

By the Committees on Rules; and Regulated Industries; and  
Senators Brodeur and Hutson

595-04532-21

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1 A bill to be entitled  
2 An act relating to renewable energy; creating s.  
3 163.3205, F.S.; providing legislative intent; defining  
4 the term "solar facility"; providing that solar  
5 facilities are a permitted use in local government  
6 comprehensive plan agricultural land use categories  
7 and certain agricultural zoning districts; requiring  
8 solar facilities to comply with specified criteria;  
9 authorizing counties to adopt ordinances that meet  
10 certain requirements; amending s. 366.91, F.S.;  
11 defining and redefining terms; authorizing the Florida  
12 Public Service Commission to approve cost recovery by  
13 a gas public utility for certain contracts for the  
14 purchase of renewable natural gas; amending ss.  
15 366.92, 373.236, and 403.973, F.S.; conforming cross-  
16 references; reenacting s. 288.9606(7), F.S., relating  
17 to the issuance of revenue bonds, to incorporate the  
18 amendment made to s. 366.91, F.S., in a reference  
19 thereto; providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Section 163.3205, Florida Statutes, is created  
24 to read:

25 163.3205 Solar facility approval process.-

26 (1) It is the intent of the Legislature to encourage  
27 renewable solar electrical generation throughout this state. It  
28 is essential that solar facilities and associated electric  
29 infrastructure be constructed and maintained in various

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30 locations throughout this state in order to ensure the  
31 availability of renewable energy production, which is critical  
32 to this state's energy and economic future.

33 (2) As used in this section, the term "solar facility"  
34 means a production facility for electric power which:

35 (a) Uses photovoltaic modules to convert solar energy to  
36 electricity that may be stored on site, delivered to a  
37 transmission system, and consumed primarily offsite.

38 (b) Consists principally of photovoltaic modules, a  
39 mounting or racking system, power inverters, transformers,  
40 collection systems, battery systems, fire suppression equipment,  
41 and associated components.

42 (c) May include accessory administration or maintenance  
43 buildings, electric transmission lines, substations, energy  
44 storage equipment, and related accessory uses and structures.

45 (3) A solar facility shall be a permitted use in all  
46 agricultural land use categories in a local government  
47 comprehensive plan and all agricultural zoning districts within  
48 an unincorporated area and must comply with the setback and  
49 landscaped buffer area criteria for other similar uses in the  
50 agricultural district.

51 (4) A county may adopt an ordinance specifying buffer and  
52 landscaping requirements for solar facilities. Such requirements  
53 may not exceed the requirements for similar uses involving the  
54 construction of other facilities that are permitted uses in  
55 agricultural land use categories and zoning districts.

56 Section 2. Present paragraphs (a) through (d) of subsection  
57 (2) of section 366.91, Florida Statutes, are redesignated as  
58 paragraphs (b) through (e), respectively, a new paragraph (a)

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59 and paragraph (f) are added to that subsection, present  
60 paragraph (d) of that subsection is amended, and subsection (9)  
61 is added to that section, to read:

62 366.91 Renewable energy.—

63 (2) As used in this section, the term:

64 (a) "Biogas" means a mixture of gases produced by the  
65 biological decomposition of organic materials which is largely  
66 comprised of carbon dioxide, hydrocarbons, and methane gas.

67 (e)~~(d)~~ "Renewable energy" means electrical energy produced  
68 from a method that uses one or more of the following fuels or  
69 energy sources: hydrogen produced or resulting from sources  
70 other than fossil fuels, biomass, solar energy, geothermal  
71 energy, wind energy, ocean energy, and hydroelectric power. The  
72 term includes the alternative energy resource, waste heat, from  
73 sulfuric acid manufacturing operations and electrical energy  
74 produced using pipeline-quality synthetic gas produced from  
75 waste petroleum coke with carbon capture and sequestration.

