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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  
COURT REPORTER

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**STATE BOARD OF ADMINISTRATION**

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3 GOVERNOR SCOTT: Good morning -- or good  
4 afternoon. This is Rick Scott. This is the  
5 November Cabinet meeting. Commissioner Putnam,  
6 Attorney General Bondi, Chief Financial Officer  
7 Patronis, and I are all on the phone.

8 I just want to confirm that the Commissioner  
9 is on the phone, the Attorney General is on the  
10 phone, and the CFO is on the phone?

11 ATTORNEY GENERAL BONDI: Yes, Governor. Good  
12 afternoon.

13 COMMISSIONER PUTNAM: Good afternoon,  
14 Governor.

15 CFO PATRONIS: Good afternoon, Governor. This  
16 is Jimmy.

17 GOVERNOR SCOTT: Hey, Jimmy.

18 All right. The first item on the agenda is  
19 the State Board of Administration. Ash, I'd like  
20 recognize you.

21 EXECUTIVE DIRECTOR WILLIAMS: Thank you,  
22 Governor. Good afternoon, Trustees and Cabinet  
23 members.

24 As usual, I'll give you an update on fund  
25 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**

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3 GOVERNOR SCOTT: Next I'd recognize Mark Kruse  
4 with the Administration Commission.

5 EXECUTIVE DIRECTOR KRUSE: Good morning.  
6 Item 1 is approval of the minutes of the  
7 August 14th, 2018 meeting.

8 GOVERNOR SCOTT: Is there a motion on the  
9 item?

10 ATTORNEY GENERAL BONDI: So move.

11 CFO PATRONIS: So move.

12 GOVERNOR SCOTT: Is there a second?

13 CFO PATRONIS: Second.

14 GOVERNOR SCOTT: Comments or objections?

15 (NO RESPONSE).

16 GOVERNOR SCOTT: Hearing none, the motion  
17 carries.

18 EXECUTIVE DIRECTOR KRUSE: Item 2 is a  
19 presentation of the Division of Administrative  
20 Hearings' fiscal year 2017/'18 third and fourth  
21 quarter objective performance measures, and the  
22 2017/'18 subjective leadership assessment.

23 Chief Judge Robert Cohen will speak to this  
24 item.

25 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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1           **FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

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3           GOVERNOR SCOTT: Mark, do you want to continue  
4 on to the Florida Land and Water Adjudicatory  
5 Commission agenda.

6           EXECUTIVE DIRECTOR KRUSE: Yes, sir. Yes,  
7 sir.

8           Item 1 is a request for approval of the  
9 minutes of the August 14th, 2018, meeting.

10          GOVERNOR SCOTT: Is there a motion on the  
11 item?

12          COMMISSIONER PUTNAM: So move.

13          GOVERNOR SCOTT: Is there a second?

14          ATTORNEY GENERAL BONDI: Second.

15          CFO PATRONIS: Second.

16          GOVERNOR SCOTT: Comments or objections?

17          (NO RESPONSE).

18          GOVERNOR SCOTT: Hearing none, the motion  
19 carries.

20          EXECUTIVE DIRECTOR KRUSE: Item 2 is a request  
21 for authorization to publish notice of repeal of  
22 Rule Chapter 42RRR-1, Florida Administrative Code  
23 to dissolve the Big Island Community Development  
24 District in St. Johns County; and if no request for  
25 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?

1 (NO RESPONSE) .

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

4 Thanks, Nick.

5 ATTORNEY PRIMROSE: Thank you.

6 GOVERNOR SCOTT: Thank you, Mark.

7 EXECUTIVE DIRECTOR KRUSE: Thank you, sir.

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1                   **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT**  
2   **TRUST FUND**

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4                   GOVERNOR SCOTT: Next I'd like to recognize  
5 Noah Valenstein with the Department of  
6 Environmental Protection.

7                   Hi, Noah.

8                   SECRETARY VALENSTEIN: Good afternoon,  
9 Governor. Good afternoon, General Bondi, CFO  
10 Patronis, and Commissioner Putnam.

11                   This is Noah Valenstein, Secretary for the  
12 Department of Environmental Protection.

13                   We have two items on the Board of Trustees'  
14 agenda. The first I'll present, and the second  
15 Steven Hall with the Department of Agricultural and  
16 Consumer Services will present.

17                   Item 1 is consideration of an application by  
18 Yachting Promotions, Incorporated for a 10-year  
19 special event lease containing 735,614 square feet  
20 for a proposed temporary commercial docking  
21 facility associated with the Miami Yacht Show.

22                   In 1993, the Board of Trustees authorized the  
23 applicant to hold its annual show on Indian Creek  
24 in Biscayne Bay Aquatic Preserve. This proposed  
25 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?

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CFO PATRONIS: Second.

GOVERNOR SCOTT: Any comments or objections or questions?

(NO RESPONSE) .

GOVERNOR SCOTT: Hearing none, the motion carries.

MR. HALL: Thank you.

GOVERNOR SCOTT: Thank you.

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**POWER PLANT SITING BOARD**

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3 GOVERNOR SCOTT: So, Noah, let's continue on  
4 to the Power Plant Siting Board agenda.

5 SECRETARY VALENSTEIN: Thank you, Governor.  
6 This is Noah Valenstein, Secretary for the  
7 Department of Environmental Protection.

8 I'm actually going to hand it over to Robert  
9 Williams, the Department's General Counsel, to  
10 present the Power Plant Siting Board agenda. Thank  
11 you, Governor.

12 ATTORNEY WILLIAMS: Good afternoon. This is  
13 Robert Williams. I'm the General Counsel of the  
14 Florida Department Environmental Protection.

15 Good afternoon, Governor, CFO, Attorney  
16 General, and Commissioner.

17 We have three items on the agenda today. I  
18 will handle the first two, and Justin Wolf, Deputy  
19 General Counsel, will handle the third one.

20 The first is the minutes from the March 29th,  
21 2016 (sic) Board meeting. We need a motion on  
22 that, Governor.

23 GOVERNOR SCOTT: Is there a motion on the  
24 item?

25 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).

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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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