaker is Stephanie Kunkel
7 on behalf of the Sierra Club of Florida speaking in
8 opposition.

9 GOVERNOR SCOTT: You're back. How you doing?

10 MS. KUNKEL: Well, I didn't get my request on
11 the first one, so maybe the second one.

12 Stephanie Kunkel with the Sierra Club of
13 Florida. Much has been addressed here today, so I
14 don't want to belabor the point except to hit a
15 couple of points. You know that the NRC has yet to
16 approve the permits for the Turkey Point power
17 plants, but the Clean Water Act permits have also
18 yet to be obtained. There is no long-term solution
19 for the nuclear waste disposal, which is a huge
20 problem, especially for south Florida.

21 This site is prone to sea level rise which,
22 again, could impact the reactors which Susan
23 Glickman raised; but the site is also prone to
24 hurricanes. This site is very close to where
25 Hurricane Andrew hit in 1992, and we saw the

1 devastation that occurred in 1992 in Homestead.

2 The power plants are also expensive to build,
3 but they're even more expensive to decommission.
4 And then if we really took a step back and thought
5 about the power plants in a larger perspective, we
6 really wouldn't need the power plants at all in
7 south Florida if we were doing a better somebody of
8 using more solar energy and also looking at
9 practicing energy conservation.

10 If the nuclear power plants are not built,
11 then we simply don't need the transmission lines in
12 the first place. So we would urge you all to deny
13 the certification or delay certification until such
14 time as the federal permits, the Clean Water Act
15 permits and the NRC permits are received.

16 Thank you all so much, and I'm happy to take
17 questions if you have.

18 GOVERNOR SCOTT: Does anybody have any
19 questions?

20 (NO RESPONSE).

21 MS. KUNKEL: Thank you.

22 GOVERNOR SCOTT: Thank you.

23 MR. LEOPOLD: All right. Moving to our
24 speakers in support, we Madison Martin with a group
25 of nuclear engineering students from the University

1 of Florida.

2 GOVERNOR SCOTT: Good afternoon.

3 MS. MARTIN: Thank you. I'll wait for my
4 village to join.

5 So thank you very much, Governor Scott,
6 Attorney General Bondi, CFO Atwater and
7 Commissioner Putnam.

8 My name is Madison Martin, and I am a Ph.D.
9 student studying nuclear engineering at the
10 University of Florida. I'm also a native south
11 Floridian. With me today are eight other nuclear
12 engineering students from the University of
13 Florida, and I will give you their names now. We
14 have Jonathan Rosales; Patrick Mu; Nicholas Sila;
15 Lucien Bahar; Logan Bum; Joe Cashwell; Jatesh
16 Catawalla; and Hernan Godee.

17 As a student of the State of Florida, we
18 believe that the current and continued use of zero
19 emission nuclear energy is vital to the state and
20 the nation both economically and environmentally.
21 In the wake of nuclear plants shutting down across
22 the United States, or in parts of the United
23 States, it is refreshing to see Florida moving
24 forward with two potential reactors at Turkey
25 Point.

1 Our generation is the future of both clean
2 energy and also the future of our economy. New
3 nuclear power supply is important to both. Nuclear
4 energy emits no carbon and no other greenhouse gas
5 emissions. And two nuclear reactors of this size
6 can offset approximately more than 250 million tons
7 of CO₂, and in just their first four-year operating
8 cycle, sorry about that.

9 The 102 nuclear plants operating in America
10 for the last five decades has proven to be both
11 clean, reliable and high capacity source of energy
12 supply providing America with 20 percent of its
13 electricity and almost 70 percent of its carbon
14 free electricity. In addition, nuclear energy
15 means jobs. The typical two-unit reactor provides
16 about thousand full-time jobs, and two new nuclear
17 reactors will provide roughly three thousand jobs
18 during construction and an additional 800 during
19 operation.

20 Okay. Well, I will skip to my final part, I
21 wanted to point out that these addition of jobs,
22 specifically engineering jobs, is important to
23 students like us, and a favorable decision by you
24 guys today will send a strong message to
25 engineering students across Florida that Florida is

1 a high-tech state and that there are jobs out for
2 us when we graduate and we're looking to payoff
3 student debts. So we encourage you to have a
4 favorable decision today, and thank you very much
5 for your time.

6 GOVERNOR SCOTT: Thank you.

7 Any questions?

8 (NO RESPONSE).

9 GOVERNOR SCOTT: Thank you.

10 MS. MARTIN: Thank you.

11 MR. LEOPOLD: The next speaker will be Bill
12 Riley with the International Brotherhood of
13 Electrical Workers speaking in support.

14 GOVERNOR SCOTT: Good afternoon.

15 MR. RILEY: Good afternoon, Governor Scott,
16 Attorney General Bondi, CFO Atwater and
17 Commissioner Putnam.

18 I'm from Miami Florida. I was born and raised
19 there. I'm a business manager and financial
20 secretary of the IBEW and also the president of the
21 South Florida Building Trades Union Council.

22 On behalf of our 11,000 plus members, we are
23 requesting that the State Siting Board adopt the
24 recommended final order of certification and
25 certify the Turkey Point Unit 6 and 7 projects. The

1 south Florida community has benefitted from Florida
2 Power & Light's investments in nuclear energy for
3 more than 40 years. Turkey Point has not only been
4 a pro -- proven FPL customers supplying them with
5 clean energy over that 40-year period but has also
6 been very supportive of the local economy by
7 providing many jobs and creating many jobs in the
8 area.

9 In addition to the construction project, the
10 units will need to be maintained and refueled on a
11 recurring basis. These periods are also known as
12 outages, which will result in hundreds of temporary
13 jobs for area workers and profits for many of the
14 local businesses that supply housing and food and
15 lodging for the temporary people.

16 With your approval and the Governor's support
17 in this important project, we will have a strong
18 positive benefit for our entire state. We
19 respectfully request that you approve this
20 application as presented.

21 Thank you for your time.

22 ATTORNEY GENERAL BONDI: Thank you.

23 MR. LEOPOLD: Our next speaker is Mike Bell
24 also with the International Brotherhood of
25 Electrical Workers.

1 GOVERNOR SCOTT: Good afternoon.

2 MR. BELL: Good afternoon, Governor, members
3 of the Cabinet. My name is Mike Bell. I represent
4 the IBEW in the State of Florida. I wish to waive
5 my time this morning in support of the adoption of
6 the final order as written.

7 Thank you very much.

8 GOVERNOR SCOTT: Thank you.

9 MR. LEOPOLD: Next speaker is J. B. Clark with
10 Florida Electrical Workers Association speaking in
11 support. Mr. Clark.

12 GOVERNOR SCOTT: Good afternoon.

13 MR. CLARK: Good afternoon. I am J. B. Clark.
14 Wow, that's a little tough following those
15 University of Florida nuclear students. Whew, they
16 were good.

17 I am J. B. Clark. I represent the Florida
18 Electrical Workers Association which is a statewide
19 association of the 25 thousand or greater
20 electrical workers in our organization in Florida.

21 I also would like for you to know that during
22 my professional working career I spent the majority
23 of my life in the power production industry, and am
24 quite knowledgeable of what goes on there. I also
25 served as a commissioner on the Florida Energy and

1 Climate Commission, gained a lot of knowledge,
2 shared a lot of knowledge there.

3 We're very much in support of this project,
4 and we ask for your approval. We think that this
5 project is in the best interest of the citizens of
6 the State of Florida.

7 Thank you.

8 GOVERNOR SCOTT: Thank you.

9 MR. LEOPOLD: Next we have Frank Santario with
10 the Greater Miami Chamber of Commerce speaking in
11 support.

12 GOVERNOR SCOTT: Good afternoon.

13 MR. SANTARIO: Good afternoon, Governor and
14 Cabinet members.

15 My name is Frank Santario. I'm here
16 representing the Greater Miami Chamber of Commerce
17 I'm also the chair of the Chamber's Sustainability,
18 Environment and Image Committee.

19 The Chamber recognizes the need for reliable,
20 abundant, clean and reasonably priced energy for
21 Miami/Dade residents and businesses. The Chamber
22 is here to express its support for the project as
23 proposed, and we thank you for the opportunity to
24 express this.

25 Thank you.

1 GOVERNOR SCOTT: Thank you.

2 Any questions?

3 (NO RESPONSE).

4 GOVERNOR SCOTT: Thank you.

5 MR. LEOPOLD: The next speaker is Rosa Brito
6 from the Homestead Chamber of Commerce.

7 GOVERNOR SCOTT: Good afternoon.

8 MS. BRITO: Good afternoon, Governor Scott and
9 Cabinet.

10 It's been a long day, and I think you've heard
11 from a lot of folks here, both professional and
12 you've read the report. I'm here representing over
13 500 businesses in the City of Homestead and Florida
14 City. We're very small community and, as you know,
15 we were devastated with Hurricane Andrew.

16 Mr. Putnam, you also represent our community
17 in the agricultural arena, and as you know, we're
18 pretty small. We're just about 60 thousand, and
19 jobs are pretty hard to come by.

20 Having Florida Power & Light in our community
21 as an employer and also a member of the community
22 supporting our events is very important to us.
23 This project will bring, during construction, about
24 35 hundred jobs to our community. And once it is
25 completed, over 800.

1 It is -- this application has been in the
2 works over seven years, and here we are today, it's
3 the final moment to make a decision yea or nay.
4 And just seeing the youngsters at the University
5 speaking to you for their future, it kind of erased
6 everything that I was going to say, and I just want
7 to reiterate that this project that you are
8 considering today will be the future of not only
9 Homestead, Florida City, Miami/Dade County, but the
10 State of Florida.

11 So thank you for your time, and I hope we can
12 see a favorable decision from you. Thank you.

13 GOVERNOR SCOTT: Thank you.

14 Any questions?

15 (NO RESPONSE).

16 MR. LEOPOLD: Our next speaker is Sylvia
17 Bernstein, a citizen speaking in support.

18 MS. BERNSTEIN: Governor Scott, members, it's
19 a pleasure to be here. I'm a business owner. My
20 name Sylvia Bernstein. I'm from Miami, Florida,
21 and we have a business in Homestead.

22 I'm here to support the new project by Florida
23 Power & Light and respectfully request your
24 approval. Thank you very much.

25 GOVERNOR SCOTT: Thank you.

1 MR. LEOPOLD: The next speaker is Andrew
2 Chatterton with the North American Young Generation
3 in Nuclear.

4 MR. CHATTERTON: Good morning, Governor Scott
5 and Cabinet. Thank you for your time and
6 consideration this afternoon. We'd like to express
7 our, myself, Andrew Chatterton, President of the
8 North American Young Generation in Nuclear, Aaron
9 May, Jose Gonzalez and Eric Gonzalez as well. We
10 represent 43 members that couldn't make it today.

11 And so the vision of Northern American Young
12 Generation in Nuclear is to develop leaders and
13 energize the future of nuclear power, and that's
14 what we hope you guys will do today. Thank you for
15 your time and support.

16 GOVERNOR SCOTT: Thank you.

17 MR. LEOPOLD: Next we have Susan Neill with
18 the Women in Nuclear.

19 GOVERNOR SCOTT: Have you guys thought about
20 merging?

21 MS. NEILL: Good afternoon. Thank you for
22 your time this afternoon.

23 My name is Susan Neill. I'm the president the
24 Women in Nuclear chapter at Turkey Point. Our main
25 goal and objective is to teach other young ladies

1 in the community that these jobs are not just for
2 the men but they're for the girls as well.

3 We spend a lot of time in the community
4 schools trying to encourage them into the stem
5 careers. I have with me Catherine Bullard, Joyce
6 Strong and Effa Harper as part of our 67 women that
7 represent Turkey Point.

8 And we're in favor, of course, of the project.
9 It gives us an opportunity for the jobs we're
10 promising these young women to be available for
11 future generations. Thank you for your time.

12 GOVERNOR SCOTT: Thank you. Good luck.

13 MR. LEOPOLD: Next we have David Fernandez
14 with the Florida AFL-CIO.

15 GOVERNOR SCOTT: Good afternoon.

16 MR. FERNANDEZ: Good afternoon, Governor Scott
17 Cabinet. Thank you for your time.

18 On behalf of the Florida AFL-CIO and President
19 Mike Williams, we stand with the Florida building
20 trades and the IBEW in support of this measure in
21 hopes that it will be bringing thousands of good
22 jobs here to the state.

23 Thank you.

24 MR. LEOPOLD: Okay. That concludes our public
25 comment section, and I will simply just remind the

1 Siting Board, there were comments raised as to
2 nuclear safety considerations, including any
3 impacts of sea level rise on the Turkey Point site.
4 All of those considerations are within the federal
5 NRC's jurisdiction, and they will consider all
6 safety aspects associated with that.

7 So with that, that concludes our agenda,
8 except the secretary would like to make some
9 comments.

10 SECRETARY VINYARD: Governor, to wrap it up,
11 DEP recommends the Siting Board approve the draft
12 final order including the new condition of
13 certification agreed upon between Coral Gables and
14 Florida Power & Light.

15 GOVERNOR SCOTT: All right. Is there a motion
16 to approve?

17 COMMISSIONER PUTNAM: I just have a couple
18 of -- just I think mostly just one quick question
19 for the secretary. Either you or the general
20 counsel opened by saying that as part of the
21 judge's determination no other -- essentially no
22 other measures are available sufficient -- I wrote
23 it down -- sufficient to mitigate the need for this
24 project. It was something along those lines. Is
25 that --

1 SECRETARY VINYARD: Yes, sir. That was a
2 determination by the Public Service Commission, and
3 I'll read it verbatim: There are no renewable
4 energy sources or conservation measures reasonably
5 available to FP&L which might mitigate the need for
6 the project.

7 And I added that this decision cannot be
8 changed by this Board. That is a PSC decision
9 solely.

10 COMMISSIONER PUTNAM: You know, one of the
11 challenges of being a peninsula is that we have
12 to -- we basically have to produce our own
13 electricity with the exception of a couple of areas
14 in the Panhandle. And as growth continues to
15 return to the state, 2200 megawatts is a huge
16 project, and that's the type of thing that we're
17 going to have to have as part of what I think we
18 have to have as an overall, all-of-the-above energy
19 strategy, and we're not -- we're not exactly
20 diverse in our energy portfolio. FPL alone I think
21 is somewhere at or just above 60 percent natural
22 gas dependent as a fuel supply for electricity, and
23 so nuclear is a clean part of that portfolio, as is
24 renewable, as is conservation, as are other
25 opportunities. But the one before us is a

1 significant expansion of the nuclear project that I
2 think does have great potential for our state.

3 And so, Governor, I mean I don't know if we're
4 in the discussion phase or if you're ready for a
5 motion; but based on what we've seen and based on
6 what we've learned in the energy office and what
7 we've heard today, I'm certainly prepared to offer
8 a motion.

9 GOVERNOR SCOTT: Is there a second?

10 ATTORNEY GENERAL BONDI: Second.

11 CFO ATWATER: Second.

12 GOVERNOR SCOTT: All right. Any comments or
13 objections?

14 COMMISSIONER PUTNAM: I would just make sure
15 that that includes the site agreement that the City
16 of Coral Gables --

17 GOVERNOR SCOTT: Right, and that's what you
18 proposed, right?

19 SECRETARY VINYARD: Yes, sir.

20 GOVERNOR SCOTT: Okay. Any comments any
21 comments or objections?

22 (NO RESPONSE).

23 GOVERNOR SCOTT: The motion carries.

24 Thank you, Herschel.

25 This concludes our Cabinet meeting. Our next

1 meeting will be Tuesday, June 17th at 9 a.m. W are
2 adjourned.

3 (WHEREUPON, THE MEETING WAS ADJOURNED) .
4
5

6 * * * * *

CERTIFICATE

STATE OF FLORIDA)
COUNTY OF LEON)

I, NANCY S. METZKE, RPR, FPR, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 24th day of May, 2014.

NANCY S. METZKE, RPR, FPR
Court Reporter

ATTACHMENT MDC-15-2

STATE OF FLORIDA
SITING BOARD

IN RE: FLORIDA POWER & LIGHT COMPANY
TURKEY POINT UNITS 6 & 7
POWER PLANT SITING
APPLICATION NO. PA 03-45A3

DOAH CASE NO. 09-3575-EPP
OGC CASE NO. 09-3107

**NOTICE OF FILING STIPULATION BETWEEN FLORIDA POWER & LIGHT
COMPANY AND MIAMI-DADE COUNTY REGARDING
RESOLUTION OF OUTSTANDING ISSUES**

Florida Power & Light Company, by and through undersigned counsel, hereby serves notice of filing the attached "*Stipulation Between Florida Power & Light Company and Miami-Dade County Regarding Resolution of Outstanding Issues.*" The referenced Agreement was executed by the parties on Wednesday, November 20, 2018.

Respectfully submitted this 20th day of November, 2018.

By:



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been furnished to the following by e-mail this 20th day of November, 2018.

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STATE OF FLORIDA
SITING BOARD

IN RE: FLORIDA POWER & LIGHT COMPANY
TURKEY POINT UNITS 6 & 7
POWER PLANT SITING
APPLICATION NO. PA 03-45A3

DOAH CASE NO. 09-3575-EPP
OGC CASE NO. 09-3107

**STIPULATION BETWEEN FLORIDA POWER & LIGHT COMPANY AND MIAMI-DADE COUNTY
REGARDING RESOLUTION OF OUTSTANDING ISSUES**

Miami Dade County (County) and Florida Power & Light Company (FPL) hereby agree and enter into this Stipulation for the purpose of resolving any and all outstanding disputes between them relating to the above-captioned certification proceeding for the Turkey Point Units 6 & 7 Project.

WHEREAS:

1. On June 30, 2009, FPL filed its Site Certification Application (SCA) for the Turkey Point Units 6 & 7 Project (Project) pursuant to the Florida Electrical Power Plant Siting Act (PPSA), Sections 403.501, et seq., Florida Statutes (F.S.).

2. The County is a statutory party to this PPSA certification proceeding for the Project pursuant to Section 403.508(3)(a)5., F.S.

3. On May 19, 2014, the Governor and Cabinet sitting as the Siting Board issued a Final Order on Certification for the Project under the PPSA. The certification included two new nuclear generating units (Units 6 and 7) and supporting facilities, as well as new electrical transmission lines and other off-site associated linear and non-linear facilities. The certified electrical transmission line corridors included the East Preferred Corridor (EPC), West Consensus Corridor (WCC), and FPL's back-up corridor, the West Preferred Corridor (WPC).

