

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

1 Committee/Subcommittee hearing bill: Commerce Committee

2 Representative Miller offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 53-328 and insert:

6 (1) Based on Florida's energy needs, economic
7 considerations, statewide energy reliability goals, and the need
8 for additional base-load electrical generating capacity, the
9 Legislature intends to promote the development of nuclear energy
10 and to protect the viability of Florida's existing nuclear
11 energy facilities, encourage investment into nuclear energy
12 within the state, and minimize rising electricity rates through
13 the use of nuclear energy.

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

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15 (a) "Advanced nuclear reactor" means a nuclear fusion
16 reactor, or a nuclear fission reactor that uses new or
17 significantly improved designs compared to commercial nuclear
18 reactors in operation as of January 1, 2021, including
19 improvements such as:

- 20 1. Inherent or passive safety features;
21 2. Lower waste yields;
22 3. Improved fuel performance or efficiency;
23 4. Significantly improved designs, materials, fuels, or
24 cooling systems;
25 5. Reduced consumption of cooling water and other
26 environmental impacts; or
27 6. Flexibility in operational output or ability to
28 integrate into electric or nonelectric applications.

29 (b) "Commission" means the Florida Public Service
30 Commission.

31 (c) "Electrical power plant" has the same meaning as
32 provided in s. 403.503.

33 (d) "Nuclear material" means byproduct material, source
34 material, and special nuclear material as those terms are
35 defined in s. 404.31.

36 (3) (a) The authority to regulate advanced nuclear reactors
37 in this state is granted to the commission. At a minimum, the
38 commission shall do all of the following:

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39 1. Evaluate and approve designs for advanced nuclear
40 reactors.

41 2. Issue permits for the possession, transportation,
42 transfer, and use of nuclear materials in sufficient quantities
43 to facilitate advanced nuclear reactor research, design,
44 testing, construction, and operation.

45 3. Prescribe safety and construction standards for the use
46 of nuclear materials in the development and operation of
47 advanced nuclear reactors.

48
49 In exercising its authority granted by this section, the
50 commission shall consult with the University of Florida's
51 Nuclear Fuels and Materials Characterization Facility, or its
52 successor facility at the University of Florida supporting
53 research in nuclear materials science.

54 (b) The Department of Health may exercise its powers and
55 duties granted under chapter 404 for the regulation of advanced
56 nuclear reactors under this section. The Department of Health
57 shall develop appropriate guidelines for nuclear facilities and
58 advanced nuclear reactors to mitigate harm to human health
59 resulting from radiological exposure.

60 (c) The Department of Environmental Protection may
61 exercise its powers and duties granted under chapter 403 for the
62 regulation of advanced nuclear reactors under this section. The
63 Department of Environmental Protection shall develop appropriate

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64 guidelines for nuclear facilities and advanced nuclear reactors
65 to mitigate environmental harm and promote the efficient and
66 sustainable use of water and other natural resources.

67 (d) The commission, the Department of Health, and the
68 Department of Environmental Protection shall jointly establish
69 criteria for the certification of laboratories that perform
70 analysis on nuclear materials for the purpose of researching,
71 designing, testing, or otherwise developing technology for
72 nuclear power plants under this section.

73 (4) A person, corporation, or entity may possess nuclear
74 materials for, and in quantities sufficient to facilitate, the
75 research, design, testing, construction, and operation of
76 advanced nuclear reactors. However, except for active military
77 personnel or contractors acting pursuant to a lawful military
78 order, a person, corporation, or entity may not possess nuclear
79 materials in quantities that pose a danger to national defense
80 and security or public health and safety.

81 (5) (a) The operator of a facility conducting research and
82 testing of advanced nuclear reactors must obtain a permit from
83 the commission for the use and storage of nuclear materials to
84 facilitate such research and testing.

85 (b) A person, corporation, or entity must obtain a permit
86 from the commission for the transfer, receipt, possession, use,
87 or disposal of nuclear materials relating to the operation of
88 advanced nuclear reactors.

