

By Senator Hutson

7-01119-21

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1                                   A bill to be entitled  
2       An act relating to solar electrical generating  
3       facilities; creating s. 163.3205, F.S.; providing  
4       legislative intent; defining the term "solar  
5       facility"; providing that solar facilities are a  
6       permitted use in local government comprehensive plan  
7       agricultural land use categories and certain  
8       agricultural zoning districts; requiring solar  
9       facilities to comply with specified criteria;  
10      authorizing counties to adopt certain ordinances;  
11      specifying requirements for such ordinances; amending  
12      s. 403.503, F.S.; redefining the term "electrical  
13      power plant"; amending s. 403.506, F.S.; increasing  
14      the capacity threshold of solar electrical generating  
15      facilities exempt from certification under the Florida  
16      Electrical Power Plant Siting Act; reenacting ss.  
17      366.93(1)(c) and (d), 380.23(3)(c), 403.031(20), and  
18      403.5175(1), F.S., relating to the definition of the  
19      term "integrated gasification combined cycle power  
20      plant" or "plant," federal consistency in permits and  
21      licenses required for the sitting and construction of  
22      new electrical power plants, the definition of the  
23      term "electrical power plant," and existing electrical  
24      power plant site certifications, respectively, to  
25      incorporate the amendment made to s. 403.503, F.S., in  
26      references thereto; providing an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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7-01119-21

20211008\_\_

30 Section 1. Section 163.3205, Florida Statutes, is created  
31 to read:

32 163.3205 Solar facility approval process.-

33 (1) It is the intent of the Legislature to encourage  
34 renewable solar electrical generation throughout the state. It  
35 is essential that solar facilities and associated electric  
36 infrastructure be constructed and maintained in various  
37 locations throughout the state in order to ensure renewable  
38 energy production which is critical to the state's energy and  
39 economic future.

40 (2) As used in this section, the term "solar facility"  
41 means a production facility for electric power that:

42 (a) Uses photovoltaic modules to convert solar energy to  
43 electricity which is delivered to a transmission system and  
44 consumed primarily offsite.

45 (b) Consists principally of photovoltaic modules, a  
46 mounting or racking system, power inverters, transformers,  
47 collection systems, and associated components.

48 (c) May also include accessory administration or  
49 maintenance buildings, electric transmission lines, substations,  
50 energy storage equipment, and related accessory uses and  
51 structures.

52 (3) A solar facility shall be a permitted use in all  
53 agricultural land use categories in a local government  
54 comprehensive plan and all agricultural zoning districts within  
55 an unincorporated area, and must comply with the setback and  
56 landscaped buffer area criteria for other similar uses in the  
57 agricultural district.

58 (4) A county may adopt an ordinance specifying buffer and

7-01119-21

20211008\_\_

59 landscaping requirements for solar facilities. Such requirements  
60 may not exceed the requirements for similar uses involving the  
61 construction of other facilities that are permitted uses in  
62 agricultural land use categories and zoning districts.

63 Section 2. Subsection (14) of section 403.503, Florida  
64 Statutes, is amended to read:

65 403.503 Definitions relating to Florida Electrical Power  
66 Plant Siting Act.—As used in this act:

67 (14) "Electrical power plant" means, for the purpose of  
68 certification, any steam or solar electrical generating facility  
69 using any process or fuel, including nuclear materials, except  
70 that this term does not include any steam ~~or solar~~ electrical  
71 generating facility of less than 75 megawatts in capacity or  
72 solar electrical generating facility of less than 150 megawatts  
73 in capacity unless the applicant for such a facility elects to  
74 apply for certification under this act. This term ~~also~~ includes  
75 the site; all associated facilities that will be owned by the  
76 applicant that are physically connected to the site; all  
77 associated facilities that are indirectly connected to the site  
78 by other proposed associated facilities that will be owned by  
79 the applicant; and associated transmission lines that will be  
80 owned by the applicant which connect the electrical power plant  
81 to an existing transmission network or rights-of-way to which  
82 the applicant intends to connect. At the applicant's option,  
83 this term may include any offsite associated facilities that  
84 will not be owned by the applicant; offsite associated  
85 facilities that are owned by the applicant but that are not  
86 directly connected to the site; any proposed terminal or  
87 intermediate substations or substation expansions connected to