4. On June 17, 2014, the County filed a notice of appeal of the Final Order on Certification in the Third District Court of Appeal. The County appealed only the approval of the WPC.

5. On April 20, 2016, the Third District Court of Appeal reversed the Final Order on Certification as to the EPC and WPC, and remanded the above-styled proceeding to the Siting Board.

WHEREFORE, in order to resolve any and all disputes between them as to the Turkey Point Units 6 & 7 Project, the County and FPL hereby stipulate as follows:

1. On November 13, 2018, FPL filed its Notice of Withdrawal of West Preferred Corridor.
2. The County and FPL agree that, with FPL's withdrawal of the WPC, there are no remaining disputed issues between them, and the County has no further opposition to certification of the Project.

Executed on Behalf of:

MIAMI DADE COUNTY

By: 
JACK OSTERHOLT
DEPUTY MAYOR
MIAMI-DADE CTY. FL

Date: 11/19/18

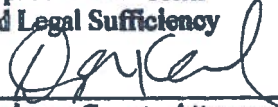
Executed on Behalf of:

FLORIDA POWER & LIGHT CO.

By: 

Date: 11/20/2018

Approved as to form
and Legal Sufficiency


Assistant County Attorney

Date: 11/19/18

ATTACHMENT MDC-15-3

STATE OF FLORIDA

IN RE: TELEPHONIC MEETING OF THE
GOVERNOR AND CABINET

CABINET MEMBERS: GOVERNOR RICK SCOTT
ATTORNEY GENERAL PAM BONDI
CHIEF FINANCIAL OFFICER JIMMY
PATRONIS
COMMISSIONER OF AGRICULTURE
ADAM PUTNAM

DATE: FRIDAY, NOVEMBER 30, 2018

LOCATION: CABINET MEETING ROOM
LOWER LEVEL, THE CAPITOL
TALLAHASSEE, FLORIDA

REPORTED BY: NANCY S. METZKE, RPR, FPR
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By Director Kruse

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Florida Land and Water Adjudicatory Commission

By Director Kruse

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**Board of Trustees of the Internal Improvement
Trust Fund,**

By Secretary Valenstein

20

Power Plant Siting Board

By Secretary Valenstein

24

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STATE BOARD OF ADMINISTRATION

GOVERNOR SCOTT: Good morning -- or good afternoon. This is Rick Scott. This is the November Cabinet meeting. Commissioner Putnam, Attorney General Bondi, Chief Financial Officer Patronis, and I are all on the phone.

I just want to confirm that the Commissioner is on the phone, the Attorney General is on the phone, and the CFO is on the phone?

ATTORNEY GENERAL BONDI: Yes, Governor. Good afternoon.

COMMISSIONER PUTNAM: Good afternoon, Governor.

CFO PATRONIS: Good afternoon, Governor. This is Jimmy.

GOVERNOR SCOTT: Hey, Jimmy.

All right. The first item on the agenda is the State Board of Administration. Ash, I'd like recognize you.

EXECUTIVE DIRECTOR WILLIAMS: Thank you, Governor. Good afternoon, Trustees and Cabinet members.

As usual, I'll give you an update on fund performance as an opener. Calendar year to date,

1 as of last night's close, we were a positive
2 33 basis points on the year. That's 149 basis
3 points ahead of target.

4 The Florida Retirement System Trust Fund is
5 down by \$5.8 billion from the beginning of the
6 calendar year. That's net of approximately
7 \$7 billion in distributions for benefit payments.

8 Absent any questions on this last day of
9 hurricane season 2018, I'll move into our agenda.

10 Item 1 --

11 GOVERNOR SCOTT: Thank you, Ash.

12 EXECUTIVE DIRECTOR WILLIAMS: Thank you.

13 Item 1 is a resolution for the -- of the State
14 Board of Administration for a fiscal determination
15 in connection with the issuance of up to
16 \$16.5 million, Florida Housing Finance Corporation
17 multifamily mortgage revenue bonds. These are for
18 the acquisition, rehab, and construction of the
19 Amber Key Homes in Miami-Dade, Florida.

20 Request approval.

21 GOVERNOR SCOTT: Is there a motion on the
22 item?

23 ATTORNEY GENERAL BONDI: So move.

24 GOVERNOR SCOTT: Is there a second?

25 CFO PATRONIS: Second.

1 GOVERNOR SCOTT: Is there objection?

2 (NO RESPONSE) .

3 GOVERNOR SCOTT: Hearing none, the motion
4 carries.

5 EXECUTIVE DIRECTOR WILLIAMS: Thank you.

6 Item 2 is a resolution of the State Board of
7 Administration, also a fiscal determination for the
8 Housing Finance Corporation. These are multifamily
9 mortgage revenue bonds also for -- designated for
10 Amber Key. This is for financing of new affordable
11 housing in Miami-Dade, Florida.

12 Request approval.

13 GOVERNOR SCOTT: Is there a motion?

14 ATTORNEY GENERAL BONDI: So move.

15 GOVERNOR SCOTT: Is there a second?

16 (NO RESPONSE) .

17 GOVERNOR SCOTT: Is there a second?

18 CFO PATRONIS: Second.

19 GOVERNOR SCOTT: I couldn't hear. Did that
20 come through from anybody?

21 CFO PATRONIS: Yes. Second. This is Jimmy.

22 GOVERNOR SCOTT: All right. Comments or
23 objections?

24 (NO RESPONSE) .

25 GOVERNOR SCOTT: Hearing none, the motion

1 carries.

2 EXECUTIVE DIRECTOR WILLIAMS: Thank you.

3 The Item 3, relates to the Florida Hurricane
4 Catastrophe Fund. Request approval of an authority
5 to file notice of a proposed rule. This is a
6 reimbursement contract for next year.

7 Request approval.

8 GOVERNOR SCOTT: Is there a motion?

9 ATTORNEY GENERAL BONDI: So move.

10 GOVERNOR SCOTT: Is there a second?

11 CFO PATRONIS: Second. This is Jimmy.

12 GOVERNOR SCOTT: Any comments or objections?

13 (NO RESPONSE).

14 GOVERNOR SCOTT: Hearing none, the motion
15 carries.

16 EXECUTIVE DIRECTOR WILLIAMS: Thank you.

17 Item 4 is another Hurricane Catastrophe Fund.
18 This is the rule for the data call that will
19 support next year's underwriting.

20 Request approval.

21 GOVERNOR SCOTT: Is there a motion on Item 4?

22 ATTORNEY GENERAL BONDI: So move.

23 GOVERNOR SCOTT: Is there a second?

24 CFO PATRONIS: Second.

25 GOVERNOR SCOTT: Any comments or objections?

1 (NO RESPONSE) .

2 GOVERNOR SCOTT: Hearing none, the motion
3 carries.

4 EXECUTIVE DIRECTOR WILLIAMS: Thank you.

5 Item 5 and last item, also a Hurricane
6 Catastrophe Fund item. You will recall that the
7 assessments in the wake of the 2004 and 5 storms
8 were repealed in mid 2014 would affect from
9 January of 2015.

10 There was one area where we had worked with
11 OIR, and there were some late-arriving assessments
12 that came in in the surplus lines area; and again,
13 working with OIR, the conclusion is it's time to
14 terminate those.

15 These were not ongoing past the termination of
16 the original assessments. These were on
17 transactions that took place during the original
18 assessment window, but at this point the
19 productivity of continuing to pursue these is
20 nonexistent, so the belief is we should repeal
21 them.

22 Request approval.

23 GOVERNOR SCOTT: All right. Is there a motion
24 on the item?

25 ATTORNEY GENERAL BONDI: So moved.

1 GOVERNOR SCOTT: Is there a second?

2 CFO PATRONIS: Second.

3 GOVERNOR SCOTT: Any comments or objections?

4 (NO RESPONSE) .

5 GOVERNOR SCOTT: Hearing none, the motion
6 carries.

7 EXECUTIVE DIRECTOR WILLIAMS: Thank you very
8 much.

9 GOVERNOR SCOTT: Thank you, Ash.

10 Anything else?

11 ATTORNEY GENERAL BONDI: Thank you, Ash.

12 GOVERNOR SCOTT: All right. Thanks, Ash.
13 Thank you for your hard work.

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ADMINISTRATION COMMISSION

GOVERNOR SCOTT: Next I'd recognize Mark Kruse with the Administration Commission.

EXECUTIVE DIRECTOR KRUSE: Good morning.

Item 1 is approval of the minutes of the August 14th, 2018 meeting.

GOVERNOR SCOTT: Is there a motion on the item?

ATTORNEY GENERAL BONDI: So move.

CFO PATRONIS: So move.

GOVERNOR SCOTT: Is there a second?

CFO PATRONIS: Second.

GOVERNOR SCOTT: Comments or objections?

(NO RESPONSE).

GOVERNOR SCOTT: Hearing none, the motion carries.

EXECUTIVE DIRECTOR KRUSE: Item 2 is a presentation of the Division of Administrative Hearings' fiscal year 2017/'18 third and fourth quarter objective performance measures, and the 2017/'18 subjective leadership assessment.

Chief Judge Robert Cohen will speak to this item.

GOVERNOR SCOTT: Good morning, Judge Cohen --

1 or afternoon I guess.

2 JUDGE COHEN: Good afternoon, Governor and
3 General Bondi, CFO Patronis and --

4 ATTORNEY GENERAL BONDI: Hi, Judge.

5 JUDGE COHEN: -- and Commissioner Putnam.

6 It's good to hear all of your voices. This --
7 I'll just -- I'm going to go quickly through this
8 because there is a room full of people here, and I
9 know they aren't here to hear about my subjective
10 leadership and these performance measures since
11 there are some big cases that are up for
12 consideration today.

13 But we exceeded all eight of our performance
14 measures for the third and fourth quarters of the
15 past fiscal year. And this is what moves matters
16 through the pipeline, and it's achievable despite
17 the fact that many of our complex cases, like one
18 of the cases being heard today, cannot be heard in
19 any quick timeframes. The parties need a lot of
20 time for discovery, for preparation for the
21 hearing, for testimony at the hearing, and
22 presentation of their cases, and then for time to
23 write their proposed orders and wait for the judge
24 to write his or her proposed -- her recommended or
25 final orders.

1 So I'm going to give a thumbnail overview of
2 accomplishments for the past year. We continue to
3 define success by providing a fair, unbiased
4 adjudication of workers' compensation
5 administrative law cases. We serve the public by
6 offering a user-friendly, free-of-charge electronic
7 filing system that takes over the burden of people
8 having to file things in person or overnight mail
9 or through whatever other means, including fax that
10 they filed papers with us in the past.

11 Also, we provide our staff with a secure,
12 respectful, nondiscriminatory, comfortable, and
13 supportive work environment to optimize their
14 ability to carry out their jobs. Our challenges
15 remain, as they have for several years, at the
16 administrative level, especially in the larger
17 metropolitan areas. We compete directly with the
18 private sector in hiring staff. They're generally
19 able to make 50 percent more than we can pay them
20 in the private market. And what happens is a lot
21 of people come in, we get them well trained, they
22 serve a few years with us, do a great job, and then
23 move on for higher pay in the private sector, which
24 gets that whole process going again. We're happy
25 to train them, we're happy to see them improve

1 their lots in life, but it is a challenge.

2 We also handle the administration of our 17
3 district offices around the state from a very small
4 but efficient workforce that's based in
5 Tallahassee, travels around, does everything from
6 working with tenant brokers and securing leases, to
7 negotiating those lease terms with the landlords,
8 to relocating our offices from one place to another
9 when we get a better, more suitable workspace for
10 the people; and it's all done from this group out
11 of Tallahassee.

12 We're always aware of the security issue, and
13 I know most of you have asked us over the years
14 about security and what can be done. We hold most
15 of our hearings that require -- that have any --
16 the most possibility of having some -- at least one
17 party that may be a troublemaker, come into the
18 hearing. We try to hold our hearings in either one
19 of our secure offices or in a courthouse when
20 there's space available, or at least in a school
21 district when we're doing teacher cases, or some
22 other areas that have some level of certified law
23 enforcement or security there. But from time to
24 time, because we handle a lot of cases in remote
25 areas, we still have to be out in places where

1 there's not a great deal of security; and that's
2 something we're always working to work around.

3 Like everyone else in Florida, we're concerned
4 about our physical security as well as cyber
5 security. We've engaged in a lot more training of
6 our staff and our judges in physical security and
7 how to -- active shooter training, in disaster
8 training, and how to deal with those types of
9 issues, as well as dealing with cyber security; and
10 everyone has to take at least an annual cyber
11 security test to remind them of how you can be
12 infected by viruses and other outside cyber
13 threats.

14 We work closely with you as the Cabinet, with
15 the legislature, with state agencies, with local
16 governments, school districts, commissions who send
17 cases to us for adjudication; and we listen to them
18 when they have suggestions and, from time to time,
19 complaints about a particular judge or a particular
20 venue where cases are being held or the lack of
21 sufficient space for a hearing. We work with them,
22 and we -- our goal is to get us out in the
23 community and instill confidence in what we're
24 doing in the public so that we can make fair
25 decisions that are at least, if not always, agreed

1 to by all the parties, at least respected and
2 accepted by the parties who appear before us.

3 To conclude, I'll just say it's been a great
4 honor to work with each of you. Even though I'm
5 looking at empty chairs this afternoon, but I know
6 you're all there, and your spirits are here, so --
7 and I look forward to continuing my role in this
8 job with the returning CFO Patronis as well as the
9 new Cabinet members who will come into office in
10 January.

11 So I would respectfully ask for your
12 acceptance of our third and fourth quarter
13 performance reports as well as my subjective
14 leadership assessment. And I wish you all the best
15 of luck, best wishes for a joyous and blessed
16 holiday season. And of course I'm happy to answer
17 any questions you may have.

18 GOVERNOR SCOTT: Thank you. Thank you, Judge
19 Cohen.

20 Is there a motion to accept the report?

21 ATTORNEY GENERAL BONDI: Motion to accept.

22 GOVERNOR SCOTT: Is there a second?

23 COMMISSIONER PUTNAM: Second.

24 CFO PATRONIS: Second.

25 GOVERNOR SCOTT: Any comments or objections?

1 (NO RESPONSE) .

2 GOVERNOR SCOTT: Hearing none, the motion
3 carries.

4 Thanks, Judge Cohen.

5 Mark, would you like to continue on --

6 ATTORNEY GENERAL BONDI: We all miss you.

7 JUDGE COHEN: Thank you, sir.

8 ATTORNEY GENERAL BONDI: We will miss you so
9 much, and you've been a joy to work with. Thank
10 you.

11 GOVERNOR SCOTT: Yeah, you've done a good job,
12 So thank you.

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FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

GOVERNOR SCOTT: Mark, do you want to continue on to the Florida Land and Water Adjudicatory Commission agenda.

EXECUTIVE DIRECTOR KRUSE: Yes, sir. Yes, sir.

Item 1 is a request for approval of the minutes of the August 14th, 2018, meeting.

GOVERNOR SCOTT: Is there a motion on the item?

COMMISSIONER PUTNAM: So move.

GOVERNOR SCOTT: Is there a second?

ATTORNEY GENERAL BONDI: Second.

CFO PATRONIS: Second.

GOVERNOR SCOTT: Comments or objections?

(NO RESPONSE).

GOVERNOR SCOTT: Hearing none, the motion carries.

EXECUTIVE DIRECTOR KRUSE: Item 2 is a request for authorization to publish notice of repeal of Rule Chapter 42RRR-1, Florida Administrative Code to dissolve the Big Island Community Development District in St. Johns County; and if no request for a public hearing is received as a result of the

1 notices, request authorization to file for final
2 repeal.

3 Our staff attorney, Nick Primrose, will
4 present this case for you.

5 ATTORNEY PRIMROSE: Good afternoon, Cabinet.

6 The agenda item before the Commission is a
7 petition to dissolve the Big Island Community
8 Development District. It was filed by the District
9 on September 13th, 2018. The authorization to file
10 the petition was done in connection with the sole
11 landowner of the District, White's Ford Timber,
12 LLC. And they are requesting that the Commission
13 repeal the administrative code rule that
14 established the District.

15 Just as some background, the CDD was
16 originally created by the Commission on
17 September -- or excuse me, on June 11th of 2018.
18 It is solely in unincorporated St. Johns County,
19 and it exists (sic) of 5,700 acres.

20 There is only one landowner, and shortly after
21 the rule was adopted establishing the CDD, they
22 decided to change development plans and believed it
23 would be in the best interest to have the CDD
24 dissolved and the rule repealed.

25 Florida Statute 190.046(10) allows for a CDD

1 to be dissolved if the District has no outstanding
2 financial obligations, no operating or maintenance
3 responsibilities, and does a petition to the
4 Commission.

5 And so this current CDD does not have any
6 outstanding financial obligations. It does not
7 have any operation or maintenance responsibilities,
8 nor does it have any outstanding debts or bonds.
9 Additionally, repealing the rule that created this
10 CDD would have no negative or adverse impacts to
11 any landowners since there is only one sole
12 landowner and they authorize the dissolution.

13 So our recommendation would be that the
14 Commission authorize the Secretary to publish a
15 notice of rule repeal to dissolve the Big Island
16 Community Development District and to file a final
17 adoption unless there is an intervening public
18 comment during the 21-day comment period. And I
19 would need a motion and a vote on that.

20 GOVERNOR SCOTT: Is there a motion on the
21 item?

22 ATTORNEY GENERAL BONDI: So moved.

23 GOVERNOR SCOTT: Is there a second?

24 CFO PATRONIS: Second.

25 GOVERNOR SCOTT: Comments or objections?

(NO RESPONSE) .

GOVERNOR SCOTT: Hearing none, the motion
carries.

Thanks, Nick.

ATTORNEY PRIMROSE: Thank you.

GOVERNOR SCOTT: Thank you, Mark.

EXECUTIVE DIRECTOR KRUSE: Thank you, sir.

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**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT
TRUST FUND**

GOVERNOR SCOTT: Next I'd like to recognize Noah Valenstein with the Department of Environmental Protection.

Hi, Noah.