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89 (c) Before issuing a permit under this subsection, the
90 commission must determine that the facility or reactor is
91 equipped with radiation control devices that will abate or
92 prevent radiological contamination in compliance with the
93 standards and rules established under this section.

94 (6) (a) The construction or significant design modification
95 of an advanced nuclear reactor must be certified by the
96 commission before such construction or modification may begin.

97 (b) Before issuing a certification under this subsection,
98 the commission must consider, at a minimum, all of the
99 following:

100 1. The extent to which the design will effectively
101 mitigate and prevent danger to the public health and safety.

102 2. The compliance of the design with the safety standards
103 prescribed by the commission.

104 3. The ability of the design to address known or
105 reasonably foreseeable risks, including system failures,
106 accidents, natural disasters, and extreme weather events.

107 4. The completeness and accuracy of engineering
108 calculations and testing data for the design.

109 5. The ability of the design to promote the efficient and
110 sustainable use of water and other natural resources.

111 (c) The construction or significant design modification of
112 an advanced nuclear reactor must include radiation control
113 devices that will abate or prevent radiological contamination in

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114 compliance with the standards and rules established under this
115 section.

116 (7) If an applicant has been issued a permit or
117 certification from another state or federal agency for the
118 activities under this section, the commission may issue a
119 reciprocal permit or certification if the safety standards of
120 the other state or federal agency are no less stringent than the
121 standards and rules established under this section.

122 (8) A person, corporation, or entity who violates this
123 section or any rules adopted hereunder is subject to a civil
124 penalty not to exceed \$100,000 for each violation for each day
125 the violation persists, except that the maximum civil penalty
126 may not exceed \$1 million for any related series of violations.

127 (9) The commission, after consultation with the Department
128 of Health and the Department of Environmental Protection, shall
129 adopt rules to implement this section. In developing such rules,
130 the commission shall refer to part II of this chapter and the
131 rules and regulations established thereunder.

132 **Section 2. Paragraph (j) of subsection (2) of section**
133 **186.801, Florida Statutes, is redesignated as paragraph (l), and**
134 **new paragraphs (j) and (k) are added to that section, to read:**

135 186.801 Ten-year site plans.—

136 (2) Within 9 months after the receipt of the proposed
137 plan, the commission shall make a preliminary study of such plan
138 and classify it as "suitable" or "unsuitable." The commission

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139 may suggest alternatives to the plan. All findings of the
140 commission shall be made available to the Department of
141 Environmental Protection for its consideration at any subsequent
142 electrical power plant site certification proceedings. It is
143 recognized that 10-year site plans submitted by an electric
144 utility are tentative information for planning purposes only and
145 may be amended at any time at the discretion of the utility upon
146 written notification to the commission. A complete application
147 for certification of an electrical power plant site under
148 chapter 403, when such site is not designated in the current 10-
149 year site plan of the applicant, shall constitute an amendment
150 to the 10-year site plan. In its preliminary study of each 10-
151 year site plan, the commission shall consider such plan as a
152 planning document and shall review:

153 (j) The amount of nuclear energy resources the utility
154 produces or purchases.

155 (k) The amount of nuclear energy resources the utility
156 plans to produce or purchase over the 10-year planning horizon
157 and the means by which the production or purchases will be
158 achieved.

159 **Section 3. Subsections (1), (2), and (3) of section**
160 **366.92, Florida Statutes, are amended to read:**

161 366.92 Florida clean ~~renewable~~ energy policy.-

162 (1) It is the intent of the Legislature to promote the
163 development of clean ~~renewable~~ energy; protect the economic

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164 viability of Florida's existing clean ~~renewable~~ energy
165 facilities; diversify the types of fuel used to generate
166 electricity in Florida; lessen Florida's dependence on natural
167 gas and fuel oil for the production of electricity; minimize the
168 volatility of fuel costs; encourage investment within the state;
169 improve environmental conditions; and, at the same time,
170 minimize the costs of power supply to electric utilities and
171 their customers.

