

4/7/93  
2:00 P.M.

RESOLUTION 93- 56

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA REQUESTING THE EXECUTIVE AND LEGISLATIVE BRANCHES OF THE STATE OF FLORIDA TO PLACE GREATER RESTRICTIONS ON THE ABILITY OF ELECTRIC POWER COMPANIES TO IMPOSE UNSAFE ELECTRIC AND MAGNETIC FIELDS ON CITIZENS OF ST. JOHNS COUNTY.

WHEREAS, Florida Statute 337.401 (titled "Use of right-of-way for utilities subject to regulation; permit; fees.") authorizes Counties to prescribe and enforce reasonable rules or regulations with reference to the placing of electric transmission poles and lines within County road rights-of-way; and

WHEREAS, Florida Courts have long recognized that the privilege granted utilities to construct power poles on County road rights-of-way is subordinate to the primary use of such rights-of-way for the traveling public; and

WHEREAS, the Florida Legislature has authorized local School Boards to prescribe reasonable rules and regulations to protect the health, welfare and safety of students and teachers while on school property; but

WHEREAS, Florida Statute 403.061(30) then mandates that the Florida Department of Environmental Regulation has exclusive

jurisdiction in the regulation of electric and magnetic fields associated with all electrical transmission and distribution lines; and

WHEREAS, the Florida Legislatures enactment of Florida Statute 403.061(30) prohibits the Board of County Commissioners of St. Johns County, Florida and/or the School Board Of St. Johns County from enacting rules, regulations and policies pertaining to property under their control based upon electric and magnetic fields associated with electrical transmission lines and their potential harmful effect on public health, safety and welfare; and

WHEREAS, Florida Power And Light is currently preparing to construct a new 115 kv electric transmission line in St. Johns County within 30 feet of the bedroom of an existing home and within 200 feet of a new middle school; and

WHEREAS, the new 115 kv electric transmission line will most certainly increase the strength of existing magnetic fields within the new middle school and the homes adjacent to the site line of the transmission line; and

WHEREAS, the current Department of Environmental Regulation rules setting the allowable strength of magnetic fields generated by electrical transmission lines are based upon maintaining the 1980's status quo of 150 milliGauss at the boundary of the electrical transmission line right-of-way without demonstrable adequate assurances that such high level electric

induced magnetic fields are safe for persons within the public right-of-way upon which the transmission line is constructed or for persons whose bedrooms are located very near the right-of-way line; and

WHEREAS, the School Board Of St. Johns County, Florida has passed a resolution expressing its strong concern about the potential danger to children and adults from electric and magnetic fields generated by such high voltage power lines; and

WHEREAS, the Florida Legislature has preempted to the State of Florida, through the Florida Department of Environmental Regulation, all regulation of electric and magnetic fields associated with electrical transmission lines regardless of whether such lines are located on private property or public rights-of-way and regardless of whether such magnetic fields enter upon School Board property.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

The Governor of the State of Florida, the Florida Cabinet and the Florida Legislature are requested to take immediate steps to require all electric power companies to construct and operate their electrical transmission lines in St. Johns County in such a manner that they do not generate a magnetic field that is unsafe for members of the general public

and the owners and users of adjacent private property while such persons conduct their legal activities on any portion of public and/or private property located in the vicinity of said electrical transmission lines.

The Clerk is authorized and directed to send a copy of this resolution to the governor, to each member of the cabinet and to each member of the St. Johns County legislative delegation.

PASSED AND ADOPTED this 13th day of April, 1993.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Linda Balsavage  
Its Chair - Linda Balsavage

ATTEST: CARL "BUD" MARKEL, CLERK

By: Yvonne Carter  
Deputy Clerk