SECRETARY VALENSTEIN: Good afternoon, Governor. Good afternoon, General Bondi, CFO Patronis, and Commissioner Putnam.

This is Noah Valenstein, Secretary for the Department of Environmental Protection.

We have two items on the Board of Trustees' agenda. The first I'll present, and the second Steven Hall with the Department of Agricultural and Consumer Services will present.

Item 1 is consideration of an application by Yachting Promotions, Incorporated for a 10-year special event lease containing 735,614 square feet for a proposed temporary commercial docking facility associated with the Miami Yacht Show.

In 1993, the Board of Trustees authorized the applicant to hold its annual show on Indian Creek in Biscayne Bay Aquatic Preserve. This proposed new location will decrease community impacts,

1 provide greater public access, and improve
2 navigation.

3 The Department recommends approval.

4 GOVERNOR SCOTT: Is there a motion on the
5 item?

6 COMMISSIONER PUTNAM: So move.

7 ATTORNEY GENERAL BONDI: So move.

8 GOVERNOR SCOTT: Is there a second?

9 ATTORNEY GENERAL BONDI: I'll second.

10 GOVERNOR SCOTT: Any comments or objections?

11 (NO RESPONSE).

12 GOVERNOR SCOTT: Hearing none, the motion
13 carries.

14 SECRETARY VALENSTEIN: Item Number 2, I'll
15 have Steven Hall present for the Department.

16 GOVERNOR SCOTT: Thank you.

17 MR. HALL: Thanks, Noah.

18 This item requests approval of an amendment to
19 the Babcock Ranch Purchase Agreement which was
20 purchased by the State in 2005. The original
21 purchase agreement provides for the development of
22 a residential community on the property that was
23 retained by the seller. That agreement calls for a
24 dollar per month, per dwelling fee to be paid into
25 a fund for the management, maintenance, and

1 improvement of the lands and for a research and
2 education center.

3 The amendment before the Board today is for
4 a -- that would split the existing one dollar per
5 month payment between two entities: The Babcock
6 Ranch Foundation, which would receive \$0.75 of each
7 dollar for the building of a maintenance and
8 research and education center on property
9 maintained by the -- retained by the seller. The
10 center would be open to the public.

11 And the \$0.25 of each dollar would be provided
12 to Friends of Babcock Ranch Preserve, which would
13 be a DSO of the Department for the management,
14 maintenance, and improvement of the ranch,
15 specifically for trails, bathroom facilities, and
16 other outdoor facilities that will be open to the
17 public.

18 The Florida Fish and Wildlife Conservation
19 Commission and Lee County are in support of this
20 proposed amendment.

21 Are there any questions?

22 GOVERNOR SCOTT: Is there a motion on the
23 item?

24 ATTORNEY GENERAL BONDI: So moved.

25 GOVERNOR SCOTT: Is there a second?

1 CFO PATRONIS: Second.

2 GOVERNOR SCOTT: Any comments or objections or
3 questions?

4 (NO RESPONSE) .

5 GOVERNOR SCOTT: Hearing none, the motion
6 carries.

7 MR. HALL: Thank you.

8 GOVERNOR SCOTT: Thank you.

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POWER PLANT SITING BOARD

GOVERNOR SCOTT: So, Noah, let's continue on to the Power Plant Siting Board agenda.

SECRETARY VALENSTEIN: Thank you, Governor.

This is Noah Valenstein, Secretary for the Department of Environmental Protection.

I'm actually going to hand it over to Robert Williams, the Department's General Counsel, to present the Power Plant Siting Board agenda. Thank you, Governor.

ATTORNEY WILLIAMS: Good afternoon. This is Robert Williams. I'm the General Counsel of the Florida Department Environmental Protection.

Good afternoon, Governor, CFO, Attorney General, and Commissioner.

We have three items on the agenda today. I will handle the first two, and Justin Wolf, Deputy General Counsel, will handle the third one.

The first is the minutes from the March 29th, 2016 (sic) Board meeting. We need a motion on that, Governor.

GOVERNOR SCOTT: Is there a motion on the item?

ATTORNEY GENERAL BONDI: So moved.

1 GOVERNOR SCOTT: Is there a second?

2 COMMISSIONER PUTNAM: Second.

3 GOVERNOR SCOTT: Any comments or objections?

4 (NO RESPONSE) .

5 GOVERNOR SCOTT: Hearing none, the motion
6 carries.

7 ATTORNEY WILLIAMS: Thank you very much.

8 And moving on to the second item, it's the
9 Dania Beach Energy Center, Unit 7. The request is
10 consideration of a final order for certification
11 under Chapter 403, Part 2, Florida Statutes, the
12 Florida Power and Light Company for the licensing
13 to construct and operate its Dania Beach Energy
14 Center, Unit 7, a nominal 1,200-megawatt combined
15 cycle natural gas fired generating unit, and
16 associated support facilities at the existing
17 Lauderdale site.

18 The parties in this case will be limited to
19 ten minutes per side. Nonparties, if they wish to
20 make any comments, will be limited to two minutes.

21 Before we get into the heart of the matter, we
22 do have a couple of preliminary motions that we
23 must consider prior to the consideration of the
24 final order. The first one, the Sierra Club filed
25 a motion to defer this hearing until December 4th,

1 2018. A copy of the motion was previously
2 provided.

3 Governor, I'd request a motion on how we'd
4 like to deal with that from the Board.

5 GOVERNOR SCOTT: All right. Is there a motion
6 on the item?

7 ATTORNEY GENERAL BONDI: Governor, I'm
8 confused. You need a motion wanting to handle it
9 the way that he suggests?

10 GOVERNOR SCOTT: So here's the options I think
11 on this one. Robert, tell me if I'm right.

12 Either it would be a motion to defer until
13 December 4th or a motion not to defer until
14 December 4th. Is that right, Robert?

15 ATTORNEY WILLIAMS: That's correct, Governor.
16 I apologize for the misunderstanding.

17 ATTORNEY GENERAL BONDI: And I believe we're
18 pre -- are we prepared to proceed today? I believe
19 we are, correct?

20 GOVERNOR SCOTT: Yes.

21 ATTORNEY GENERAL BONDI: I move to proceed as
22 planned.

23 CFO PATRONIS: Second.

24 GOVERNOR SCOTT: So the motion would be not to
25 defer. Is that right, Robert?

1 ATTORNEY WILLIAMS: Yes, to deny the motion.
2 Yes.

3 ATTORNEY GENERAL BONDI: Yes. I move not to
4 defer, Governor.

5 GOVERNOR SCOTT: Okay. Is there a second?

6 CFO PATRONIS: Second.

7 GOVERNOR SCOTT: Any comments or objections?
8 (NO RESPONSE).

9 GOVERNOR SCOTT: Hearing none, the motion
10 carries not to defer.

11 ATTORNEY WILLIAMS: Thank you very much,
12 Governor.

13 The other -- we have three other preliminary
14 motions that we need to consider. The Sierra Club
15 filed a motion to disqualify Governor Rick Scott.
16 And when a motion to disqualify is made before a
17 collegial board such as the Siting Board, the
18 subject of the motion, that meaning Governor Scott
19 in this case, should rule individually on the
20 motion to disqualify and rule directly.

21 The motion was previously provided for your
22 consideration, Governor. And, Governor, I ask at
23 this time, do you wish to disqualify yourself from
24 this agenda item?

25 GOVERNOR SCOTT: No, I deny the motion to

1 disqualify myself from this matter.

2 ATTORNEY WILLIAMS: Thank you very much,
3 Governor.

4 I will reduce that ruling on the motion in
5 writing and forward it to your office for
6 signature.

7 The next motion to disqualify is for the Chief
8 Financial Officer, Jimmy Patronis. Again, the same
9 as with the Governor, Chief, the question is: Do
10 you wish to grant the motion to disqualify yourself
11 from this agenda item?

12 CFO PATRONIS: I do not.

13 ATTORNEY WILLIAMS: Thank you very much.

14 I will reduce that to writing and forward to
15 your office for signature.

16 And finally, we have Commissioner Putnam.
17 And, Commissioner Putnam, do you wish to grant the
18 motion to disqualify yourself from this agenda
19 item?

20 COMMISSIONER PUTNAM: I do not.

21 ATTORNEY WILLIAMS: Thank you very much.

22 I will reduce those to writing and forward to
23 the offices -- forward to your offices for your
24 signature next week.

25 That gets us now into the final order for the

1 Dania Beach Unit 7 facility.

2 The standard review that applies in these
3 types of cases, the Administrative Law Judge has
4 made numerous findings of fact and conclusions of
5 law. As the agency head, you sitting as the Siting
6 Board are bound to the record before the
7 Administrative Law Judge. Additionally, the review
8 is strictly limited to those issues that were
9 properly before the Administrative Law Judge.

10 As to findings of fact, they cannot be
11 rejected or modified if they are supported by
12 competent and substantial evidence. Competent and
13 substantial evidence is a quantitative term and not
14 qualitative, meaning: If the finding is supported
15 by any evidence that, if believed, would support
16 the finding, then the Siting Board, or the agency
17 head, which is the same standard, the Siting Board
18 is required to accept that finding. The law is
19 also very clear on this topic, and the Board cannot
20 reweigh the evidence.

21 The Administrative Law Judge was tasked with
22 judging the credibility of the witnesses and the
23 evidence, and the Board is legally prohibited from
24 that type of analysis. It is also important to
25 note that contrary evidence to a finding of fact is

1 irrelevant during your review. And if the Board
2 considers evidence that is contrary to a finding of
3 fact, then the Board is already beyond its proper
4 scope of review. Findings of fact that are
5 actually conclusions of law can and should be
6 reclassified as such. And we have done that a
7 couple of times with the final order that has been
8 previously provided.

9 As to the conclusions of law, conclusions of
10 laws must be supported by competent and substantial
11 evidence. The Board has a limited ability to
12 reject or modify a conclusion of law and because
13 the modification must be within the Agency's
14 substantive jurisdiction and a permissible
15 interpretation of the law. It's also important to
16 note at this stage that evidentiary rulings are
17 squarely within the province of the Administrative
18 Law Judge's arena; therefore, the Board should not
19 seek to review or decide any issues of evidence.

20 And turning now to the order that's to you.
21 The Administrative Law Judge filed a recommended
22 order. The Administrative Law Judge's recommended
23 order in fact approves the project, and the Board
24 must review and provide a ruling on each and every
25 exception filed by the parties.

1 The Sierra Club, as the intervenor, filed 44
2 exceptions, which are addressed at length in the
3 final order that has been previously provided to
4 you as well as the other parties. Staff reviewed
5 the individual exceptions and the responses to
6 those exceptions filed by the other parties. So
7 there are multiple filings by everyone in crafting
8 this final order.

9 The exceptions are fully addressed in the
10 final order. The detail required to evaluate and
11 rule on these exceptions resulted in a lengthy
12 final order, as I'm sure you're well aware.

13 The Florida Power & Light and DEP filed
14 separate responses to Sierra Club's exceptions.
15 Florida Power & Light did not file any of their own
16 exceptions; however, DEP did file three exceptions
17 to correct scrivener's error. DEP staff did not
18 participate -- let me put it this way: The DEP
19 staff that drafted your final order did not
20 participate in the hearing before the
21 Administrative Law Judge; and we've kept that --
22 those two entities within our agency completely
23 separate.

24 The final order adopts the Administrative Law
25 Judge's recommended order in its entirety except as

1 otherwise modified by the specific rulings in the
2 order. The Dania Beach Energy Center is approved
3 subject to the conditions of the certification, and
4 the variance to the City of Dania Beach Code
5 Ordinance, which is a noise ordinance, is also
6 approved; and the City is supportive of that
7 approval. The enforcement authority is also
8 delegated to DEP to make sure that the
9 certifications are handled and abided by by the
10 Sierra Club.

11 A couple of items were provided to you as the
12 Siting Board. Some emails that were in support of
13 the project, those are outside the record. And
14 I've got some extra copies of those that came in
15 yesterday that I can provide to anyone here in the
16 room.

17 It's also -- I just want to stress that it's
18 important that you only consider the items that are
19 in the record. So any argument that I give today
20 or that the parties may give today, that's not to
21 be considered record evidence, only the record
22 evidence which is before you or otherwise properly
23 cited as part of the record should be considered
24 and can only form the basis of your decision.

25 If there are no immediate questions, I'd like

1 to turn the item over to the Sierra Club for any
2 comments they have, and they're limited to 10
3 minutes, and we've discussed that briefly.

4 GOVERNOR SCOTT: All right. Before we turn it
5 over to the Sierra Club, does anybody have any
6 questions?

7 ATTORNEY GENERAL BONDI: No, Governor.

8 CFO PATRONIS: No, sir.

9 GOVERNOR SCOTT: All right. Let's proceed.

10 ATTORNEY CAPLAN: Governor Scott and Cabinet
11 members, I'm Julie Caplan, counsel for Sierra Club.
12 Pardon my speaking quickly, but I just learned
13 yesterday around 5:30 the parties only have ten
14 minutes to speak, which makes it difficult.

15 Sitting as the Siting Board, you must decide
16 whether or not to approve or approve with
17 conditions a massive fracked gas-burning plant in
18 Dania Beach, Florida. Your decision comes down to
19 Florida's extreme vulnerability to climate change
20 should FP&L be allowed to burn fracked gas for
21 another four decades at this proposed plant and
22 thereby spur hurricanes, red tides, and so much
23 more destruction.

24 To start, here are three important facts we
25 know from Judge Seller's recommended order: One,

1 climate change and the need to exigently address it
2 is compelling.

3 Two, power plants that burn fossil fuels cause
4 climate change both globally and locally in
5 southeast Florida.

6 And three, every ton of greenhouse gas emitted
7 into the atmosphere contributes to climate change.
8 We also know that FPL's proposed plant, which I'll
9 refer to as the Dania plant, would spew as much as
10 three million tons of greenhouse gas pollution into
11 the air every year, or more, for decades; and, at a
12 massive 1,133 megawatts, it would replace smaller
13 aging and uneconomic gas plants -- gas units that
14 FPL plans to retire as early as this year.

15 Retirement presents a critical opportunity to
16 face the true challenge of climate change and phase
17 out fracked gas in Florida. Although DEP
18 recommends approval of the plant, the Siting Board
19 has the ultimate responsibility to decide, based on
20 the factors in Florida's Power Plant Siting Act,
21 whether the plant actually serves and protects the
22 interest of Floridians. And it's abundantly clear
23 that the Judge's recommended order and the draft
24 final order that relies upon it would ignore the
25 Dania plant's contribution to the climate crisis,

1 rather than minimize the contribution as the Siting
2 Act requires.

3 It's undisputed that climate change is an
4 urgent problem, in particular in Florida and
5 southeast Florida. And, as the ALJ herself found,
6 increasing the rate of climate change accelerates
7 sea level rise; and its accompanying substantial
8 coastal hazards in southeast Florida sits at a low
9 elevation and is especially vulnerable to sea level
10 rise. Testifying to this reality, FPL plans to
11 elevate the Dania power block eleven and a half
12 feet above sea level, not the surrounding -- but
13 not the surrounding roads, including roads used to
14 access the plant and neighborhood, which at an
15 elevation of only two or three feet will likely be
16 under water within the life -- projected lifetime
17 of the plant.

18 All the parties agree that the existing
19 infrastructure upon which the Dania plant will
20 continue to depend, now sitting at six to seven
21 feet above sea level, faces the threat of
22 inundation over the life of the plant due to sea
23 level rise. To state the obvious, the cost and
24 destruction brought on by climate change penetrate
25 far beyond these specific threats.

1 Sierra Club's expert economist in this case
2 conservatively estimated the total cost of Dania's
3 greenhouse gas pollution to be a staggering 213 to
4 \$289 million every year. Less than a week ago, the
5 federal government's fourth national climate
6 assessment highlighted the severe economic cost to
7 Florida and elsewhere arising from climate change
8 damages, including the power plants themselves and
9 their customers; yet, based on the draft final
10 order and Scott -- and the Scott administration's
11 abysmal track record on climate change, the Siting
12 Board appears poised to turn a blind eye to these
13 costs and burdens. Instead, DEP, FPL, and the ALJ
14 embrace a false and misleading theory adopted in
15 the draft final order that yet another fracked
16 burning gas plant is good for the environment.

17 This is done by comparing on a system-wide
18 basis the volume of greenhouse gas emissions were
19 the existing outdated Lauderdale Units 4 and 5 to
20 continue to run indefinitely with emissions, based
21 upon running the new unit built to last another 40
22 years. The assumption, however, that the existing
23 aging units with 70-year components would continue
24 to run indefinitely is both ludicrous and flatly
25 contradicted by the Public Service Commission's

1 finding in its need determination that relying on
2 FPL's analysis not retiring Units 4 and 5 would
3 cause FPL to incur significant expenses and that
4 their continued operation was uneconomic.

5 In short, the PSC's need determination for
6 Dania was grounded precisely in the conclusion that
7 these units were old and needed to be retired, yet
8 now DEP's proposed approval is based on the fallacy
9 that these units can run -- would run indefinitely.
10 Allowing the state's largest utility to argue one
11 set of facts in one government forum to its
12 advantage and contrary facts in another forum to
13 further its goals makes a mockery of this process
14 and hides the disastrous environmental consequences
15 of the proposed Dania plant. Likewise wrong, as
16 explained in Sierra Club's exceptions, is a refusal
17 to inquire into measures such as solar additions
18 that could undisputably significantly decrease the
19 carbon emissions from fossil fuel burning plants
20 like Dania.

21 The Siting Act includes a minimal adverse
22 effect standard that requires investigation into
23 such carbon measures. Only a tortured reading of
24 the minimal adverse effect standard would preclude
25 evidence of such measures and grant FPL a

1 certification for the Dania plant against the
2 record of staggering losses to Floridians from
3 doing so.

4 Further, Sierra Club reasonably fears that
5 Governor Scott and Cabinet Members Putnam and
6 Patronis are biased towards approving the plant as
7 detailed in Sierra Club's motion for
8 disqualification. For example, Governor Scott has
9 deep financial ties to FPL and its corporate
10 affiliates and holds longstanding public positions
11 denying or questioning the reality of climate
12 change and the risks it poses to Florida. Under
13 Florida law, such an agency decisionmaker and
14 Cabinet Members Putnam and Patronis must be
15 impartial and should be disqualified from serving
16 in this agency proceeding for their bias,
17 prejudice, or interest.

