

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Intergovernmental Affairs
2 Subcommittee

3 Representative Koster offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 163.3205 Solar facility approval process and
10 decommissioning requirements.—

11 (1) It is the intent of the Legislature to encourage
12 renewable solar electrical generation throughout this state,
13 while ensuring agricultural land used for a solar facility be
14 returned to its original state and be viable for agricultural
15 use at the end of the life of the solar facility. It is
16 essential that solar facilities and associated electric

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17 infrastructure be constructed and maintained in various
18 locations throughout this state in order to ensure the
19 availability of renewable energy production, which is critical
20 to this state's energy and economic future.

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

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

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

26 2. An agricultural zoning district within an
27 unincorporated area.

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

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

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

39 2.(b) Consists principally of photovoltaic modules, a
40 mounting or racking system, power inverters, transformers,

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41 collection systems, battery systems, fire suppression equipment,
42 and associated components.

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

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

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

57 (5) For a solar facility over 2 megawatts which is
58 constructed on agricultural land, a county may adopt an
59 ordinance requiring that the solar facility be properly
60 decommissioned upon the facility reaching the end of its useful
61 life.

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

64 1. The solar facility fails to produce power for a period
65 of 12 months after construction of the solar facility has been

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66 completed. This 12-month period does not include a period in
67 which the solar facility does not produce power due to a
68 disaster or other event beyond the control of the facility
69 owner; or

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

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

75 b. After becoming nonoperational due to a disaster or
76 other event beyond the control of the facility owner, no
77 significant reconstruction of the solar facility occurs for a
78 period of 12 months.

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

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

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

96 (e) If a facility owner does not complete decommissioning
97 as required by county ordinance, the county may take action to
98 complete the decommissioning, including action to require
99 forfeiture of the financial assurance provided under paragraph
100 (c). A county shall allow a solar facility owner at least 12
101 months to commence decommissioning and 24 months to complete
102 decommissioning before taking such action.

103 (6) This section does not apply to any site that was the
104 subject of an application to construct a solar facility
105 submitted to a local governmental entity before July 1, 2021,
106 except that subsection (5) does not apply to any site that was
107 the subject of an application to construct a solar facility
108 submitted to a local governmental entity before July 1, 2025.

109 **Section 2.** This act shall take effect July 1, 2025.

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111
112 -----
113 **T I T L E A M E N D M E N T**

114 Remove everything before the enacting clause and insert:

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115 An act relating to solar facilities; amending s.
116 163.3205, F.S.; revising legislative intent; defining
117 the terms "agricultural land" and "decommissioned";
118 authorizing a county to adopt an ordinance requiring
119 that certain solar facilities be properly
120 decommissioned under certain circumstances;
121 authorizing a county to presume that a solar facility
122 has reached the end of its useful life under certain
123 circumstances; authorizing a solar facility owner to
124 rebut the presumption in a certain manner; authorizing
125 a county to require certain financial assurance and
126 certain updates from a solar facility owner;
127 authorizing a county to take action to complete the
128 decommissioning of a solar facility under certain
129 circumstances; revising applicability; providing an
130 effective date.