



26 **to read:**

27 163.3205 Solar facility approval process; decommissioning  
 28 requirements.—

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

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

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

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

44 2. An agricultural zoning district within an  
 45 unincorporated area.

46 (b) "Decommissioned" means the removal of a solar facility  
 47 and return of agricultural land that was used for such solar  
 48 facility to an agriculturally useful condition similar to that  
 49 which existed before construction of the solar facility,

50 including the removal of above-surface facilities and  
51 infrastructure that do not serve a continuing purpose.

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

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

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

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

64 (3) A solar facility shall be a permitted use in all  
65 agricultural land use categories in a local government  
66 comprehensive plan and all agricultural zoning districts within  
67 an unincorporated area and must comply with the setback and  
68 landscaped buffer area criteria for other similar uses in the  
69 agricultural district.

70 (4) A county may adopt an ordinance specifying buffer and  
71 landscaping requirements for solar facilities. Such requirements  
72 may not exceed the requirements for similar uses involving the  
73 construction of other facilities that are permitted uses in  
74 agricultural land use categories and zoning districts.

75           (5) For a solar facility over 2 megawatts which is  
76 constructed on agricultural land, a county may adopt an  
77 ordinance requiring that the solar facility be properly  
78 decommissioned upon the facility reaching the end of its useful  
79 life.

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

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

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

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

93           b. After becoming nonoperational due to a disaster or  
94 other event beyond the control of the facility owner, no  
95 significant reconstruction of the solar facility occurs for a  
96 period of 12 months.

97           (b) The presumptions provided under paragraph (a) may be  
98 rebutted by the solar facility owner providing the county with a

99 plan, schedule, and adequate assurances for the continuing  
100 construction or operation of the solar facility.

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

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

114 (e) If a facility owner does not complete decommissioning  
115 as required by county ordinance, the county may take action to  
116 complete the decommissioning, including action to require  
117 forfeiture of the financial assurance provided under paragraph  
118 (c). A county shall allow a solar facility owner at least 12  
119 months to commence decommissioning and 24 months to complete  
120 decommissioning before taking such action.

121 (6) This section does not apply to any site that was the  
122 subject of an application to construct a solar facility  
123 submitted to a local governmental entity before July 1, 2021,

124 except that subsection (5) 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 **Section 2. Subsection (3) of section 163.3208, Florida**  
 128 **Statutes, is amended to read:**

129 163.3208 Substation approval process.—

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

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