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

173 (a) "Clean energy" includes energy produced by nuclear
174 reactors and includes renewable energy and renewable natural gas
175 as those terms are defined in s. 366.91.

176 (b)-(a) "Provider" means a "utility" as defined in s.
177 366.8255(1) (a).

178 ~~(b) "Renewable energy" includes renewable energy and~~
179 ~~renewable natural gas as those terms are defined in s.~~
180 ~~366.91(2).~~

181 (3) Each ~~municipal~~ electric utility ~~and rural electric~~
182 ~~cooperative~~ shall develop standards for the promotion,
183 encouragement, and expansion of the use of clean ~~renewable~~
184 energy resources and energy conservation and efficiency
185 measures. On or before April 1, annually, each ~~municipal~~
186 electric utility ~~and electric cooperative~~ shall submit to the
187 commission a report that identifies such standards.

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188 **Section 4. Paragraph (m) is added to subsection (3) of**
189 **section 377.601, Florida Statutes, to read:**

190 377.601 Legislative intent.—

191 (3) In furtherance of the goals in subsection (2), it is
192 the policy of the state to:

193 (m) Encourage the research, development, demonstration,
194 and application of domestic advanced nuclear energy resources.

195 **Section 5. Subsection (5) of section 403.503, Florida**
196 **Statutes, is amended to read:**

197 403.503 Definitions relating to Florida Electrical Power
198 Plant Siting Act.—As used in this act:

199 (5) "Applicant" means any electric utility or other person
200 that ~~which~~ applies for certification pursuant to the provisions
201 of this act.

202 **Section 6. Subsection (1) of section 403.506, Florida**
203 **Statutes, is amended to read:**

204 403.506 Applicability, thresholds, and certification.—

205 (1) (a) ~~The provisions of This act applies shall apply~~ to
206 any electrical power plant as defined herein, except that ~~the~~
207 ~~provisions of this act~~ does shall not apply to the following,
208 unless the applicant has elected to apply for certification
209 under this act:

210 1. Any electrical power plant of less than 75 megawatts in
211 gross capacity, including its associated facilities, ~~unless the~~

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212 ~~applicant has elected to apply for certification of such~~
213 ~~electrical power plant under this act.~~

214 ~~2. The provisions of this act shall not apply to~~ Capacity
215 expansions of 75 megawatts or less, in the aggregate, of an
216 existing exothermic reaction cogeneration electrical generating
217 facility that was exempt from this act when it was originally
218 built; however, this exemption shall not apply if the unit uses
219 oil or natural gas for purposes other than unit startup.

220 3. Capacity expansions of 75 megawatts or less, in the
221 aggregate, of one or more advanced nuclear reactors as defined
222 in s. 403.541 installed within the boundaries of an electrical
223 power plant site previously certified under this act.

224 4. One or more advanced nuclear reactors as defined in s.
225 403.541 to be located within the boundaries of an electrical
226 power plant site previously certified under this act, provided
227 that:

228 a. The advanced nuclear reactor or reactors are intended
229 to replace an existing electrical power plant located on the
230 site.

231 b. The certificate holder intends to retire the existing
232 electrical power plant from service.

233 c. The gross capacity of the advanced nuclear reactor or
234 reactors, in the aggregate, does not exceed the gross capacity
235 of the electrical power plant to be retired.

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236 (b) The ~~no~~ construction of any new electrical power plant
237 or expansion in steam generating capacity as measured by an
238 increase in the maximum electrical generator rating of any
239 existing electrical power plant may not be undertaken after
240 October 1, 1973, without first obtaining certification in the
241 manner as herein provided, except that this act shall not apply
242 to any such electrical power plant which is presently operating
243 or under construction or which has, upon the effective date of
244 chapter 73-33, Laws of Florida, applied for a permit or
245 certification under requirements in force prior to the effective
246 date of such act.