18 Fairly recognizing the impacts of the Dania
19 plant for what they are, 40 years of massive,
20 destructive greenhouse gas pollution with no
21 consideration of common sense means to reduce the
22 impact, yields an inescapable conclusion for the
23 Siting Board. Approval of the Dania plant will
24 result in catastrophic climate damages to Florida.
25 Denying certification is the clearest path to

1 averting this damage and adheres to the Siting Act
2 requirements; however, at a minimum, approval must
3 be conditioned on the common sense measures Sierra
4 Club proposed, like requiring renewable solar
5 energy to reduce the plant's greenhouse gas
6 emissions and the devastating impacts.

7 Thank you for your time, and my colleague,
8 Susannah Randolph, will use our remaining time.

9 MS. RANDOLPH: Good morning, Governor Scott
10 and members of the Cabinet. My name is Susannah
11 Randolph, and I'm the Sierra Club's senior campaign
12 representative for the Beyond Coal Campaign.

13 Today you will vote on whether to approve or
14 approve with conditions or disapprove a fracked
15 gas-burning plant at Dania Beach that has faced
16 opposition at every turn from the community, both
17 locally in the Dania Beach community and throughout
18 the state. Almost one year ago residents from
19 Dania Beach traveled to Tallahassee to make their
20 voices heard before the Public Service Commission.

21 During that trip, they delivered over 8,000
22 comments in opposition to this plant to your
23 office, Governor Scott. In February, the residents
24 of Dania Beach organized their own public hearing
25 to let their neighbors know about this plant, most

1 of which who had never heard of FPL's plans to
2 continue burning fracked gas for the next 40 years
3 in their community.

4 Many of these same residents face the effects
5 of Hurricane Irma and regularly experience flooding
6 in their community. That's why residents, again,
7 turned out in force at the site certification
8 public hearing in Davie, Florida back in May. More
9 than a thousand people called your office, Governor
10 Scott, to urge you to oppose this plant that will
11 burn fracked gas for the next two generations,
12 greatly exacerbating climate change for many
13 Floridians already grappling with sea level rise
14 and flooding in their communities.

15 Finally, as residents and concerned citizens
16 throughout the state prepared to travel again to
17 Tallahassee to speak before this board in
18 September, they learned at the last minute that the
19 meeting had been moved until after the election.
20 The vote has been -- this vote has been moved three
21 times, two of which provided very short notice to
22 the public, many of whom have to clear their
23 calendars and arrange travel to Tallahassee.

24 The public, your constituents, simply do not
25 want this plant and have made it very clear at

1 every step in this contorted process. In fact,
2 during the course of this process, we provided your
3 Department of Environmental Protection with expert
4 testimony on not only the environmental but also
5 economic cost of climate change that run into the
6 hundreds of millions of dollars per year caused by
7 emissions from just this one plant.

8 Miami is now listed as the most vulnerable
9 city to sea level rise in the world, and more and
10 more communities are reporting issues such as sunny
11 day flooding. In the fourth national climate
12 assessment issued by Trump's administration just
13 last week, Florida is highlighted as being
14 particularly vulnerable to the impacts of climate
15 change, an alarm that none of us, especially you,
16 can ignore.

17 Even Florida Power & Light is not completely
18 ignoring the fact that climate change is a threat.
19 In fact, the plans for their Dania Beach fracked
20 gas plant include elevating the power block portion
21 of the plant itself by 11 and a half feet to
22 accommodate for sea level rise.

23 But what about the people of Dania Beach, a
24 community made up of many low income minority
25 residents who struggle to make ends meet under even

1 the best conditions? Will FPL pay for their homes
2 to be elevated? What happens to the families, the
3 children, and workers in that community when the
4 tide of inevitability washes in? What will you
5 tell them when the last of their personal
6 possessions wash out to sea while the very plant
7 that fuels that tide stands above them?

8 And what about communities outside of Florida
9 that are impacted by climate change resulting from
10 decisions like the one you are about to make? Our
11 Caribbean neighbors, Puerto Rico, and the Virgin
12 Islands who were ravaged by Hurricane Maria share a
13 special relationship with Florida; and I know that
14 Governor Scott is particularly aware of the fact
15 that there are Floridians who have families on
16 those islands and who are recent residents
17 themselves. They deserve a decision that will
18 acknowledge the devastating impact that climate
19 change has had on their lives.

20 It is unfair and unconscionable to put
21 Floridians in a situation that will make climate
22 change worse simply because utility companies like
23 FPL find it more profitable in the short term to
24 fall back on the old way of doing business. Now is
25 the time for innovation and leadership and, above

1 all, courage.

2 Unfortunately this board does not seem
3 inclined to exhibit that courage or leadership
4 today. From the beginning, this process has
5 excluded the very communities who are most likely
6 to be impacted. Voices of those who have been
7 affected by climate change have largely been
8 ignored, and it's been widely documented that
9 decision makers in this very process have publicly
10 denied or questioned the very existence of climate
11 change and, in some cases, even banned the use of
12 the term.

13 Politics and political favors in the form of
14 campaign contributions have colored this process
15 from the very start. That is, in part, why Sierra
16 Club filed motions to disqualify Governor Scott,
17 CFO Patronis, and Commissioner Putnam, based on the
18 hundreds of thousands of dollars that Florida
19 Power & Light, its executives and employees,
20 contributed to their campaigns.

21 We believe that the people of Florida, the
22 very people who are currently suffering from the
23 impacts of climate change, should possess the most
24 influence in this decision. In fact, it is exactly
25 those people who have written you, called you, and

1 showed up at your meetings, where sufficient notice
2 was provided, to be heard on this issue. They do
3 not want this plant. They do not want more fossil
4 fuel and climate change. They want you to vote no.

5 Thank you.

6 GOVERNOR SCOTT: Thank you.

7 ATTORNEY WILLIAMS: Thank you very much. This
8 is Robert Williams again.

9 I'd ask whether or not Florida Power & Light
10 has a representative that would like to speak.

11 MR. RAFFENBERG: Good afternoon Governor
12 Scott, Attorney General Bondi, CFO Patronis, and
13 Commissioner Putnam.

14 Today FPL is here seeking Siting Board
15 approval and certification of the Dania Beach Clean
16 Energy Center, a 1200-megawatt natural gas power
17 plant that will replace existing units at our
18 Lauderdale plant in Broward County. This modern
19 plant will be among the cleanest and most efficient
20 of its kind in the United States. In fact, this
21 plant will be so efficient that it will reduce the
22 amount of natural gas that we use across our fleet
23 and will result in fleet-wide reductions of
24 greenhouse gas emissions.

25 We expect this new plant to create nearly 300

1 new jobs during construction and provide an
2 estimated \$287 million in tax revenue. The new
3 facility will also result in savings for our
4 customers. This savings is estimated to be
5 \$337 million.

6 Through the PowerPoint Siting Act process, all
7 applicable state and local agencies have had the
8 opportunity to review the application, and all have
9 either recommended approval or did not oppose
10 certification. After a lengthy hearing with an
11 administrative law judge, the judge concluded that
12 FPL has met all procedural requirements imposed
13 under the PowerPoint Siting Act and that this plant
14 will meet all applicable environmental regulations
15 resulting in a net environmental benefit.

16 Based on these conclusions and the substantial
17 record of this project, FPL is requesting that the
18 Board adopt the draft final order that is before
19 you today. I thank you for the opportunity to
20 speak, and I'm available to answer any questions
21 that you might have.

22 GOVERNOR SCOTT: Thank you.

23 ATTORNEY WILLIAMS: Thank you very much. This
24 is Robert Williams again.

25 I don't think we have anybody else in the

1 audience that likes to speak. And seeing none, at
2 this point in time, unless you have any another
3 questions, Governor, we would request -- DEP
4 recommends approval of the final order that you've
5 been presented, and we'd request a motion approving
6 that final order.

7 GOVERNOR SCOTT: All right. Is there a motion
8 to approve and execute the final order?

9 ATTORNEY GENERAL BONDI: So move.

10 CFO PATRONIS: So move.

11 GOVERNOR SCOTT: All right. Is there a
12 second?

13 ATTORNEY GENERAL BONDI: I'll be the second,
14 Governor.

15 GOVERNOR SCOTT: Okay.

16 All right. Any comments or objections?

17 (NO RESPONSE).

18 GOVERNOR SCOTT: Hearing none, the motion
19 carries.

20 ATTORNEY WILLIAMS: Thank you very much,
21 Governor.

22 I'd like to turn it over to Justin Wolf, the
23 Deputy General Counsel for the Department of
24 Environmental Protection for the third item.

25 ATTORNEY WOLF: Thank you, Governor and

1 Cabinet. This is Justin Wolf. I'm Deputy General
2 Counsel with the Florida Department of
3 Environmental Protection.

4 This item is before the Siting Board on remand
5 from the Third District Court of Appeals for
6 consideration of a final order regarding Florida
7 Power & Light's application to certify its Turkey
8 Point Units 6 and 7 project under the Power Plant
9 Siting Act. Today I'll provide a very brief
10 overview of the proposed project and the litigation
11 history, and then I'll discuss the Third District
12 Court of Appeals' opinion; and, lastly, the draft
13 final order that you have before you.

14 Actually, additionally, today we received a
15 signed stipulation that was received from the
16 Village of Pinecrest and Florida Power & Light
17 which resolves the disputes between those two
18 parties and requests the addition of one sentence
19 to a condition that's in the draft final order
20 which is before you that the Department finds
21 appropriate and recommends adding. After that, I
22 believe there are a few parties that have
23 representatives that would like to make some
24 statements.

25 FP&L'S proposed project is to construct and

1 operate Units 6 and 7, which are two new nuclear
2 units at the existing Turkey Point Power Plant, as
3 well as new electrical transmission lines and other
4 associated facilities within Miami-Dade County.
5 FP&L'S proposed transmission line corridors are
6 approximately 88 miles in total length and are made
7 up of a western corridor, which is approximately
8 52 miles; and an eastern corridor, which is
9 approximately 36 miles in length. FP&L filed --
10 originally filed this application in 2009, and then
11 in 2013 an administrative law judge held an
12 eight-week hearing and issued a 332-page
13 recommended order recommending approval of the
14 certification of the project, including
15 certification of what is called the East Preferred
16 Corridor, a West Consensus Corridor, and then also
17 certified the West Preferred Corridor as a backup
18 to the Western Consensus Corridor.

19 In May 2014, the Siting Board issued its final
20 order adopting the ALJ's recommended order with
21 minimal changes and approving the certification of
22 the project. That final order was then appealed by
23 four parties: Miami-Dade County; the City of
24 Miami; the Village of Pinecrest; and the City of
25 South Miami. They appealed to the Third District

1 Court of Appeals.

2 All of the issues on appeal were related to
3 the transmission line corridors. In 2016 the Third
4 District Court of Appeals reversed the Siting
5 Board's final order finding three errors that
6 needed to be addressed on remand, which is what
7 we're here before you today to consider.

8 First, the court held that the final order
9 erred by not considering the regulations of the
10 local government in certifying the transmission
11 line corridors.

12 Second, the court held that the Siting Board
13 was not correct in finding that it lacked the
14 authority to require Florida Power & Light to
15 install the power lines underground at FP&L'S
16 expense.

17 And third, the court held that Miami-Dade
18 County's East Everglades Ordinance is an
19 environmental regulation and should have been
20 considered by the Siting Board in relation to the
21 Western Preferred Corridor.

22 This draft final order before you today
23 resolves all the issues that were remanded by the
24 Third District Court of Appeals. In resolving the
25 first issue that was remanded regarding the local

1 government regulations, the order adds two new
2 conditions to the certification. The first
3 condition that was added in the proposed final
4 order would prohibit Florida Power & Light from
5 installing electrical transmission lines within the
6 boundaries of the Village of Pinecrest.

7 And this is the condition that's in the draft
8 final order that is the subject of the stipulation
9 that was received this morning, and that
10 stipulation requests the addition of an additional
11 sentence which would read: This condition may be
12 modified only in accordance with Section
13 403.516(1)(c), Florida Statute. The effect of that
14 additional sentence would basically say that this
15 clarifies that the Department unilaterally cannot
16 modify the condition, and instead when -- if a
17 modification came in to modify that condition, it
18 would then be sent out to all the parties in the
19 case. And if any party objects to modifying that
20 condition, an administrative hearing would be held
21 on that modification.

22 The Department believes this additional
23 sentence is appropriate and recommends adding it to
24 the draft final order on remand.

25 The second condition that is added in the

1 draft final order would require Florida Power &
2 Light to install transmission lines only within
3 existing right of ways within the City of South
4 Miami. With the addition of these two conditions,
5 the local regulations of South Miami and the
6 Village of Pinecrest would not be applicable and
7 would address the first issue remanded by the Third
8 District Court of Appeals.

9 With regard to installing -- with regard to
10 the second issue remanded by the Third District
11 Court of Appeals, which is the installation of
12 transmission lines underground, after considering
13 the negative findings made by the administrative
14 law judge in his recommended order as to
15 undergrounding, the draft final order elects to not
16 require Florida Power & Light to install the
17 transmission lines underground.

18 Lastly, the draft final order recognizes that
19 Florida Power & Light has withdrawn its West
20 Preferred Corridor, which is the backup corridor,
21 from its application and will instead utilize the
22 West Consensus Corridor; therefore, the need to
23 consider Miami-Dade County's East Everglades
24 Ordinance becomes moot and resolves the only issue
25 appealed by Miami-Dade County. The order also

1 recognizes that just last week Miami-Dade County
2 and FP&L also entered into a stipulation that,
3 based on that withdrawal of the West Preferred
4 Corridor, that Miami-Dade County has no further
5 opposition to the certification of the project.

6 After addressing those issues, the draft final
7 order on remand readopts the Siting Board's
8 previous final order approving certification of the
9 Turkey Point 6 and 7 project, including the
10 transmission lines.

11 One additional thing I'd like to add, with the
12 receipt of the stipulation that was received this
13 morning between the Village of the Pinecrest and
14 Florida Power & Light, all of the parties, other
15 than the City of South Miami that appealed this --
16 the previous final order, have been able to reach
17 resolution of their issues at this time.

18 With that said, the Department recommends
19 approval of the draft final order on remand
20 approving certification of the Turkey Point 6 and 7
21 project with the addition of the sentence reflected
22 in the stipulation by FP&L and the Village of
23 Pinecrest. And unless there's any questions, I'll
24 turn it over to the parties that would like to make
25 statements.

1 GOVERNOR SCOTT: Thank you.

2 ATTORNEY WOLF: First, is there a
3 representative for the Village of Pinecrest that
4 would like to make a statement? Bill Garner with
5 the Village of Pinecrest.

6 ATTORNEY GARNER: Thank you, Governor and
7 Cabinet members. My name is Bill Garner, and I've
8 represented the Village of Pinecrest in this matter
9 since 2010. It's been a long time coming to get
10 here.

11 I just wanted to thank FP&L for its commitment
12 to build the transmission lines outside of the
13 Village of Pinecrest which makes the -- on its own
14 makes the regulations of the Village inapplicable
15 to the project. We would also like to thank FP&L
16 for working with us to come up to some agreed
17 language so that in the event things change in the
18 future, as sometimes they do without any
19 expectation, the Village will have its opportunity
20 to address its -- the impacts that would be on the
21 Village and to protect its interest.

22 And I'd also like to thank and commend the
23 professionalism of the DEP staff in helping to wrap
24 this up. So thank you for your time.

25 GOVERNOR SCOTT: Thank you.

1 ATTORNEY WOLF: Thank you.

2 And next will be Deborah Swim with the City of
3 South Miami. And I'd just like to remind the
4 parties that they're limited to the 10 minutes as
5 well.

6 ATTORNEY SWIM: Thank you. I'm Deb Swim here
7 on behalf of the City of South Miami.

8 I got word at 4 p.m. yesterday that the
9 parties have 10 minutes to present their position,
10 so I'll do my best to be quick and stick to the
11 highlights, but this is a complex issue involving
12 literally rooms of paper and nearly 10 years of
13 litigation. And I'm in my 60s and can't talk as
14 quickly as I used to, so I ask that you be generous
15 in granting time for me to finish what I have
16 prepared to say on behalf of my client.

17 The Board is setting undergrounding policy for
18 the first time in this case. This is a
19 responsibility that merits serious consideration,
20 particularly because the lines are proposed for a
21 very populous urban area.

22 Our request to the Board is in the
23 alternative. To summarize: First, we ask that the
24 issue of undergrounding be remanded for further
25 fact finding by the administrative law judge so the

1 record upon which the Board's decision is based can
2 include new information that's highly relevant to
3 the Board's undergrounding decision. This remand
4 will create a record through which the Board may
5 become fully informed about a significant new
6 \$90 million multi-agency project that is being
7 built at the exact same location as FPL's
8 transmission line project.

9 Specifically, both projects are slated for
10 construction on the fairly -- on the same fairly
11 narrow strip of land within an existing
12 right-of-way under Miami's Metro Rail. For reasons
13 I will detail later, we believe this additional
14 information is not only very relevant to the
15 Board's undergrounding decision but essential to
16 the Board's duty to strike an appropriate balance
17 for the public interest under the Siting Act. We
18 also ask that the Board briefly defer its decision
19 on undergrounding so that this extremely relevant
20 new information can become part of the record.

21 In the alternative, we ask that the Board
22 require FPL to place underground all the
23 transmission lines to be sited within South Miami;
24 or, at minimum, to place underground that portion
25 of the transmission lines to be sited within the

1 0.65-mile segment of FPL's proposed corridor within
2 the South Miami commercial core zone.

3 South Miami's Commission designated the
4 commercial zone to stimulate high-end multimodal
5 development around the Metro Rail stop. The
6 Commission's goal was to revitalize the local
7 economy, especially commerce in the downtown area;
8 and that zone designation seems to be working,
9 investors are interested.

10 We request that the undergrounding be at FPL's
11 expense, but we want you to know that the City has
12 committed to engage in serious discussions with FPL
13 in the immediate future about possible approaches
14 for cost sharing, possibly similar to the
15 cost-sharing arrangements that FPL has made with
16 the City of Miami to underground five miles of
17 line.