76 (f) "Renewable natural gas" means anaerobically generated  
77 biogas, landfill gas, or wastewater treatment gas refined to a  
78 methane content of 90 percent or greater which may be used as a  
79 transportation fuel or for electric generation or is of a  
80 quality capable of being injected into a natural gas pipeline.

81 (9) The commission may approve cost recovery by a gas  
82 public utility for contracts for the purchase of renewable  
83 natural gas in which the pricing provisions exceed the current  
84 market price of natural gas, but which are otherwise deemed  
85 reasonable and prudent by the commission.

86 Section 3. Paragraph (b) of subsection (2) of section  
87 366.92, Florida Statutes, is amended to read:

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88 366.92 Florida renewable energy policy.—

89 (2) As used in this section, the term:

90 (b) "Renewable energy" includes ~~means~~ renewable energy and  
91 renewable natural gas as those terms are defined in s. 366.91(2)  
92 ~~s. 366.91(2)(d)~~.

93 Section 4. Subsection (7) of section 373.236, Florida  
94 Statutes, is amended to read:

95 373.236 Duration of permits; compliance reports.—

96 (7) A permit approved for a renewable energy generating  
97 facility or the cultivation of agricultural products on lands  
98 consisting of 1,000 acres or more for use in the production of  
99 renewable energy, as defined in s. 366.91(2)(e) ~~s. 366.91(2)(d)~~,  
100 shall be granted for a term of at least 25 years at the  
101 applicant's request based on the anticipated life of the  
102 facility if there is sufficient data to provide reasonable  
103 assurance that the conditions for permit issuance will be met  
104 for the duration of the permit; otherwise, a permit may be  
105 issued for a shorter duration that reflects the longest period  
106 for which such reasonable assurances are provided. Such a permit  
107 is subject to compliance reports under subsection (4).

108 Section 5. Paragraph (f) of subsection (3) and paragraph  
109 (b) of subsection (19) of section 403.973, Florida Statutes, are  
110 amended to read:

111 403.973 Expedited permitting; amendments to comprehensive  
112 plans.—

113 (3)

114 (f) Projects resulting in the production of biofuels  
115 cultivated on lands that are 1,000 acres or more or in the  
116 construction of a biofuel or biodiesel processing facility or a

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117 facility generating renewable energy, as defined in s.  
118 366.91(2)(e) ~~s. 366.91(2)(d)~~, are eligible for the expedited  
119 permitting process.

120 (19) The following projects are ineligible for review under  
121 this part:

122 (b) A project, the primary purpose of which is to:

123 1. Effect the final disposal of solid waste, biomedical  
124 waste, or hazardous waste in this state.

125 2. Produce electrical power, unless the production of  
126 electricity is incidental and not the primary function of the  
127 project or the electrical power is derived from a fuel source  
128 for renewable energy as defined in s. 366.91(2)(e) ~~s.~~  
129 ~~366.91(2)(d)~~.

130 3. Extract natural resources.

131 4. Produce oil.

132 5. Construct, maintain, or operate an oil, petroleum, or  
133 sewage pipeline.

134 Section 6. For the purpose of incorporating the amendment  
135 made by this act to section 366.91, Florida Statutes, in a  
136 reference thereto, subsection (7) of section 288.9606, Florida  
137 Statutes, is reenacted to read:

138 288.9606 Issue of revenue bonds.—

139 (7) Notwithstanding any provision of this section, the  
140 corporation in its corporate capacity may, without authorization  
141 from a public agency under s. 163.01(7), issue revenue bonds or  
142 other evidence of indebtedness under this section to:

143 (a) Finance the undertaking of any project within the state  
144 that promotes renewable energy as defined in s. 366.91 or s.  
145 377.803;

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146 (b) Finance the undertaking of any project within the state  
147 that is a project contemplated or allowed under s. 406 of the  
148 American Recovery and Reinvestment Act of 2009; or

149 (c) If permitted by federal law, finance qualifying  
150 improvement projects within the state under s. 163.08.

151 Section 7. This act shall take effect July 1, 2021.