

By Senator Bean

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1                   A bill to be entitled  
2       An act relating to renewable energy; creating s.  
3       163.32071, F.S.; providing legislative findings and  
4       intent; defining the term "solar facility"; requiring  
5       solar facilities to be a permitted use by right in all  
6       agricultural land use categories in applicable local  
7       governmental comprehensive plans and zoning districts  
8       within certain areas; requiring solar facilities to  
9       comply with certain local requirements; prohibiting  
10      counties from adopting ordinances containing certain  
11      requirements for solar facilities which exceed those  
12      for other facilities that do not produce food or  
13      fiber; amending s. 193.461, F.S.; requiring certain  
14      lands classified as agricultural to maintain such  
15      classification if the land is leased for certain  
16      renewable energy purposes; amending s. 403.503, F.S.;  
17      defining the term "alternative or renewable energy  
18      facility" and redefining the term "electrical power  
19      plant" for the Florida Electrical Power Plant Siting  
20      Act; amending s. 403.506, F.S.; providing that the  
21      Florida Electrical Power Plant Siting Act does not  
22      apply to a stand-alone or colocated alternative or  
23      renewable energy facility that meets certain  
24      requirements; making technical changes; amending ss.  
25      366.93, 380.23, 403.031, 403.509, and 403.5175, F.S.;  
26      conforming cross-references; providing an effective  
27      date.

28  
29   Be It Enacted by the Legislature of the State of Florida:

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30  
31 Section 1. Section 163.32071, Florida Statutes, is created  
32 to read:

33 163.32071 Solar facility approval process.-

34 (1) The Legislature finds that the construction and  
35 maintenance of solar facilities and the associated electric  
36 infrastructure in various locations throughout this state is  
37 essential to ensure renewable energy production. The Legislature  
38 further finds that renewable energy production is critical to  
39 this state's energy and economic future. Therefore, the  
40 Legislature intends to encourage renewable solar electrical  
41 generation throughout this state.

42 (2) As used in this section, the term "solar facility"  
43 means a production facility for electric power which uses  
44 photovoltaic modules or panels to convert solar energy to  
45 electricity, and the electricity that is produced is delivered  
46 to the transmission system and consumed primarily off site. The  
47 term includes all of the following:

48 (a) Photovoltaic modules, a mounting or racking system,  
49 power inverters, transformers, collection systems, and  
50 associated components.

51 (b) The solar facility's accessory administration or  
52 maintenance buildings; required grid interconnection equipment,  
53 including energy storage equipment; and related equipment and  
54 accessories and structures.

55 (3) Solar facilities shall be a permitted use by right in  
56 all agricultural land use categories in the applicable local  
57 governmental comprehensive plans and all agricultural zoning  
58 districts within any unincorporated area in this state.

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59       (4) A solar facility must comply with the setback  
60 requirements, landscaped buffer area criteria, fencing  
61 requirements, or berm requirements applicable to other uses that  
62 do not produce food and fiber in that local comprehensive plan  
63 or agricultural district, if any. A county may adopt an  
64 ordinance specifying buffer areas, landscaping requirements,  
65 fencing, or berm requirements for solar facilities. These  
66 requirements for solar facilities may not exceed those required  
67 for other facilities not producing food or fiber which are  
68 permitted uses in a local governmental entity's agricultural  
69 land use categories and zoning districts.

70       Section 2. Paragraph (f) is added to subsection (3) of  
71 section 193.461, Florida Statutes, to read:

72       193.461 Agricultural lands; classification and assessment;  
73 mandated eradication or quarantine program; natural disasters.-

74       (3)

75       (f) Land that is classified as agricultural by a property  
76 appraiser shall maintain the agricultural designation if the  
77 land is leased for the purpose of installing and operating an  
78 alternative or renewable energy facility as defined in s.  
79 403.503.

80       Section 3. Present subsections (4) through (31) of section  
81 403.503, Florida Statutes, are redesignated as subsections (5)  
82 through (32), respectively, a new subsection (4) is added to  
83 that section, and present subsection (14) of that section is  
84 amended, to read:

85       403.503 Definitions relating to Florida Electrical Power  
86 Plant Siting Act.-As used in this act:

87       (4) "Alternative or renewable energy facility" means an

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88 electrical generating facility that produces energy for  
89 wholesale or retail sale using any of the following generating  
90 methods: solar, biodiesel, hydrokinetic, wind, or green  
91 hydrogen. As used in this subsection, the term "green hydrogen"  
92 means hydrogen created through the use of other alternative or  
93 renewable energies listed in this part.