18 In any event, for reasons detailed later, we
19 urge the Board not to adopt the undergrounding
20 policy that FPL suggests, whereby undergrounding
21 would never be required by the Board unless the
22 local community called upon to host the aboveground
23 high voltage lines pays the entire cost of
24 underlining or is able to enter a stipulation that
25 is agreeable to Florida Power & Light.

1 As regards to our request for remand, I want
2 to tell you about an important new project that is
3 underway at the exact same location where FPL now
4 proposes to install aboveground high voltage
5 transmission lines. This new project, called The
6 Underline, is the ten-mile linear park now being
7 built under Miami's Metro Rail in the very same
8 narrow right-of-way where FPL proposes to site
9 aboveground lines that are supported by --
10 supported on the ground by very tall power poles
11 with very wide bases and guy wires, all requiring a
12 good bit of ground, and also in the very same place
13 where the Metro Rail and its associated on and
14 aboveground support structures are already
15 occupying space.

16 I want to tell you a little bit about The
17 Underline because it's very exciting. It's
18 actually even a state-funded project. It's a
19 \$90 million multi-agency project that's already
20 been designed, permitted, and is under construction
21 with a mix of state and local funds. Florida has
22 committed 14 million of those funds. Local
23 communities, Dade County and other local cities,
24 have committed tens of millions of dollars.

25 The park features two trails, one for walking,

1 one for biking, or other nonmechanical things, like
2 roller blades; and each of these two trails runs
3 through the entire 10-mile long park. Along the
4 way are facilities. Visitors can enjoy sports
5 fields and playgrounds, see live performances and
6 art, participate in educational presentations, or
7 simply enjoy the great outdoors while shaded by the
8 park's native canopy.

9 As the website for The Underline says: The
10 Underline will transform the land below Miami's
11 Metro Rail into a 10-mile linear park, urban trail,
12 and living art destination. The Underline will
13 serve a great many Floridians, especially the
14 approximately 250,000 people who live within a mile
15 of the park; and it will attract visitors, all to
16 the benefit of south Florida's businesses and
17 economy.

18 Linear parks like The Underline, such as The
19 High Line in New York City, The Belt Line in
20 Atlanta, have been credited with improving the
21 health and mobility of hundreds and thousands of
22 people while stimulating billions of new
23 residential and commercial development.

24 The Underline is not just an economic driver,
25 it is also a transportation solution offering

1 walking, biking, and access to mass transit as an
2 alternative to driving. The park's two trails, one
3 for foot traffic and the other for nonmotorized
4 vehicles, as a continuous 10-mile corridor, will be
5 the primarily -- will be primary pedestrian and
6 bicycle connection between downtown and southern
7 neighborhoods and cities. That means less traffic
8 on U.S. 1, which can be very congested with motor
9 vehicles. I guess that's why the project is part
10 of the MPO's near-term funding plan.

11 Unfortunately, the record upon which your
12 undergrounding decision must be based now lacks
13 information about this project. This is
14 understandable since the master plan for the
15 project was not created or approved by Dade County
16 until after the ALJ's order -- the administrative
17 law judge's order in this case. Nevertheless,
18 facts associated with the compatibility of the
19 aboveground transmission lines and The Underline
20 park are relevant to the undergrounding issue that
21 is before the Board.

22 Such findings are very relevant to the Board's
23 underground policy because the right of way where
24 FPL would put the lines and where The Underline is
25 being built is quite narrow, especially in some

1 places; and the right of way is already home for
2 the Metro Rail's above and underground
3 infrastructure.

4 I tried to get you all a picture of the size
5 of the right of way. I'm not sure if I was
6 successful in that or not, but I did try and send
7 it day before yesterday as requested.

8 There's just a lot of things to be placed in a
9 small space. Space is just going to be tight, like
10 on a ship. To strike a balance -- to reasonably
11 strike a balance for the public interest, the Board
12 should remand to supplement the record with
13 additional fact findings so the Board can consider
14 whether undergrounding the lines to free up needed
15 space would be the Board's preferred policy. In
16 particular, the Board should request factual
17 findings about -- just a second -- about the
18 compatibility of aboveground lines and poles with
19 their on-ground support structures with the master
20 plan for The Underline, including areas where
21 compatibility could be maximized were the
22 transmission lines placed underground instead of
23 aboveground. Without such findings, the Board
24 simply cannot assess the cost and benefits
25 associated with undergrounding all or a portion of

1 the proposed transmission line in the areas where
2 the line will be collocated with The Underline.

3 For these reasons, the City asks the Board to
4 remand this matter for such additional finding so
5 that the record may be supplemented. In the
6 alternative, we ask the Board to require -- to
7 require underlining of all or part of the line that
8 is proposed within the City's jurisdictional
9 boundaries as discussed earlier.

10 Two reasons for this request are: Property
11 values and health risks. The power line -- as far
12 as property values -- I'm sorry?

13 ATTORNEY WOLF: Your time is up, but if you
14 can wrap it up.

15 ATTORNEY SWIM: Well, I'm told that my time is
16 up. I think I'm pretty near the end. I think I've
17 got, you know, less than one page to go.

18 GOVERNOR SCOTT: Why don't you go ahead and
19 finish that one page.

20 ATTORNEY SWIM: Okay. Do you think I could
21 get a sip of water too? My mouth has become
22 extremely dry.

23 GOVERNOR SCOTT: I think that's a good idea.

24 ATTORNEY SWIM: All right. Thank you.

25 So property values and health risks: The

1 power lines' host communities will be adversely
2 impacted more by the lines that -- the power lines'
3 host communities will be adversely impacted more by
4 the lines than will the communities that receive
5 the electricity being transmitted by the lines.
6 The Board's policy on undergrounding should
7 reflect consideration of these disproportionate
8 impacts.

9 When installed aboveground, the high voltage
10 lines create a view shed that is not what anyone
11 would call pretty. FPL's own expert testified in
12 this case that residential property values near
13 high voltage transmission lines are lower, and
14 that's a point with which the City's expert agreed.

15 There was a debate about commercial property
16 values, so I'm not mentioning them, but there was
17 clear consensus on residential property values
18 going down near the lines. And because property
19 values go down, the tax revenues of the local
20 government that's hosting the lines will be
21 reduced. And so your policy on undergrounding
22 should reflect consideration of this reduction in
23 property values and tax revenues in the local host
24 community.

25 On to health risks. Aboveground voltage

1 lines -- high voltage lines expose nearly -- nearby
2 adults and children to electromagnetic radiation
3 that poses health risks. The public's testimony in
4 this case clearly shows that Floridians are highly
5 concerned about these health risks.

6 DEP's rule on EMF radiation may not comfort
7 people who are so concerned. The rule has no
8 requirements that DEP independently affirm that the
9 high voltage lines will meet DEP standards. It
10 just requires that DEP affirm that FPL has provided
11 a statement indicating that the high voltage lines
12 will meet DEP's EMF standards.

13 And DEP's EMF standard, adopted more than a
14 decade ago, may not accurately reflect current
15 scientific consensus, a consensus which indicates
16 that childhood leukemia is indeed a serious
17 concern. The Board's policy on undergrounding,
18 especially in areas like this that are highly
19 populated, should reflect consideration of the
20 number of people that are subject to such health
21 risks.

22 And lastly, you know, we just think it would
23 be very unfair on the issue of who would pay for
24 the incremental cost of the undergrounded lines.

25 These lines -- most of the electricity

1 transmitted through these lines go outside the
2 areas where the lines are sited. The lines are
3 designed to transmit a lot of electricity, and so
4 the great bulk of it goes to nonresidents. And so
5 it's just unfair to require the places that are
6 required to bear the burdens of hosting these sort
7 of monstrous looking and potentially health risking
8 and property value reducing lines to pay all the
9 incremental costs of undergrounding.

10 This is an important issue since Florida is
11 becoming more and more populated. There's more
12 pressure to put these lines in urban areas, and so
13 I hope you will seriously consider our request.
14 Thank you.

15 GOVERNOR SCOTT: Thank you.

16 ATTORNEY WOLF: Thank you.

17 And I believe -- Matt Raffenberg with Florida
18 Power & Light.

19 MR. RAFFENBERG: Good afternoon, again,
20 Governor Scott, Attorney General Bondi, CFO
21 Patronis, and Commissioner Putnam. My name is Matt
22 Raffenberg. I'm a senior director of Florida Power
23 & Light. I'm happy to be here today.

24 In 2014 the Siting Board unanimously approved
25 FPL's Turkey Point Units 6 and 7 project

1 authorizing the construction and operation of two
2 new nuclear units and certifying three associated
3 transmission line corridors.

4 The Siting Board's approval was a culmination
5 of a 5-year review process that included an 8-week
6 hearing before an administrative law judge. After
7 the Board's approval, four local governments
8 appealed the final order of certification for two
9 of the transmission line corridors.

10 In 2016 the Third District Court of Appeal
11 reversed and remanded the Board's final order of
12 certification for the East Preferred Corridor and
13 the West Preferred Corridor. Since the court's
14 remand, FPL has worked very hard to address all
15 issues raised on appeal and to resolve the concerns
16 of all four municipalities. This includes
17 withdrawing the request for certification for the
18 West Preferred Corridor.

19 As a result of this work, we have been able to
20 resolve all of our issues with the City of Miami;
21 Miami-Dade County; and as you've heard today, the
22 Village of Pinecrest. Regarding the one remaining
23 municipality, the conditions posed by FPL and
24 ultimately the recommended -- recommended by the
25 DEP in the draft final order fully addressed the

1 Third DCA's concerns.

2 Based on these conditions and the substantial
3 record on this project, FPL requests that the Board
4 adopt the draft final order before you today.

5 Again, thank you for your time, and I'm
6 available to answer any questions that you might
7 have. Thank you.

8 GOVERNOR SCOTT: All right. Does anybody have
9 any questions?

10 (NO RESPONSE).

11 GOVERNOR SCOTT: Is there anything else before
12 we go forward?

13 ATTORNEY WOLF: Are there any other speakers?
14 One other person would like to speak on the matter.

15 GOVERNOR SCOTT: Okay.

16 MS. RANDOLPH: Thank you, Governor Scott and
17 members of the Cabinet. My name is Susannah
18 Randolph. I'm representing the Sierra Club.

19 The Sierra Club supports the City of South
20 Miami's request to the Cabinet that the high
21 voltage transmission lines be placed underground at
22 Florida Power & Light's expense. In our view, new
23 electrical infrastructure should be highly
24 affordable, clean, distributed energy resources,
25 such as rooftop solar and building efficiency

1 improvements, not carbon and nuclear-fueled central
2 power plants and high voltage transmission lines
3 with huge power poles.

4 Second, aboveground high voltage power lines
5 are especially a bad idea in urban areas due to
6 public safety risks, adverse impacts on both local
7 economic vitality and local recreational
8 opportunities such as The Underline project.

9 And for those that may not have heard, The
10 Underline is a ten-mile urban trail, linear park,
11 and living art destination currently being
12 developed along the very same Miami Metro Rail
13 corridor where FPL would put aboveground high
14 voltage lines.

15 Third, high voltage line transmission -- high
16 voltage transmission lines should be placed
17 underground at the utility's expense to minimize
18 harms to natural and human environment. The
19 Board's policies must avoid requiring local
20 communities to bear the full brunt of the adverse
21 impacts from aboveground high voltage transmission
22 lines while others who live very far from the high
23 voltage lines receive the great bulk of the power
24 to be transmitted through the lines. We believe
25 that's just plain unfair.

1 These are the reasons why we support the City
2 of South Miami's request to underground the lines
3 at FPL's expense. In addition, given the failure
4 of nuclear plants elsewhere in the southeast, the
5 Club wants the Cabinet to know that we believe
6 that FPL is pursuing a bait and switch seeking to
7 get transmission lines approved for a nuclear
8 plant that cannot be built for economic reasons but
9 which will ultimately serve a new gas burning
10 plant.

11 In closing, Sierra Club urges you to require
12 that the high voltage transmission lines be placed
13 underground at FPL's expense. Thank you.

14 ATTORNEY WOLF: Are there any other people
15 that would like to speak on this matter?

16 (NO RESPONSE).

17 ATTORNEY WOLF: It doesn't appear so.

18 With that, unless there are any questions, the
19 Department recommends approval of the draft final
20 order on remand approving the certification of the
21 Turkey Point 6 and 7 project with the additional
22 sentence reflected in the stipulation between FP&L
23 and Village of Pinecrest. Thank you.

24 GOVERNOR SCOTT: All right. Is there a motion
25 to approve and execute the final order?

1 ATTORNEY GENERAL BONDI: So move.

2 GOVERNOR SCOTT: Is there a second?

3 CFO PATRONIS: Second.

4 GOVERNOR SCOTT: Any comments or objections?

5 (NO RESPONSE) .

6 GOVERNOR SCOTT: Hearing none, the motion
7 carries.

8 I want to thank everybody for participating in
9 today's meeting. That concludes today's meeting.
10 Our next meeting is December 4th.

11 Have a great day. Bye-bye.

12 CFO PATRONIS: Thank you so much.

13 ATTORNEY GENERAL BONDI: Bye-bye.

14 (WHEREUPON, THE MEETING WAS ADJOURNED) .

15
16
17 * * * *

CERTIFICATE

STATE OF FLORIDA)
COUNTY OF LEON)

I, NANCY S. METZKE, RPR, FPR, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 2nd day of December, 2018.

NANCY S. METZKE, RPR, FPR
Court Reporter

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ATTACHMENT MDC-15-4

REQUEST FOR VARIANCE ATTACHMENT MDC-15-4

Florida Power & Light Co. (FPL) requests a variance from the filling and excavation restrictions contained in Miami-Dade County Code Chapter 33B for the East Everglades Zoning Overlay, pursuant to sections 403.531(2)(b) and 403.201(1)(c), F.S. and rule 62-110.104(1), F.A.C.

As described in Section 1.1.1. of the Application for Certification, as a result of the growing customer base and electric demand load in Miami-Dade County (MDC), by 2033 the FPL transmission system is projected to exceed voltage and thermal facility ratings under several contingency scenarios. These transmission assessment studies identified that by 2033, FPL's existing transmission network will not be able to support the growing load demand MDC, and a need for a new transmission solution is required to maintain transmission reliability in the area. These studies conducted by FPL in 2025 identified system limitations exceeding transmission criteria required by NERC Reliability Standards TPL-001-5.1 and NUC-001-4. The Project will address NERC TPL-001-5.1 and NUC-001-4 system reliability deficiencies and provide a resilient, hardened path from Broward County into MDC. Without these reliability improvements, potential system limitations will impact the ability to effectively transmit and distribute power into the major load centers in MDC, and the proposed transmission lines for the Project are required to prevent grid failure as energy consumption in MDC increases.

On June 1, 2026, the Florida Public Service Commission ("FPSC") issued its Final Order Approving Determination of Need for Electrical Transmission Lines, Docket No. 20260020-EI, Order No. PSC-2026-0179-FOF-EI. ("Need Order"). In its Need Order, the FPSC found that "AOP is essential to mitigate the load growth of Miami-Dade County and to continue to maintain NERC reliability standards in effect. Without the AOP, there is a significant risk of overloads and potential voltage issues." Need Order, p. 8. The FPSC also found that, "each of the four transmission lines of the AOP are needed for abundant, low-cost electrical energy to assure the economic well-being of the citizens of the State." Need Order, p.10. Thus, these potential system limitations would directly adversely affect the public health, safety, and welfare if not otherwise addressed.

The FPSC also determined that the Andytown, Oasis, Quarry, and Levee Substations are the appropriate starting and ending points for meeting the need. Need Order, pp. 9-10. FPL analyzed multiple corridors to connect these substations and determined that the AOP was the most appropriate option to meet the need and connect these substations. The bases of FPL's analysis are addressed in Section 2.1 of the Application for Certification, as discussed in response to MDC-30.

A portion of FPL's identified route segments encompass an area that was previously approved for transmission development during FPL's Turkey Point Units 6&7 Power Plant Site Certification known as the "West Consensus Corridor" (WCC) (Figure 2-3). The history of the development of the WCC is relevant to this application because FPL and stakeholders addressed and resolved many issues related to the appropriateness of that corridor for the development of transmission with the Turkey Point Units 6&7 Certification. FPL has also acquired real estate interests in reliance on the WCC.

In the 1960s and 1970s, FPL acquired a linear strip of land located about one mile west of the Proposed Corridor presented in this application. This linear strip of land was for future needs to ensure adequate supply of energy into the Miami-Dade County region, and during the Turkey Point Units 6&7 certification was referred to as the "West Secondary Corridor" (WSC). In 1989, the

Everglades National Park's (ENP) eastern boundary in the region was expanded to the east, such that FPL's linear strip of land (i.e., the WSC) was then located within ENP, west of ENP's eastern boundary. In the mid-2000's, FPL began negotiations with the NPS, SFWMD, US Army Corps of Engineers (USACE), and State of Florida Board of Trustees of the Internal Improvement Trust Fund (TIITF) for an exchange of lands, where FPL would give its linear strip of land (i.e., the WSC) land to ENP, and FPL would receive a linear strip of land on the eastern edge of the ENP's expanded property (Figure 2-4). The NPS recognized that transmission facilities on the lands provided to FPL on the eastern edge of ENP's expanded boundary would have substantially less impact on the ENP and the exchange was more compatible with plans to restore more natural flows to ENP compared to transmission facilities on the WSC. The NPS also recognized that relocation of the WSC lands through the land exchange would maintain the viability of electrical transmission facilities and provide public benefits (see Appendix A).

In 2016, the exchange discussed above was completed through the Agreement for Exchange of Lands and Interests in Lands Located in Everglades National Park Between the United States of America and FPL (ENP Exchange Agreement, see Appendix B). Under the ENP Exchange Agreement, the lands along the eastern edge of ENP's expanded boundary were given to FPL; however, the ENP boundary over FPL's land remains in place until FPL identifies a final alignment for its transmission facilities. Once the final transmission facilities alignment is established, ENP will update the ENP boundary to exclude FPL's transmission facilities. By waiting for the final transmission facilities alignment to be established before updating the ENP boundary, ENP gets the benefit of FPL's agreement to pursue placement of its transmission facilities to the east of L-31 canal if interests or agreements can be obtained "in a Timely Manner and at a Reasonable Cost," as defined by the ENP Exchange Agreement. In instances where FPL can achieve that goal, FPL agreed to convey land received from ENP that FPL would not need for its final transmission facilities alignment back to the ENP. After that conveyance, ENP would revise ENP's eastern boundary to exclude FPL's transmission facilities.