247 **Section 7. Paragraph (c) is added to subsection (4) of**
248 **section 403.507, Florida Statutes, to read:**

249 403.507 Preliminary statements of issues, reports, project
250 analyses, and studies.-

251 (4)

252 (c) This subsection does not apply to an application for
253 an advanced nuclear reactor as defined in s. 430.541 that will
254 not be interconnected to this state's electrical power grid.

255 **Section 8. Subsection (3) of section 403.519, Florida**
256 **Statutes, is amended, and a new subsection (5) is added to that**
257 **section, to read:**

258 403.519 Exclusive forum for determination of need.-

259 (3) The commission shall be the sole forum for the
260 determination of this matter, which accordingly may ~~shall~~ not be

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261 raised in any other forum or in the review of proceedings in
262 such other forum. In making its determination, the commission
263 shall take into account the need for electric system reliability
264 and integrity, the need for adequate electricity at a reasonable
265 cost, the need for fuel diversity and supply reliability,
266 whether the proposed plant is the most cost-effective
267 alternative available, and whether nuclear ~~renewable~~ energy
268 resources ~~sources and technologies~~, as well as conservation
269 measures, are used ~~utilized~~ to the extent reasonably available.
270 The commission shall also expressly consider the conservation
271 measures taken by or reasonably available to the applicant or
272 its members which might mitigate the need for the proposed plant
273 and other matters within its jurisdiction which it deems
274 relevant. The commission's determination of need for an
275 electrical power plant shall create a presumption of public need
276 and necessity and shall serve as the commission's report
277 required by s. 403.507(4). An order entered pursuant to this
278 section constitutes final agency action.

279 (5) This section does not apply to an application for an
280 advanced nuclear reactor as defined in s. 430.541 that will not
281 be interconnected to this state's electrical power grid.

282 -----
283
284 **T I T L E A M E N D M E N T**

285 Remove lines 3-45 and insert:

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286 s. 403.541, F.S.; providing definitions; providing
287 legislative findings; authorizing the Florida Public
288 Service Commission to regulate advanced nuclear
289 reactors in this state; authorizing the Department of
290 Health and the Department of Environmental Protection
291 to exercise specified powers and duties; requiring the
292 commission, the Department of Health, and the
293 Department of Environmental Protection to jointly
294 establish criteria for the certification of
295 laboratories that perform analysis on nuclear
296 materials; authorizing the possession of nuclear
297 material for specified purposes; providing an
298 exception and limitation for such possession;
299 requiring permits for the transfer, receipt,
300 possession, use, storage, or disposal of nuclear
301 materials; requiring the commission to make a certain
302 determination before issuing such permits; requiring
303 certifications for construction and significant design
304 modifications of advanced nuclear reactors; requiring
305 the commission to consider certain factors before
306 issuing such certifications; requiring the
307 construction or significant design modification of
308 advanced nuclear reactors to include certain radiation
309 control devices; authorizing the commission to issue
310 reciprocal permits under certain conditions; providing

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1461 (2026)

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311 penalties; requiring the commission, after
312 consultation with the Department of Environmental
313 Protection and the Department of Health, to adopt
314 rules; providing requirements for such rules; amending
315 s. 186.801, F.S.; revising the criteria the commission
316 must consider in the preliminary study of electric
317 utility 10-year site plans; amending s. 366.92, F.S.;
318 revising legislative intent for the state's renewable
319 energy policy; revising definitions; revising
320 requirements for the development of certain standards
321 by electric utilities; removing such requirement for
322 rural cooperatives; amending s. 377.601, F.S.;
323 revising legislative intent for the state's energy
324 policy; amending s. 403.503, F.S.; revising the
325 definition of the term "applicant"; amending s.
326 403.506, F.S.; revising applicability of power plant
327 capacity and expansion thresholds; amending s.
328 403.519, F.S.; revising the criteria the commission
329 must consider in making determinations for proposed
330 power plants; exempting advanced nuclear reactors that
331 are not interconnected to the electrical power grid
332 from the requirement to obtain a determination of
333 need;

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