94 (15)~~(14)~~ "Electrical power plant" means, for the purpose of  
95 certification, any steam or solar electrical generating facility  
96 using any process or fuel, including nuclear materials, except  
97 that this term does not include any steam or alternative or  
98 renewable energy facility ~~solar electrical generating facility~~  
99 of less than 75 megawatts in capacity unless the applicant for  
100 such a facility elects to apply for certification under this  
101 act. This term also includes the site; all associated facilities  
102 that will be owned by the applicant that are physically  
103 connected to the site; all associated facilities that are  
104 indirectly connected to the site by other proposed associated  
105 facilities that will be owned by the applicant; and associated  
106 transmission lines that will be owned by the applicant which  
107 connect the electrical power plant to an existing transmission  
108 network or rights-of-way to which the applicant intends to  
109 connect. At the applicant's option, this term may include any  
110 offsite associated facilities that will not be owned by the  
111 applicant; offsite associated facilities that are owned by the  
112 applicant but that are not directly connected to the site; any  
113 proposed terminal or intermediate substations or substation  
114 expansions connected to the associated transmission line; or new  
115 transmission lines, upgrades, or improvements of an existing  
116 transmission line on any portion of the applicant's electrical

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117 transmission system necessary to support the generation injected  
118 into the system from the proposed electrical power plant.

119 Section 4. Subsection (1) of section 403.506, Florida  
120 Statutes, is amended to read:

121 403.506 Applicability, thresholds, and certification.—

122 (1) ~~The provisions of~~ This act applies ~~shall apply~~ to any  
123 electrical power plant as defined herein, except that ~~the~~  
124 ~~provisions of~~ this act does ~~shall~~ not apply to an ~~any~~ electrical  
125 power plant of less than 75 megawatts in gross capacity,  
126 including its associated facilities, or to an alternative or  
127 renewable energy facility of less than 75 megawatts in gross  
128 capacity, including its associated facilities, regardless of  
129 whether the alternative or renewable energy facility is a stand-  
130 alone facility or is colocated with an existing electrical power  
131 plant or supplements an existing electrical power plant's steam  
132 generation, unless the applicant has elected to apply for  
133 certification of such electrical power plant under this act. ~~The~~  
134 ~~provisions of~~ This act does ~~shall~~ not apply to capacity  
135 expansions of 75 megawatts or less, in the aggregate, of an  
136 existing exothermic reaction cogeneration electrical generating  
137 facility that was exempt from this act when it was originally  
138 built; however, this exemption does ~~shall~~ not apply if the unit  
139 uses oil or natural gas for purposes other than unit startup.  
140 The ~~No~~ construction of any new electrical power plant or  
141 expansion in steam generating capacity as measured by an  
142 increase in the maximum electrical generator rating of any  
143 existing electrical power plant may not be undertaken after  
144 October 1, 1973, without first obtaining certification in the  
145 manner as herein provided, except that this act does ~~shall~~ not

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146 apply to any such electrical power plant which is presently  
147 operating or under construction or which has, upon the effective  
148 date of chapter 73-33, Laws of Florida, applied for a permit or  
149 certification under requirements in force before ~~prior to~~ the  
150 effective date of such act.

151 Section 5. Paragraphs (c) and (d) of subsection (1) of  
152 section 366.93, Florida Statutes, are amended to read:

153 366.93 Cost recovery for the siting, design, licensing, and  
154 construction of nuclear and integrated gasification combined  
155 cycle power plants.—

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

157 (c) "Integrated gasification combined cycle power plant" or  
158 "plant" means an electrical power plant as defined in s. 403.503  
159 ~~s. 403.503(14)~~ which uses synthesis gas produced by integrated  
160 gasification technology.

161 (d) "Nuclear power plant" or "plant" means an electrical  
162 power plant as defined in s. 403.503 ~~s. 403.503(14)~~ which uses  
163 nuclear materials for fuel.

164 Section 6. Paragraph (c) of subsection (3) of section  
165 380.23, Florida Statutes, is amended to read:

166 380.23 Federal consistency.—

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

171 (c) Federally licensed or permitted activities affecting  
172 land or water uses when such activities are in or seaward of the  
173 jurisdiction of local governments required to develop a coastal  
174 zone protection element as provided in s. 380.24 and when such

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175 activities involve:

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

178 2. Permits and licenses required under the Marine  
179 Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. ss.  
180 1401-1445 and 16 U.S.C. ss. 1431-1445, as amended.