While negotiations for the ENP Exchange Agreement were occurring, in 2009, FPL filed for a new project, the Turkey Point Units 6&7 Power Plant Siting Act certification.¹ FPL sought to license the development of two new nuclear generators at Turkey Point, along with associated transmission facilities. Some of those transmission facilities were proposed to be located in the lands FPL and NPS were negotiating to exchange along the eastern edge of ENP, named the "West Preferred Corridor" (WPC). During the certification proceeding, the WPC was contested by a number of parties, with a particular focus on a portion of the WPC just south of Tamiami Trail in MDC. A number of alternate corridors were identified and submitted by various parties, including the WCC (Figure 2-4). As a part of agreement to create the WCC, and as required in the conditions of certification for the Turkey Point Units 6&7 project, FPL agreed to the WCC as its lead western corridor but maintain the WPC as a back-up in case locating the final transmission facilities alignment in the WCC could not be achieved "in a Timely Manner or at a Reasonable Cost" as defined in the ENP Exchange Agreement. SFWMD also agreed to allow FPL to use SFWMD's canal ROW for certain portions of the transmission facilities. The Final Order approving the project was issued in 2014. In that Final Order, the Siting Board accepted the ALJ's findings that the WCC (and WPC) had the least adverse impacts of any of the corridors, including alternates proposed by

¹ in re: Florida Power and Light Company Turkey Point Units 6 and 7 Power Plant Siting Application PA03-45A3, DOAH Case No. 09-3575-EPP.

other parties, and accepted that the WCC (and WPC) had the fewest adverse impacts "relative to air and water quality, fish and wildlife, water resources, and other natural resources of the state."

While it opposed the WPC, MDC expressly supported the WCC. In fact, in public testimony before the Power Plant Siting Board, made up of the Governor and Cabinet, MDC stated, "We think that the West Consensus Corridor with the new condition that's being presented to you today does a reasonable job of avoiding impacts to Everglades National Park..." (See Attachment MDC-15-1, p. 59) and "we again appreciate the efforts of all of the parties in coming to an agreement on the West Consensus Corridor (See Attachment MDC-15-1, p. 65). FPL's consummation of the Land Exchange Agreement and terms therein were directly tied to the precedent support and agreements made for the WCC. While supporting the WCC, MDC chose to appeal the Final Order exclusively related to the WPC. Upon remand of that appeal, on November 13, 2018, FPL withdrew the WPC for certification. On November 20, 2018, FPL and MDC entered into a stipulation related to the WCC and WPC. See Attachment MDC-15-2. In that stipulation, the parties agreed that with FPL's withdrawal of the WPC for certification, "there are no remaining disputed issues between them, and the County has no further opposition to certification of the project" which, as noted in Whereas paragraph 3 of the stipulation, included the WCC. Furthermore, as with the current proposed Project, the WCC proposed impacts in the areas of the East Everglades Zoning Overlay were supported by MDC without the need for a variance.

As discussed in Section 2.1.4.2 and 2.2 of the Project Application for Certification, the historic agreements and judicial and agency findings of the WCC as a corridor for transmission in this region, including those by MDC, were significant factors in FPL including area of the certified WCC for evaluation for this Project and ultimately selecting the proposed corridor route. The portion of the Proposed Corridor overlaying the East Everglades Management Areas governed by MDC Chapter 33B in this segment is identical to the WCC by design.

As with the WCC, the Proposed Corridor would require more than one-half acre of wetland fill in these management areas. As described in Section 5 of the Application regarding variances, given the County's prior concurrence that the use of this area for transmission facilities was acceptable without a variance, FPL indicated that we intend to work cooperatively with the County to pursue a similar agreement. Given the County's prior conclusions, statements, and stipulations regarding the WCC, FPL believes this is the most reasonable and proper, legally viable pathway. FPL believes the County is legally obligated to honor its prior commitments. However, MDC now asserts that compliance with Chapter 33B's fill and other restrictions is required. *See* MDC Completeness Questions MDC-15, MDC-16, MDC-34.

FPL still intends to work cooperatively with MDC to reach similar agreements for this Project. However, in the event that MDC will not agree to honor its prior commitments made for the WCC, and in advance of any legal dispute on its obligations under those commitments, FPL hereby submits its request for variance to applicable provisions of Chapter 33B.

FPL provides the following additional information pursuant to rule 62-110.104(1), F.A.C.

I. Petitioner's name and signature. R. 62-110.104(1)(a), F.A.C.

The Petitioner's name is FPL and the signature is found on the cover of the TLSA Application. R. 62-110.104(1)(a), F.A.C.

II. The statute or rule from which the variance is sought. R. 62-110.104(1)(b), F.A.C.

The variance is sought from the requirements of Miami Dade County Code of Ordinances Chapter 33B for the East Everglades Zoning Overlay. R. 62-110.104(1)(b), F.A.C.

III. Facts showing that a variance should be granted for one of the reasons set forth in Section 403.201, F.S. R. 62-110.104(1)(c), F.A.C.

This variance is sought under sections 403.521(2)(b) and 403.201(1)(c), F.S. Pursuant to section 403.521(2)(b), the standard for the granting of a variance from the rules of any agency, including those of a local government, for the purposes of certification under the TLSA are those found in section 403.201, rather than those of the local government.

In pertinent part, section 403.201 provides, “(1) . . . Variances . . . may be granted for any one of the following reasons: . . . (c) To relieve or prevent hardship of a kind other than those provided for in paragraphs (a) and (b). Variances and renewals thereof granted under authority of this paragraph shall each be limited to a period of 24 months, except that variances granted pursuant to part II may extend for the life of the permit or certification.”²

Facts showing that a variance should be granted to prevent hardship on FPL include that, without agreement by MDC otherwise, or a determination that MDC is legally bound to its prior agreements, MDC Chapter 33B, the East Everglades Zoning Overlay Ordinance, prohibits fill over 0.5 acre in size and prohibits excavation in the Management Areas where the Project is located, strict enforcement of Chapter 33B would prohibit the construction of the transmission line facilities in the Proposed Corridor.

As discussed above, the FPSC found that “AOP is essential to mitigate the load growth of

² Section 403.201(1), provides:

(1) Upon application, the department in its discretion may grant a variance from the provisions of this act or the rules and regulations adopted pursuant hereto. Variances and renewals thereof may be granted for any one of the following reasons:

- (a) There is no practicable means known or available for the adequate control of the pollution involved.
- (b) Compliance with the particular requirement or requirements from which a variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time. A variance granted for this reason shall prescribe a timetable for the taking of the measures required.
- (c) To relieve or prevent hardship of a kind other than those provided for in paragraphs (a) and (b). Variances and renewals thereof granted under authority of this paragraph shall each be limited to a period of 24 months, except that variances granted pursuant to part II may extend for the life of the permit or certification.

Miami-Dade County and to continue to maintain NERC reliability standards in effect. Without the AOP, there is a significant risk of overloads and potential voltage issues.” The FPSC also determined that the Andytown, Oasis, Quarry, and Levee Substations are the appropriate starting and ending points for meeting the need.

FPL analyzed multiple corridors to connect these substations and determined that the AOP was the most appropriate option to meet the need and connect these substations. As discussed in Section 2.1.4.2 and 2.2 of the Project Application for Certification and above, the historic agreements and judicial and agency findings of the WCC as a corridor for transmission in this region, including those by MDC, were significant factors in FPL including area of the certified WCC for evaluation for this Project and ultimately selecting the Proposed Corridor route.

The Proposed Corridor is the appropriate corridor for this Project, as agreed to previously by all relevant parties for the WCC for the numerous benefits discussed in the Application for Certification. Strict application of Chapter 33B would prevent construction of this corridor as proposed, and significantly impact FPL and its customers in providing the needed reliability in MDC.

IV. The time period for which the variance is sought, including the reasons and facts supporting the time period. R. 62-110.104(1)(d), F.A.C.

The variance is sought for the life of the certification because the construction will be permanent. R. 62-110.104(1)(d), F.A.C.; § 403.201(1)(c), F.S.

V. The requirements that the petitioner can meet, including the date or time when the requirements will be met. R. 62-110.104(1)(e), F.A.C.

If strictly applied, FPL cannot meet the requirements of Chapter 33B related to fill and excavation. However, FPL is seeking to work cooperatively with MDC on a stipulation to address the requirements to meet 33B, similar to FPL’s prior stipulation with MDC.

VI. The steps or measures that the petitioner is taking to meet the requirement from which the variance is sought. R. 62-110.104(1)(f), F.A.C.

If strictly applied, FPL cannot meet the requirements of Chapter 33B related to fill and excavation. However, FPL is seeking to work cooperatively with MDC on a stipulation to address the requirements to meet 33B, similar to FPL’s prior stipulation with MDC.

Even so, the Proposed Corridor has been routed, to the extent practicable, along existing linear infrastructure and is designed to avoid or minimize environmental impacts such as water flow impacts and impacts on conservation lands and management plans. *See* Section 2.1 of the Application for Certification.

Construction of the Project will have minimal impacts on water resources and wetlands. FPL will utilize existing roads or co-locate new access roads with existing roads to the

greatest extent practicable to minimize wetland impacts within the right-of-way. Where there is a potential for erosion, turbidity screens and other erosion control devices and techniques will be used to minimize construction impacts to wetlands and water bodies ensuring state water quality standards for turbidity are met. To maintain existing hydrology and surface water flows during construction and operation of the Project, where construction of access roads and structure pads is required in wetlands, FPL will include appropriately located and sized culverts, as described in Section 3.1.2 of the Application for Certification, and use best management practices (BMPs) for erosion control, such as silt fencing, staked turbidity barriers, or floating turbidity screens to minimize secondary impacts to wetlands and waterbodies and meet state water quality standards for turbidity. For more detail, see Section 3.1.1 of the Application for Certification. To the extent practicable, FPL will adjust span lengths between structures and carefully place the required access road and structure pads within the right-of-way to minimize impacts to wetlands. Where construction of access roads and structure pads is required in wetlands, FPL will use turbidity screens and erosion control devices to minimize construction impacts to wetlands and water bodies and ensure that state water quality standards for turbidity are met.

Within FPL's transmission line rights-of-way, during initial construction, FPL will use best management practices aligned with general integrated vegetation management strategies to eliminate prohibited species of exotic vegetation and perform periodic maintenance following construction to control exotic vegetation. Vegetation in wetland areas will be cleared using restrictive clearing techniques, consisting of cutting and removing trees and vegetation with a mature height greater than 14 ft and allowing herbaceous ground cover vegetation to remain within the right-of-way outside of the access road, structure pad, and pulling pad areas. Restrictive wetland clearing will be done by hand, usually with chainsaws, or with low-ground-pressure shear or rotary machines that reduce soil compaction and damage to surrounding vegetation. Construction mats may be used for additional access where appropriate in wetlands to minimize the potential for erosion, and turbidity screens and erosion control devices will be utilized to minimize impacts to wetlands and water bodies and ensure state water quality standards for turbidity are met. Trees will be cut as low as possible or to the existing water level. Stumps may be left in place to preserve the root mat and treated with an approved herbicide to prevent re-growth. Cut trees and debris will be removed from the right-of-way and disposed of in upland areas or off-site locations, depending on regulatory agency and landowner restrictions. The vegetative debris will be removed from wetland areas by utilizing either low-ground-pressure equipment or temporary construction mats.

Since the Proposed Corridor is co-located with existing transmission lines and canals for approximately 75% of its length and the majority of existing habitat within the right-of-way will not be disturbed, no significant adverse impacts to listed species are anticipated as a result of the construction of the Project. The Proposed Corridor does not cross federally designated critical habitat areas for any listed species and construction will not significantly impact undeveloped habitat critical to federal, state or County designated endangered, threatened or rare species or species of special concern.

VII. The social, economic, and environmental impacts on the applicant and on residents of the area and of the state if the variance is granted. R. 62-110.104(1)(g), F.A.C.

FPL is addressing the response to sections VII and VIII together in the response to section VIII.

VIII. The social, economic, and environmental impacts on the applicant and on residents of the area and of the state if the variance is denied. R. 62-110.104(1)(h), F.A.C.

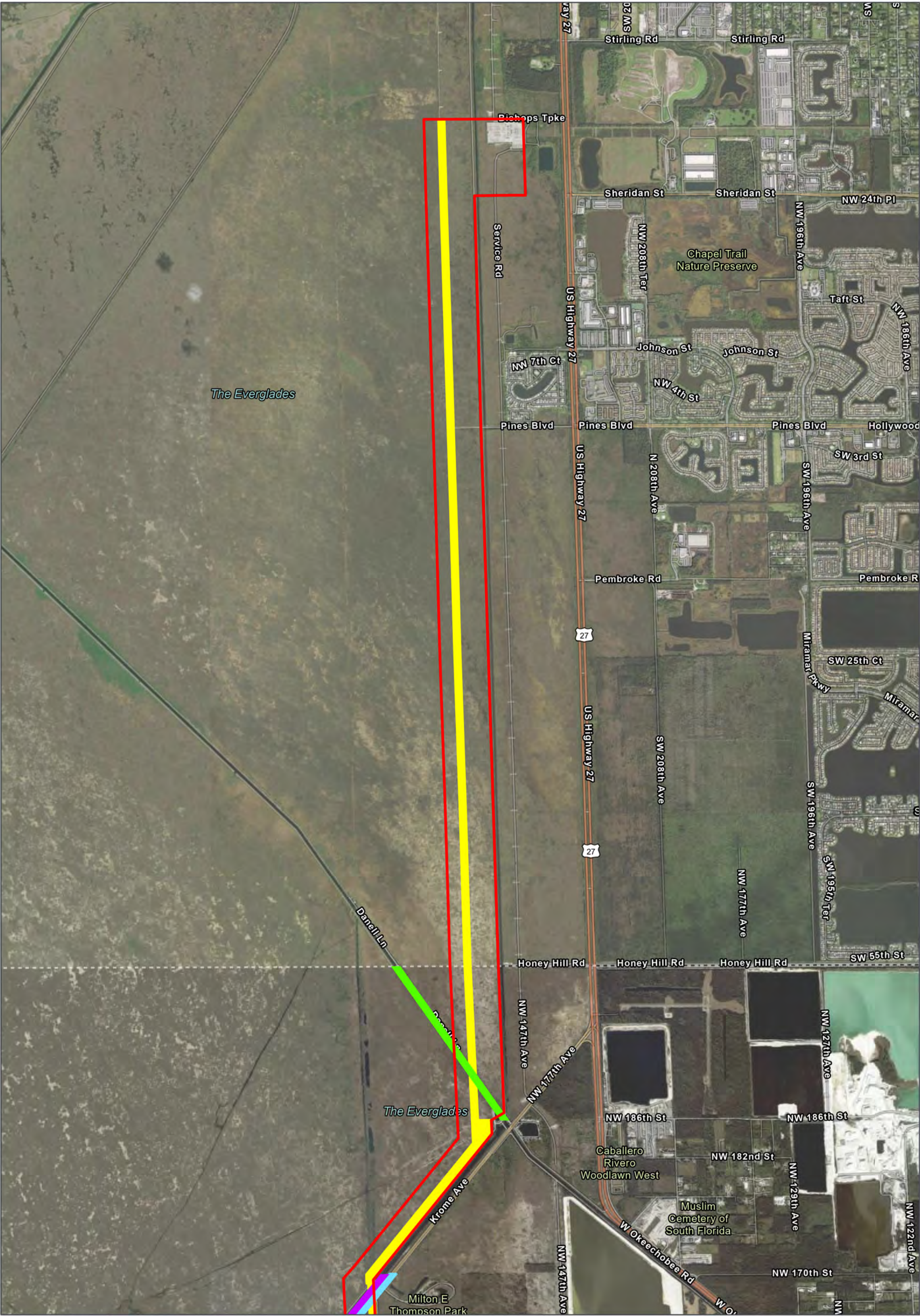
As discussed above, the FPSC found that “AOP is essential to mitigate the load growth of Miami-Dade County and to continue to maintain NERC reliability standards in effect. Without the AOP, there is a significant risk of overloads and potential voltage issues.” The FPSC also determined that the Andytown, Oasis, Quarry, and Levee Substations are the appropriate starting and ending points for meeting the need.

FPL analyzed multiple corridors to connect these substations and determined that the AOP was the most appropriate option to meet the need and connect these substations. As discussed in Section 2.1.4.2 and 2.2 of the Project Application for Certification and above, the historic agreements and judicial and agency findings of the WCC as a corridor for transmission in this region, including those by MDC, were significant factors in FPL including areas of the certified WCC for evaluation for this Project and ultimately selecting the Proposed Corridor route.

The Proposed Corridor is the appropriate corridor for this Project, as agreed to previously by all relevant parties for the WCC for the numerous benefits discussed in the Application for Certification. Strict application of Chapter 33B would prevent construction of this corridor as proposed and significantly impact FPL and its customers in providing the needed reliability in MDC. Granting of the variance would allow for construction of this corridor and provide for the significant benefits cited herein for customers.

As discussed in Section VI, FPL has routed and designed the proposed corridor to be protective of the environment during construction and operation of the transmission facilities.

ATTACHMENT MDC-29



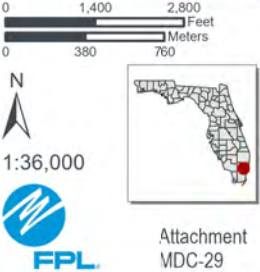
ANDYTOWN-OASIS PROJECT

Proposed Corridor Location and Existing ROWs within Corridor

- Krome Ave Approximately 225' ROW
- L-30 Canal Approximately 225' ROW
- Miami River Canal 260' ROW
- Levee-Midway 500kV 200' ROW
- L-31N Canal 600' ROW
- Tamiami Rd (125') and C-4 Canal (260') ROW
- Proposed Corridor

Miami-Dade and Broward Counties, FL
USGS 7.5' Quadrangle:
Pennsuo, FL, 25080-H4
Opa-Locka, FL, 25080-H3
Coopertown, FL, 25080-G5
Hialeah SW, FL, 25080-G4
South of Coopertown, FL, 25080-F5

Base Map: ESRI ArcGIS Online, accessed July 2026
Updated: 7/8/2026
Project No. 96475
Layout: 47_MDC29
Aprx: 96475 FPL Andytown-Oasis TLSA



IV. SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD)

SFWMD-1. Florida Power & Light Company's ("FPL") proposed transmission line corridor contemplates significant use of the SFWMD L-30, L-31N, L-33 rights of way for transmission line improvements. These rights of way were acquired by the SFWMD to accommodate construction of the Central and Southern Florida Flood Control Project ("C&SF Project") constructed by the U.S. Army Corps of Engineers. The SFWMD is the non-federal sponsor of the C&SF Project and is responsible for its operation and maintenance.