7-01119-21

20211008\_\_

88 the associated transmission line; or new transmission lines,  
89 upgrades, or improvements of an existing transmission line on  
90 any portion of the applicant's electrical transmission system  
91 necessary to support the generation injected into the system  
92 from the proposed electrical power plant.

93 Section 3. Subsection (1) of section 403.506, Florida  
94 Statutes, is amended to read:

95 403.506 Applicability, thresholds, and certification.—

96 (1) ~~The provisions of This act~~ applies ~~shall apply~~ to any  
97 electrical power plant as defined in s. 403.503 herein, except  
98 that ~~the provisions of this act~~ does ~~shall~~ not apply to a steam  
99 electrical generating facility of less than 75 megawatts in  
100 gross capacity or a solar electrical generating facility of less  
101 than 150 ~~any electrical power plant of less than 75 megawatts in~~  
102 gross capacity, including its associated facilities, unless the  
103 applicant for such a facility has elected to apply for  
104 certification ~~of such electrical power plant~~ under this act. ~~The~~  
105 ~~provisions of This act~~ does ~~shall~~ not apply to capacity  
106 expansions of 75 megawatts or less, in the aggregate, of an  
107 existing exothermic reaction cogeneration electrical generating  
108 facility that was exempt from this act when it was originally  
109 built; however, this exemption does ~~shall~~ not apply if the unit  
110 uses oil or natural gas for purposes other than unit startup. ~~No~~  
111 Construction of any new electrical power plant or expansion in  
112 steam generating capacity as measured by an increase in the  
113 maximum electrical generator rating of any existing electrical  
114 power plant may not be undertaken after October 1, 1973, without  
115 first obtaining certification pursuant to this act ~~in the manner~~  
116 ~~as herein provided~~, except that this act does ~~shall~~ not apply to

7-01119-21

20211008\_\_

117 any such electrical power plant which is presently operating or  
118 under construction or which has, upon the effective date of  
119 chapter 73-33, Laws of Florida, applied for a permit or  
120 certification under requirements in force before ~~prior to~~ the  
121 effective date of this ~~such~~ act.

122 Section 4. For the purpose of incorporating the amendment  
123 made by this act to section 403.503, Florida Statutes, in a  
124 reference thereto, paragraphs (c) and (d) of subsection (1) of  
125 section 366.93, Florida Statutes, are reenacted to read:

126 366.93 Cost recovery for the siting, design, licensing, and  
127 construction of nuclear and integrated gasification combined  
128 cycle power plants.—

129 (1) As used in this section, the term:

130 (c) "Integrated gasification combined cycle power plant" or  
131 "plant" means an electrical power plant as defined in s.  
132 403.503(14) which uses synthesis gas produced by integrated  
133 gasification technology.

134 (d) "Nuclear power plant" or "plant" means an electrical  
135 power plant as defined in s. 403.503(14) which uses nuclear  
136 materials for fuel.

137 Section 5. For the purpose of incorporating the amendment  
138 made by this act to section 403.503, Florida Statutes, in a  
139 reference thereto, paragraph (c) of subsection (3) of section  
140 380.23, Florida Statutes, is reenacted to read:

141 380.23 Federal consistency.—

142 (3) Consistency review shall be limited to review of the  
143 following activities, uses, and projects to ensure that such  
144 activities, uses, and projects are conducted in accordance with  
145 the state's coastal management program:

7-01119-21

20211008\_\_

146 (c) Federally licensed or permitted activities affecting  
147 land or water uses when such activities are in or seaward of the  
148 jurisdiction of local governments required to develop a coastal  
149 zone protection element as provided in s. 380.24 and when such  
150 activities involve:

151 1. Permits and licenses required under the Rivers and  
152 Harbors Act of 1899, 33 U.S.C. ss. 401 et seq., as amended.