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

185 4. Permits and licenses relating to the transportation of  
186 hazardous substance materials or transportation and dumping  
187 which are issued pursuant to the Hazardous Materials  
188 Transportation Act, 49 U.S.C. ss. 1501 et seq., as amended, or  
189 33 U.S.C. s. 1321, as amended.

190 5. Permits and licenses required under 15 U.S.C. ss. 717-  
191 717w, 3301-3432, 42 U.S.C. ss. 7101-7352, and 43 U.S.C. ss.  
192 1331-1356 for construction and operation of interstate gas  
193 pipelines and storage facilities.

194 6. Permits and licenses required for the siting and  
195 construction of any new electrical power plants as defined in s.  
196 403.503 ~~s. 403.503(14)~~, as amended, and the licensing and  
197 relicensing of hydroelectric power plants under the Federal  
198 Power Act, 16 U.S.C. ss. 791a et seq., as amended.

199 7. Permits and licenses required under the Mining Law of  
200 1872, 30 U.S.C. ss. 21 et seq., as amended; the Mineral Lands  
201 Leasing Act, 30 U.S.C. ss. 181 et seq., as amended; the Mineral  
202 Leasing Act for Acquired Lands, 30 U.S.C. ss. 351 et seq., as  
203 amended; the Federal Land Policy and Management Act, 43 U.S.C.

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204 ss. 1701 et seq., as amended; the Mining in the Parks Act, 16  
205 U.S.C. ss. 1901 et seq., as amended; and the OCS Lands Act, 43  
206 U.S.C. ss. 1331 et seq., as amended, for drilling, mining,  
207 pipelines, geological and geophysical activities, or rights-of-  
208 way on public lands and permits and licenses required under the  
209 Indian Mineral Development Act, 25 U.S.C. ss. 2101 et seq., as  
210 amended.

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

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

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

220 Section 7. Subsection (20) of section 403.031, Florida  
221 Statutes, is amended to read:

222 403.031 Definitions.—In construing this chapter, or rules  
223 and regulations adopted pursuant hereto, the following words,  
224 phrases, or terms, unless the context otherwise indicates, have  
225 the following meanings:

226 (20) "Electrical power plant" means, for purposes of this  
227 part of this chapter, any electrical generating facility that  
228 uses any process or fuel and that is owned or operated by an  
229 electric utility, as defined in s. 403.503 ~~s. 403.503(14)~~, and  
230 includes any associated facility that directly supports the  
231 operation of the electrical power plant.

232 Section 8. Paragraphs (a) and (c) of subsection (4) of



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233 section 403.509, Florida Statutes, are amended to read:

234 403.509 Final disposition of application.—

235 (4) (a) Any transmission line corridor certified by the  
236 board, or secretary if applicable, shall meet the criteria of  
237 this section. When more than one transmission line corridor is  
238 proper for certification under s. 403.503 ~~s. 403.503(11)~~ and  
239 meets the criteria of this section, the board, or secretary if  
240 applicable, shall certify the transmission line corridor that  
241 has the least adverse impact regarding the criteria in  
242 subsection (3), including costs.

243 (c) If the board, or secretary if applicable, finds that  
244 two or more of the corridors that comply with subsection (3)  
245 have the least adverse impacts regarding the criteria in  
246 subsection (3), including costs, and that the corridors are  
247 substantially equal in adverse impacts regarding the criteria in  
248 subsection (3), including costs, the board, or secretary if  
249 applicable, shall certify the corridor preferred by the  
250 applicant if the corridor is one proper for certification under  
251 s. 403.503 ~~s. 403.503(11)~~.

252 Section 9. Subsection (1) of section 403.5175, Florida  
253 Statutes, is amended to read:

254 403.5175 Existing electrical power plant site  
255 certification.—

256 (1) An electric utility that owns or operates an existing  
257 electrical power plant as defined in s. 403.503 ~~s. 403.503(14)~~  
258 may apply for certification of an existing power plant and its  
259 site in order to obtain all agency licenses necessary to ensure  
260 compliance with federal or state environmental laws and  
261 regulation using the centrally coordinated, one-stop licensing

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262 process established by this part. An application for  
263 certification under this section must be in the form prescribed  
264 by department rule. Applications must be reviewed and processed  
265 using the same procedural steps and notices as for an  
266 application for a new facility, except that a determination of  
267 need by the Public Service Commission is not required.

268 Section 10. This act shall take effect July 1, 2021.