RESPONSE: Comment noted.

SFWMD-2. Licensee's proposed corridor and conceptual plans do not comply with the SFWMD Right of Way Criteria Manual for use of Works or Lands of the District dated August 12, 2013 ("ROW Criteria Manual") adopted pursuant to Rule 40E-6.091(1), F.A.C.. Specifically, the ROW Criteria Manual (1) prohibits the installation of transmission lines within the right of way, (2) requires that parallel aerial run installations be located within 10 feet of the right of way line, and (3) prohibits the installation of above-ground improvements within 40 feet of top of bank, within 100 feet of any bridge or required staging area, or within 250 feet of any District structure. Based upon preliminary details of the proposed work, the transmission line would be impermissible due to (1) and (2) above and may possibly be unable to comply with (3) at certain locations.

RESPONSE: Comment noted.

SFWMD-3. It is important to note that while the ROW Criteria Manual prohibits transmission lines in rights of way (thereby rendering use of the SFWMD rights of way for parallel run transmission line improvements impermissible), the ROW Criteria Manual would allow for limited use of the rights of way, including aerial transmission lines that cross the SFWMD right of way and are attached to poles located outside of the right of way.

RESPONSE: Comment noted.

SFWMD-4. Provided that the District agrees to support the proposed corridor and conceptual plan, the above-noted impediments to use of the District's right of way can be overcome with acquisition of an easement interest within the right of way from the District to licensee. The easement instrument should specifically address the use of the easement for a transmission line, subject to District determination that the proposed work within the easement will not adversely impact District routine and emergency operations and future construction activities. Failure of licensee to obtain an easement from the District will negate use of the District's right of way as part of the proposed transmission line corridor.

RESPONSE: Comment noted. FPL will work cooperatively with the District to obtain appropriate easement interests within the District's right of way.

SFWMD-5. Notwithstanding the waivers to Rule 40E-6.091(1), F.A.C. granted to licensee by grant of an easement within the right of way for a transmission line, licensee must submit complete drawings showing the proposed facilities to the SFWMD for documentation of compliance

with other applicable criteria set forth in Chapter 40E-6, Florida Administrative Code (F.A.C.) and the Right of Way Criteria Manual for Use of Works or Lands of the District, incorporated by reference in Rule 40E-6.091(1), F.A.C.

RESPONSE: Currently, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, drawings illustrating the proposed facilities will be provided to the District as a post-certification submittal, pursuant to 403.5317(2), F.S., the Conditions of Certification, and Rule 62-17.191, F.A.C.

SFWMD-6. Should the Licensee desire to utilize the SFWMD's right-of-way for access during construction of the transmission line and/or for inspection, maintenance, and/or operation of the transmission line after construction, the Licensee shall submit to the SFWMD a detailed plan identifying the following: proposed route; type, weight, length, and number of vehicles to be used; daily trips for each vehicle; proposed material and/or vehicle/equipment storage within the right of way; and dates of proposed access of the right of way. If travel over a District bridge or facility is required, Licensee shall submit engineering analysis required by the District to determine if the bridge or facility can support the vehicles/equipment proposed to travel over the bridge or facility. Prior to the use of any portion of the SFWMD right-of-way, the Licensee must post a financial assurance, which shall be a minimum of \$5,000 per one-half mile, or a greater amount as determined by SFWMD, depending on the scope of work, the route, use of or travel over SFWMD bridges and/or facilities, types of vehicles, and duration.

RESPONSE: Comment noted. Currently, certification is sought for a corridor within which a final right-of-way will be located. Once the specific right-of-way alignments and detailed designs are finalized for the Project, the requested SFWMD right-of-way access information will be provided to the reviewing agencies in a post-certification submittal, pursuant to 403.5317(2), F.S., the Conditions of Certification, and Rule 62-17.191, F.A.C.

SFWMD-7. The Biscayne Bay and Southeastern Everglades Ecosystem Restoration (BBSEER) Project's Tentatively Selected Plan includes demolition of existing and/or construction of new water control structures at the confluence of the C-9 and L-33 canals and the confluence of the C-6 and L-30N canals. The AOP transmission corridor and plans should be carefully considered to ensure there is no conflict with BBSEER.

RESPONSE: Comment noted. Please see Attachment SFWMD-7 illustrating the location of the Proposed Corridor and the referenced canal confluences. FPL has reviewed conceptual plans for improvements at the confluence of the C-6 and L-30N canals; no conflicts with BBSEER are anticipated. FPL will continue to coordinate with the BBSEER team.

SFWMD-8. The Broward County Water Preserve Area (BCWPA) Project includes the Water Conservation Areas 3A/3B Seepage Management Areas (SMAs) component, which has a conceptual project footprint that overlaps portions of the proposed Florida Power & Light (FPL) corridor. While the BCWPA Project has been authorized, design of the SMAs component has not yet begun. Based on the current conceptual layout, potential overlap areas include:

- **Along the north side of the Substation Access Road**
- **Near the Substation, where the proposed FPL corridor crosses to the west side of the L-33 Canal**
- **At the location where the proposed FPL corridor crosses the L-30 Canal near Miami Motocross Park**

The SMAs are intended to store approximately 6 to 12 inches of additional water. If FPL redesigns the transmission towers, all associated platforms, pads, and access roads should be designed to accommodate the proposed increased water storage levels.

RESPONSE: Please see Attachment SFWMD-8 illustrating the location of the Proposed Corridor and the referenced SMAs. FPL will continue to coordinate with the District and USACE project delivery team when the SMA design commences. The proposed increased water storage levels are not anticipated to affect the Project.

SFWMD-9. The Southern Everglades Restoration Project is evaluating the construction of semi-confining seepage walls in the L-30 and L-31S levee crown. As currently proposed, the northernmost wall extends along the L-30 levee 5.6 miles south from S-337, which overlaps the AOP transmission corridor. The plans should be carefully considered to ensure there is no conflict with the Southern Everglades Restoration Project.

RESPONSE: Comment noted. Please see Attachment SFWMD-9 illustrating the location of the S-337 and L-30 levee relative to the Proposed Corridor. FPL's existing transmission line access road is located to the west of the levee road. FPL will continue to coordinate with District; the Project is not anticipated to conflict with the proposed semi-confining seepage walls.

SFWMD-10. Minimizing the number of crossings through District Levees, canals, etc.

RESPONSE: Comment noted.

SFWMD-11. Based on the current proposed routes across the L-31N Canal ROW, preferred a single crossing of all transmission lines at the location just south of the prison site eastward through the Bird Drive Basin.

RESPONSE: Comment noted. FPL will continue to coordinate with the District on the conceptual design options along the L-31N Canal ROW.

SFWMD-12. FPL should coordinate with the Department of Interior ("DOI") to seek options to minimizing impact to SFWMD and THTF lands encumbered by DOI encumbrances.

RESPONSE: Comment noted. FPL will coordinate with DOI and other agency stakeholders as applicable upon defining a final ROW.

SFWMD-13. Avoid current and future flood control and ecosystem projects, for example, the L29/L30 corner where S356 and S334 reside, and further south along L31N - S332 B and C pump stations. All of these features are located on the west side of the canal system. Staying on the east side of the canal systems is preferred.

RESPONSE: Comment noted. Please see Attachment SFWMD-13 illustrating the location of the Proposed Corridor and the referenced current and future flood control and ecosystem projects. These features are located outside of the Proposed Corridor and will be avoided. FPL will continue to coordinate with the District on the conceptual design options along the L-31N Canal ROW.

SFWMD-14. The proposed corridors present potential impacts to the following:

1) Operation of the Miami South (B-500) MW site

- a. High-voltage power line fields could induce currents (and resulting voltages) onto metallic features of the Miami South MW site if the lines are close to the site (corridor on east side of L31N) – not as much of a concern if corridor is on west side of L31N**
- b. The induced currents (and resulting voltages) can cause static discharge and startle touch voltages when staff is working at the site. Equipment failures could also result.**

2) Impacts to the S-173/S-356 MW paths

- a. Possible Fresnel zone obstructions along northern half of the MW path where the transmission line corridor is parallel with and close to the MW path**
- b. MW signal shading, blocking, distortions or diffractions caused by the power lines or the supporting tower structures**
- c. MW signal distortions or diffractions caused by the high-voltage transmission line corridor which runs nearly parallel to portions of the MW path. Distortions or diffractions caused by the high-voltage transmission line fields and corona discharges**

RESPONSE: Comment noted. Currently, certification is sought for a corridor within which a final right-of-way will be located. FPL will continue to coordinate with District prior to and once the specific right-of-way alignments and detailed designs are finalized for the Project to avoid harmful interference with operation of the B-500 MW site and S-173/S-356 MW paths.

SFWMD-15. Possible Mitigations – Miami South (B-500)

- 1) Relocate the site east of current location**
- 2) Approx. one mile available between current location and SR997 south of the quarry**
- 3) Could negotiate a site location with the quarry owner**
- 4) This moves the site away from the high-voltage lines**
- 5) This replaces the over 50 year old guyed tower structure**
- 6) Relocation impacts the current FCC licenses**
 - a. Would need to coordinate new MW paths to Miami FS and Homestead FS**
 - b. Possible radio frequency changes and MW equipment changes**
 - c. Require antenna alignments / possible antenna system work (elevation changes, antenna replacements) at the field stations**
 - d. Need to conduct studies to determine the impacts to the current MW paths (frequency changes, antenna system changes, tower work) and work required for the FCC license modifications or possible new licenses**
 - e. costs to the SFWMD for this impact cannot be determined with studies being conducted**

RESPONSE: Comment noted. Currently, certification is sought for a corridor within which a final right-of-way will be located. FPL will continue to coordinate with District prior to and once the specific right-of-way alignments and detailed designs are finalized for the Project to incorporate B-500 MW site mitigation options to the extent necessary.

SFWMD-16. Possible Mitigations – S-173/S-356 MW path obstructions

- 1) There are two MW paths in service using separate antennas and equipment
 - a. Dedicated path for S-173 regional pump station operation and control of the S-356 pump station
 - b. South Loop microwave network backbone
- 2) Conduct studies to determine MW path impacts caused by features in the transmission line corridor. If the MW paths are impacted consider the following mitigation paths:
 - a. South Loop microwave network backbone MW path - nearly all concerns can be eliminated by constructing the Miami West MW site near the ValuJet Flight 592 Memorial (a previously planned and designed project that was cancelled years ago) and changing the MW path configuration from S-173/S-356 to S-173/Miami West
 - i. MW path will be away from the proposed transmission line corridor
 - ii. Also mitigates issues with the existing, troublesome S-356/L-28 MW path
 - iii. Results in microwave network reconfiguration where the current MW route S-173 to S-356 to L-28 is changed to S-173 to Miami West to L-28
 - b. Dedicated S-173/S-356 MW path - study the continued need for the MW path. If a dedicated path is still needed consider reconfiguring the MW path route
 - i. Implement 11 GHz MW paths S-173/Miami South and Miami South/S-356
 - ii. Decommission the existing 6 GHz MW path S-173/S-356
 - iii. 11 GHz MW path has smaller Fresnel zone which reduces possibility of obstructions. Situation further improved if the current Miami South site is located further east
 - iv. Requires MW antenna system and MW equipment changes at the three sites

RESPONSE: Comment noted. Currently, certification is sought for a corridor within which a final right-of-way will be located. FPL will continue to coordinate with District prior to and once the specific right-of-way alignments and detailed designs are finalized for the Project to incorporate S-173/S-356 MW path mitigation options to the extent necessary.

SFWMD-17. Discussion Regarding Changes to the FPL Transmission Line Corridor Route

It was suggested during the meeting that FPL could change the proposed corridor to run along L31N and cross US41 near the L31N intersection to simplify the corridor route. There is a possible concern for FPL that could impair or impact their ability to route the transmission line corridor to cross US41 near L31N:

- 1) It is possible FPL may be avoiding routing the corridor to cross US41 near L31N because of AM broadcast radio station WQBA
- 2) AM broadcast station WQBA at 1140 KHz operates a five-tower array to the north of the Miccosukee Casino and Resort located NW of the intersection of US41 and SR997
- 3) FCC rules require the construction of new structures or towers near AM broadcast towers cannot distort or degrade the radiation pattern of an AM radio station
- 4) Studies are conducted to determine if new construction will impact the radiation pattern of the AM station. The station owner is notified about the proposed construction so the owner can a) take actions to protect their interests; and b) to preserve the technical operation of the broadcast station to stay in compliance with their FCC license

- 5) To mitigate problems – either predicted or experienced after construction – the new construction has features installed that “detunes” the structure or tower so it does not impact the AM station radiation pattern
- 6) High-voltage power transmission lines present a unique problem and are of particular concern since the vertical transmission line supporting structures have different effects on the AM station radiation pattern than the horizontal high-voltage transmission lines.
- a. The vertical supporting structures are typically magnitudes easier to detune than the horizontal high-voltage transmission lines.
 - b. The horizontal high-voltage transmission lines are difficult to detune and efforts to detune them are generally ineffective.
 - c. It may not be possible for FPL to detune the high-voltage transmission line system since it would be located very close to the broadcast tower array if the corridor is routed near L31N.

RESPONSE: Comment noted. Upon further review, the AM radio station is located along a different corridor that was analyzed during our corridor selection process; it is not located along the Proposed Corridor and will not be affected. Please see Attachment SFWMD-17.

SFWMD-18. FPL should seek to avoid current and future flood control and ecosystem projects, for example, the L29/L30 corner where S356 and S334 reside, and further south along L31N - S332 B and C pump stations. All of these features are located on the west side of the canal system. Staying on the east side of the canal systems is preferred.

RESPONSE: Comment noted. Please see Attachment SFWMD-13 illustrating the location of the Proposed Corridor and the referenced current and future flood control and ecosystem projects. These features are located outside of the Proposed Corridor and will be avoided. FPL will continue to coordinate with the District on the conceptual design options along the L-31N Canal ROW.

SFWMD-19. From previous coordination with FPL, given the timeframe that FPL is seeking to enter construction for the Andytown Oasis project the construction process should be actively coordinated with upcoming SFWMD construction projects which may be concurrent in construction timeframe. It is worth noting that these projects do not fall within FPL’s Proposed Corridor but given the general area in which the sites are located and the limited site access challenges these projects have, FPL should coordinate with SFWMD on the construction timeline of this project. The following SFWMD projects are of special importance for FPL to coordinate with during construction.

- 1) Construction of the S-332B Replacement Pump Station
- 2) Construction of the S-332C Replacement Pump Station
- 3) Construction of the S-356E Pump Station and S334E Spillway

It should be emphasized that despite the projects not inhabiting the same footprint the effects from one project construction could impact another thus coordination of these efforts should at minimum be considered.

RESPONSE: Comment noted. The referenced pump stations and spillway locations are illustrated on Attachment SFWMD-13. FPL will coordinate with the District on construction timing/access.

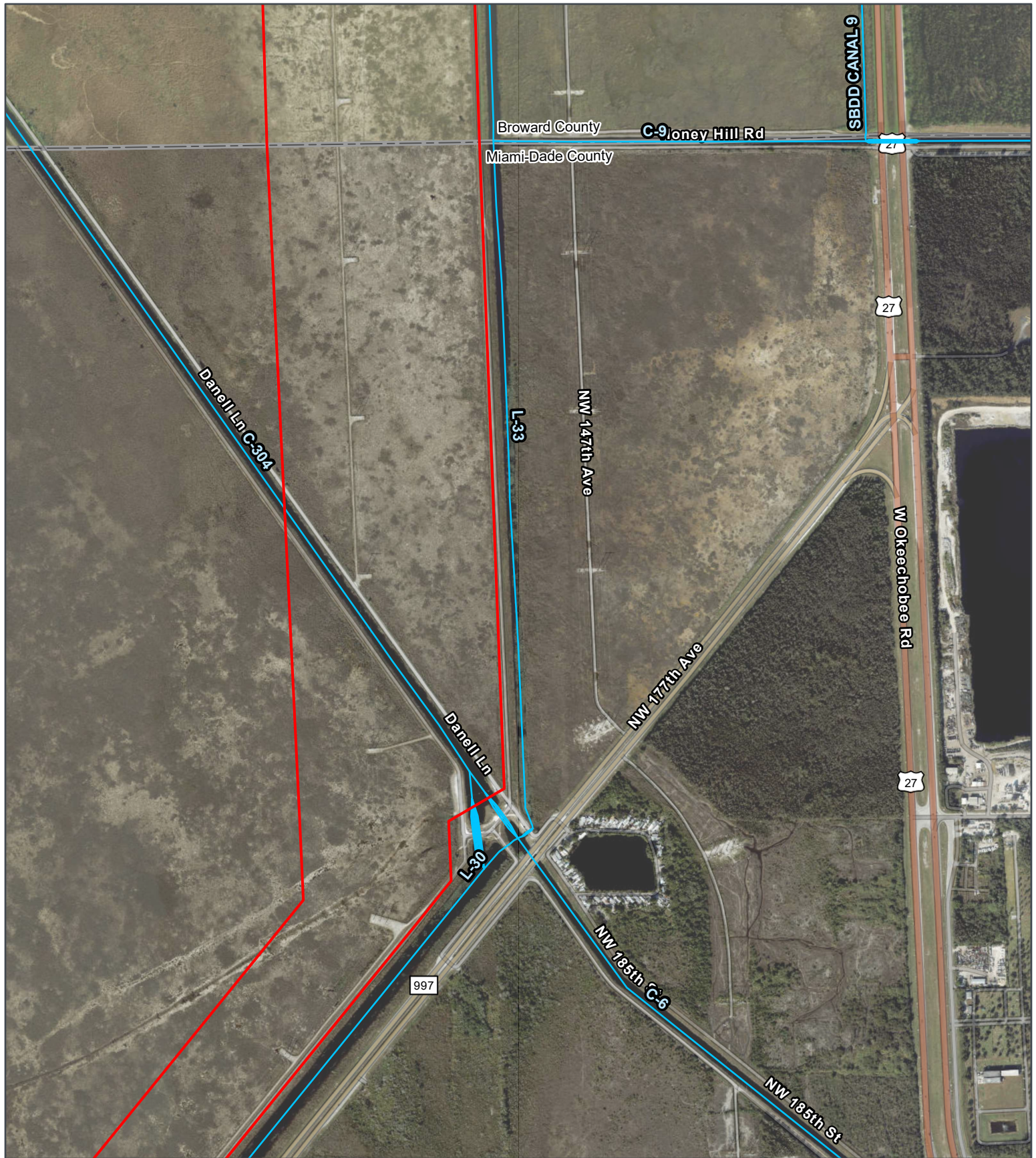
SFWMD-20. Section 2 of the FPL Certification dated 5/19/2026 does not show nor discuss the SFWMD Miami South radio communication site, other SFWMD communication sites,

structures or other features, or the SFWMD access roads adjacent to or near canals, structures or other features. In addition to no recognition of these SFWMD features, no analysis of potential impacts to the features are presented. Given this, the FPL Certification is incomplete and should include considerations for the SFWMD Miami South radio communication site. Additionally, other SFWMD structures, communication facilities and other features that may be in or near the proposed transmission line Corridors should be considered. Consideration should include:

- Potential impacts and degradation to SFWMD communication facilities based on SFWMD operational requirements
- Path analysis, including microwave, UHF, VHF, Wi-Fi, and 900 MHz, data-radio systems, which should include modeling and calculations to establish possible impacts to SFWMD communications systems, based on SFWMD operational requirements
- Hazards related to and associated measures required for OSHA, IEEE, National Electrical Safety Code, and any other applicable standards for SFWMD facilities and workers
- Risk Assessments for impacts to SFWMD radio and microwave, which should include, but not be limited to, RF noise and interference
- Clearances for SFWMD equipment safety, given that the SFWMD uses equipment with heights that exceed OSHA and NESC standards for vehicles operating underneath power lines
- EMF safety hazards related to vehicle heights used by the SFWMD for its Operation and Maintenance Responsibilities and communication structures
- Hazards from shock to SFWMD tower workers
- Setbacks, electronic levels/parameters, distances and clearances for safety and RF systems performances
- Coverage maps and path analyses, consistent with SFWMD facility locations, that identify locations that should be avoided in the placement of transmission lines and structures relative to SFWMD facilities and associated communication paths.

