

By Senator Bradley

6-01411B-25

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1                   A bill to be entitled  
2           An act relating to solar facilities; amending s.  
3           163.3205, F.S.; revising legislative intent; defining  
4           the terms "agricultural land" and "decommissioned";  
5           authorizing a county to adopt an ordinance requiring  
6           that certain solar facilities be properly  
7           decommissioned under certain circumstances;  
8           authorizing a county to presume that a solar facility  
9           has reached the end of its useful life under certain  
10          circumstances; authorizing a solar facility owner to  
11          rebut the presumption in a certain manner; authorizing  
12          a county to require certain financial assurance and  
13          certain updates from a solar facility owner;  
14          authorizing a county to take action to complete the  
15          decommissioning of a solar facility under certain  
16          circumstances; deleting a provision providing that a  
17          solar facility is a permitted use in certain land use  
18          categories and zoning districts subject to compliance  
19          certain requirements; deleting a provision authorizing  
20          a county to adopt an ordinance specifying certain  
21          requirements for solar facilities; revising  
22          applicability; amending s. 163.3208, F.S.; deleting a  
23          provision exempting solar facility substations from  
24          the electric substations for which local governments  
25          may adopt and enforce certain land development  
26          regulations; providing an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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6-01411B-25

20251304\_\_

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

32 163.3205 Solar facility approval process and  
33 decommissioning requirements.—

34 (1) It is the intent of the Legislature that agricultural  
35 land used for a solar facility be returned to its original state  
36 and be viable for agricultural use at the end of the life of the  
37 solar facility ~~to encourage renewable solar electrical~~  
38 ~~generation throughout this state. It is essential that solar~~  
39 ~~facilities and associated electric infrastructure be constructed~~  
40 ~~and maintained in various locations throughout this state in~~  
41 ~~order to ensure the availability of renewable energy production,~~  
42 ~~which is critical to this state's energy and economic future.~~

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

44 (a) "Agricultural land" means land within:

45 1. An area categorized as agricultural land in a local  
46 government comprehensive plan. Such categorization includes any  
47 agricultural land use category; or

48 2. An agricultural zoning district within an unincorporated  
49 area.

50 (b) "Decommissioned" means the removal of a solar facility  
51 and return of agricultural land that was used for such solar  
52 facility to an agriculturally useful condition similar to that  
53 which existed before construction of the solar facility,  
54 including the removal of above-surface facilities and  
55 infrastructure that do not serve a continuing purpose.

56 (c) "Solar facility" means a production facility for  
57 electric power which:

58 1. ~~(a)~~ Uses photovoltaic modules to convert solar energy to

6-01411B-25

20251304\_\_

59 electricity that may be stored on site, delivered to a  
60 transmission system, and consumed primarily offsite.

61 2.~~(b)~~ Consists principally of photovoltaic modules, a  
62 mounting or racking system, power inverters, transformers,  
63 collection systems, battery systems, fire suppression equipment,  
64 and associated components.

65 3.~~(e)~~ May include accessory administration or maintenance  
66 buildings, electric transmission lines, substations, energy  
67 storage equipment, and related accessory uses and structures.

68 (3) For a solar facility over 2 megawatts which is  
69 constructed on agricultural land, a county may adopt an  
70 ordinance requiring that the solar facility be properly  
71 decommissioned upon the facility reaching the end of its useful  
72 life.

73 (a) A county may presume that a solar facility has reached  
74 the end of its useful life if:

75 1. The solar facility fails to produce power for a period  
76 of 12 months after construction of the solar facility has been  
77 completed. This 12-month period does not include a period in  
78 which the solar facility does not produce power due to a  
79 disaster or other event beyond the control of the facility  
80 owner; or

81 2. The solar facility has been abandoned. A solar facility  
82 is considered abandoned if:

83 a. After commencement of the solar facility's construction  
84 but before completion, no significant construction of the  
85 facility occurs for a period of 24 months; or

86 b. After becoming nonoperational due to a disaster or other  
87 event beyond the control of the facility owner, no significant

6-01411B-25

20251304\_\_

88 reconstruction of the solar facility occurs for a period of 12  
89 months.

90 (b) The presumptions provided under paragraph (a) may be  
91 rebutted by the solar facility owner providing the county with a  
92 plan, schedule, and adequate assurances for the continuing  
93 construction or operation of the solar facility.

94 (c) Counties may require financial assurance from a solar  
95 facility owner in the form of a bond, an irrevocable letter of  
96 credit established pursuant to chapter 675, a guarantee by the  
97 solar facility owner's parent company, or another financial  
98 device deemed adequate by the county to cover the estimated cost  
99 of decommissioning the solar facility. The solar facility owner  
100 must provide the information necessary for the county to  
101 establish the estimated cost of such decommissioning.

102 (d) Counties may require a solar facility owner to provide  
103 updates no less than every 5 years on the estimated cost of  
104 decommissioning and financial assurance provided under paragraph  
105 (c). Any financial assurance provided under paragraph (c) may be  
106 adjusted in accordance with the updates to such estimated cost.

107 (e) If a facility owner does not complete decommissioning  
108 as required by county ordinance, the county may take action to  
109 complete the decommissioning, including action to require  
110 forfeiture of the financial assurance provided under paragraph  
111 (c). A county shall allow a solar facility owner at least 12  
112 months to commence decommissioning and 24 months to complete  
113 decommissioning before taking such action ~~A solar facility shall~~  
114 ~~be a permitted use in all agricultural land use categories in a~~  
115 ~~local government comprehensive plan and all agricultural zoning~~  
116 ~~districts within an unincorporated area and must comply with the~~

6-01411B-25

20251304\_\_

117 ~~setback and landscaped buffer area criteria for other similar~~  
118 ~~uses in the agricultural district.~~

119 ~~(4) A county may adopt an ordinance specifying buffer and~~  
120 ~~landscaping requirements for solar facilities. Such requirements~~  
121 ~~may not exceed the requirements for similar uses involving the~~  
122 ~~construction of other facilities that are permitted uses in~~  
123 ~~agricultural land use categories and zoning districts.~~

124 ~~(4)(5)~~ This section does not apply to any site that was the  
125 subject of an application to construct a solar facility  
126 submitted to a local governmental entity before July 1, 2025  
127 ~~2021~~.

128 Section 2. Subsection (3) of section 163.3208, Florida  
129 Statutes, is amended to read:

130 163.3208 Substation approval process.—

131 (3) Electric substations are a critical component of  
132 electric transmission and distribution. ~~Except for substations~~  
133 ~~in s. 163.3205(2)(c),~~ Local governments may adopt and enforce  
134 reasonable land development regulations for new and existing  
135 electric substations, addressing only setback, landscaping,  
136 buffering, screening, lighting, and other aesthetic  
137 compatibility-based standards. Vegetated buffers or screening  
138 beneath aerial access points to the substation equipment may  
139 ~~shall~~ not be required to have a mature height in excess of 14  
140 feet.

141 Section 3. This act shall take effect July 1, 2025.