

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:

29

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
 49 unincorporated 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
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
87 other event beyond the control of the facility owner, no
88 significant reconstruction of the solar facility occurs for a
89 period of 12 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~~
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
125 the 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.