RESPONSE: Comment noted. Currently, certification is sought for a corridor within which a final right-of-way will be located. FPL will continue to coordinate with District prior to and once the specific right-of-way alignments and detailed designs are finalized for the Project to avoid harmful interference or other adverse impact to District structures and communication facilities.

ATTACHMENT SFWMD-7

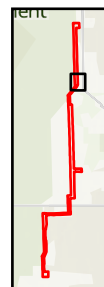


ANDYTOWN - OASIS PROJECT

Proposed Corridor Near Intersections of C-6/L-30 and C-9/L-33 Canals

- Canals
- Proposed Corridor
- County Boundary

Proposed Corridor: FPL 2026
Canal: SFWMD 2026



Broward County, FL
Miami-Dade County, FL
NAD 1983 StatePlane Florida
East FIPS 0901 Feet
25.9474°N 80.44°W

Base Map: ESRI ArcGIS Online,
accessed June 2026
Updated: 6/1/2026
Project No. 96475
Layout: SFWMD_Responses_BBSEER
Aprx: 96475 FPL Andytown-Oasis TL5A

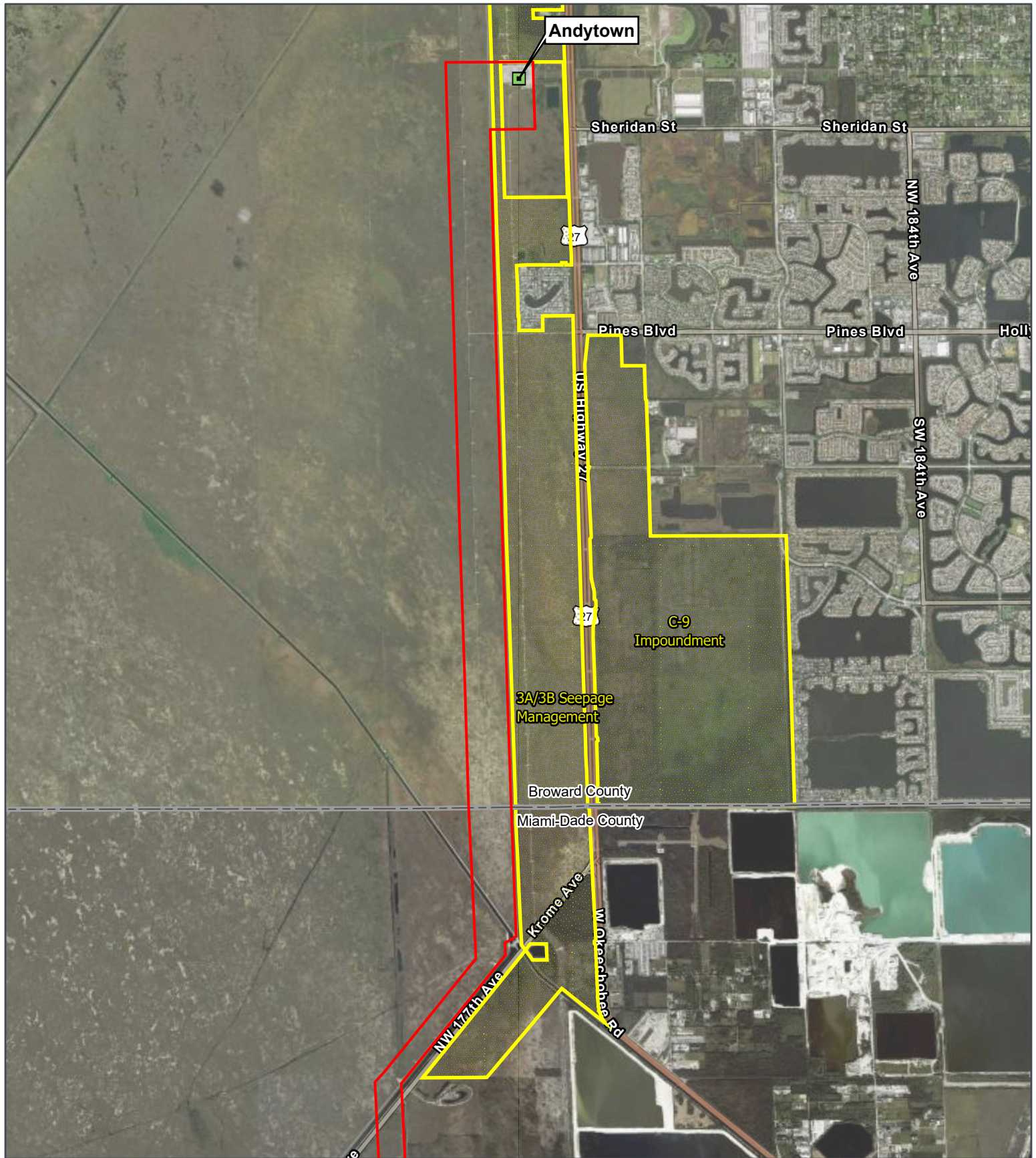
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0 125 250 Meters

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**Attachment
SFWMD-7**

ATTACHMENT SFWMD-8

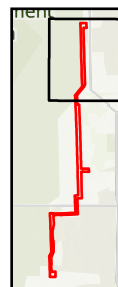


ANDYTOWN - OASIS PROJECT

Proposed Corridor and Broward County Water Preserve Area (BCWPA) 3A/3B Seepage Management Areas

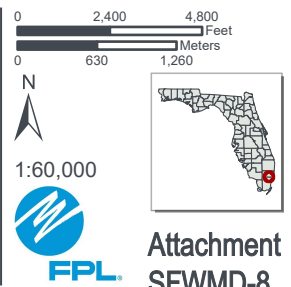
- Substation
- Proposed Corridor
- BCWPA Project Area
- County Boundary

Proposed Corridor: FPL 2026
CERP Boundaries: SFWMD 2026

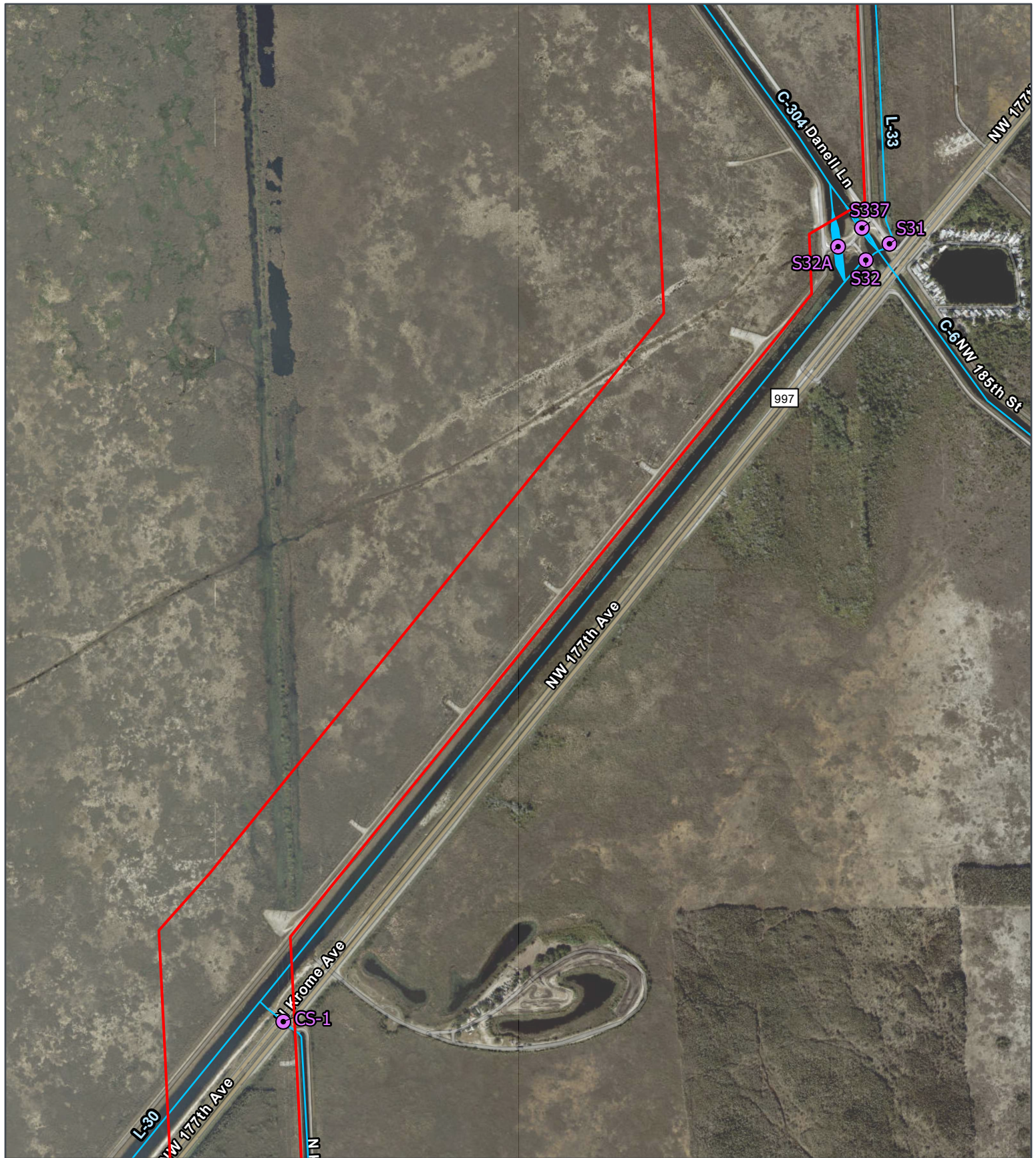


Broward County, FL
Miami-Dade County, FL
NAD 1983 StatePlane Florida
East FIPS 0901 Feet
25.9811°N 80.4399°W

Base Map: ESRI ArcGIS Online,
accessed June 2026
Updated: 6/1/2026
Project No. 96475
Layout: SFWMD Responses_BCWPA
Aprx: 96475 FPL Andytown-Oasis TLISA



ATTACHMENT SFWMD-9

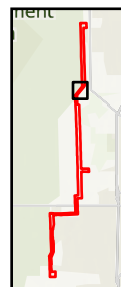


ANDYTOWN - OASIS PROJECT

**Proposed Corridor
Adjacent to the L-30 Canal
South of Structure S337
(Southern Everglades
Restoration Project
Potential Seepage Walls)**

Proposed Corridor: FPL 2026
Canals, Structures (Derived
from Facilities Map by SWCA): SFWMD 2026

- SFWMD Structures
- Canals
- Proposed Corridor
- County Boundary



Broward County, FL
Miami-Dade County, FL
NAD 1983 StatePlane Florida
East FIPS 0901 Feet
25.9349°N 80.4486°W

Base Map: ESRI ArcGIS Online,
accessed June 2026
Updated: 6/1/2026
Project No. 96475
Layout: SFWMD_Responses_SERP
Aprx: 96475 FPL Andytown-Oasis TL5A

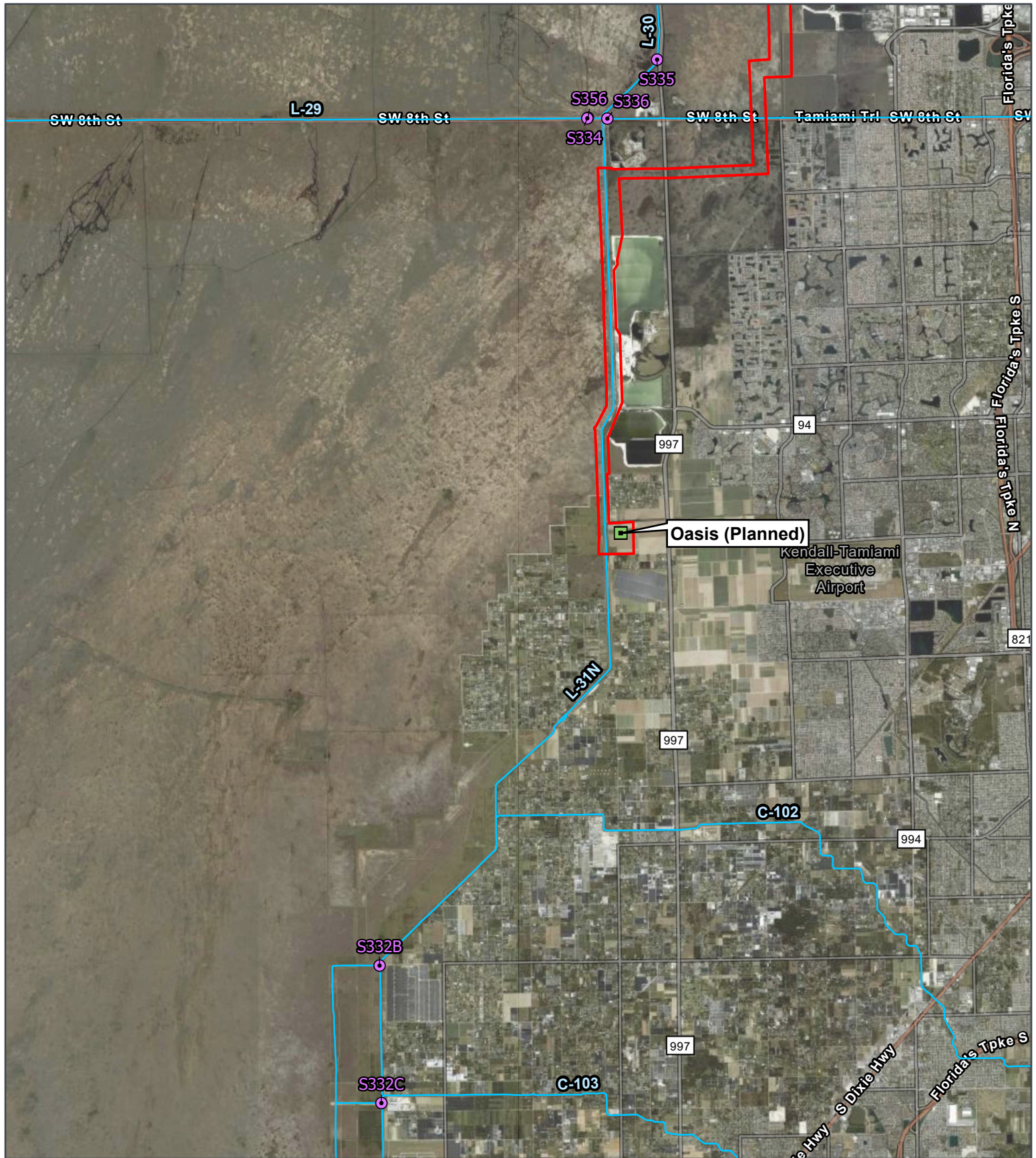
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Feet
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Meters

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1:12,000

**Attachment
SFWMD-9**

ATTACHMENT SFWMD-13

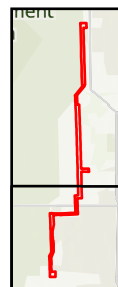


**ANDYTOWN - OASIS
PROJECT**

**Proposed Corridor and
SFWMD S356, S334,
S332B, and S332C
Control Structures**

Proposed Corridor, Substation: FPL 2026
Canals, Structures (Derived
from Facilities Map by SWCA): SFWMD 2026

- Substation
- SFWMD Structures
- Canals
- Proposed Corridor
- County Boundary



Broward County, FL
Miami-Dade County, FL
NAD 1983 StatePlane Florida
East FIPS 0901 Feet
25.6455°N 80.5219°W

Base Map: ESRI ArcGIS Online,
accessed June 2026
Updated: 6/2/2026
Project No. 96475
Layout:
D_Responses_FloodControlStructures

0 5,800 11,600 Feet
0 1,400 2,800 Meters

N

1:140,000

**Attachment
SFWMD-13**

ATTACHMENT SFWMD-17