153 2. Permits and licenses required under the Marine  
154 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.  
155 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

156 3. Permits and licenses required under the Federal Water  
157 Pollution Control Act of 1972, 33 U.S.C. ss. 1251 et seq., as  
158 amended, unless such permitting activities have been delegated  
159 to the state pursuant to said act.

160 4. Permits and licenses relating to the transportation of  
161 hazardous substance materials or transportation and dumping  
162 which are issued pursuant to the Hazardous Materials  
163 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or  
164 33 U.S.C. s. 1321, as amended.

165 5. Permits and licenses required under 15 U.S.C. ss. 717-  
166 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.  
167 1331-1356 for construction and operation of interstate gas  
168 pipelines and storage facilities.

169 6. Permits and licenses required for the siting and  
170 construction of any new electrical power plants as defined in s.  
171 403.503(14), as amended, and the licensing and relicensing of  
172 hydroelectric power plants under the Federal Power Act, 16  
173 U.S.C. ss. 791a et seq., as amended.

174 7. Permits and licenses required under the Mining Law of

7-01119-21

20211008\_\_

175 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands  
176 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral  
177 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as  
178 amended; the Federal Land Policy and Management Act, 43 U.S.C.  
179 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16  
180 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43  
181 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,  
182 pipelines, geological and geophysical activities, or rights-of-  
183 way on public lands and permits and licenses required under the  
184 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as  
185 amended.

186 8. Permits and licenses for areas leased under the OCS  
187 Lands Act, 43 U.S.C. ss. 1331 et seq., as amended, including  
188 leases and approvals of exploration, development, and production  
189 plans.

190 9. Permits and licenses required under the Deepwater Port  
191 Act of 1974, 33 U.S.C. ss. 1501 et seq., as amended.

192 10. Permits required for the taking of marine mammals under  
193 the Marine Mammal Protection Act of 1972, as amended, 16 U.S.C.  
194 s. 1374.

195 Section 6. For the purpose of incorporating the amendment  
196 made by this act to section 403.503, Florida Statutes, in a  
197 reference thereto, subsection (20) of section 403.031, Florida  
198 Statutes, is reenacted to read:

199 403.031 Definitions.—In construing this chapter, or rules  
200 and regulations adopted pursuant hereto, the following words,  
201 phrases, or terms, unless the context otherwise indicates, have  
202 the following meanings:

203 (20) "Electrical power plant" means, for purposes of this

7-01119-21

20211008\_\_

204 part of this chapter, any electrical generating facility that  
205 uses any process or fuel and that is owned or operated by an  
206 electric utility, as defined in s. 403.503(14), and includes any  
207 associated facility that directly supports the operation of the  
208 electrical power plant.

209 Section 7. For the purpose of incorporating the amendment  
210 made by this act to section 403.503, Florida Statutes, in a  
211 reference thereto, subsection (1) of section 403.5175, Florida  
212 Statutes, is reenacted to read:

213 403.5175 Existing electrical power plant site  
214 certification.—

215 (1) An electric utility that owns or operates an existing  
216 electrical power plant as defined in s. 403.503(14) may apply  
217 for certification of an existing power plant and its site in  
218 order to obtain all agency licenses necessary to ensure  
219 compliance with federal or state environmental laws and  
220 regulation using the centrally coordinated, one-stop licensing  
221 process established by this part. An application for  
222 certification under this section must be in the form prescribed  
223 by department rule. Applications must be reviewed and processed  
224 using the same procedural steps and notices as for an  
225 application for a new facility, except that a determination of  
226 need by the Public Service Commission is not required.

227 Section 8. This act shall take effect July 1, 2021.