

By the Committee on Regulated Industries; and Senator Bradley

580-02615-25

20251304c1

A bill to be entitled

An act relating to solar facilities; amending s. 163.3205, F.S.; revising legislative intent; defining the terms "agricultural land" and "decommissioned"; authorizing a county to adopt an ordinance requiring that certain solar facilities be properly decommissioned under certain circumstances; authorizing a county to presume that a solar facility has reached the end of its useful life under certain circumstances; authorizing a solar facility owner to rebut the presumption in a certain manner; authorizing a county to require certain financial assurance and certain updates from a solar facility owner; authorizing a county to take action to complete the decommissioning of a solar facility under certain circumstances; deleting a provision providing that a solar facility is a permitted use in certain land use categories and zoning districts and is subject to compliance with certain requirements; deleting a provision authorizing a county to adopt an ordinance specifying certain requirements for solar facilities; revising applicability; amending s. 163.3208, F.S.; deleting a provision exempting solar facility substations from the electric substations for which local governments may adopt and enforce certain land development regulations; providing an effective date.

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

580-02615-25

20251304c1

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

163.3205 Solar facility approval process and decommissioning requirements.—

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

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

(a) "Agricultural land" means land within:

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

2. An agricultural zoning district within an unincorporated area.

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

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

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

580-02615-25

20251304c1

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

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

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

(3) For a solar facility over 2 megawatts in gross capacity as defined in s. 403.503 which is constructed on agricultural land, a county may adopt an ordinance requiring that the solar facility be properly decommissioned upon the facility reaching the end of its useful life.

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

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

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

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

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

580-02615-25

20251304c1

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

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

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

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

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

580-02615-25

20251304c1

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.