

HB 1461

2026

A bill to be entitled
An act relating to advanced nuclear reactors; creating
s. 403.541, F.S.; providing definitions; authorizing
the Florida Public Service Commission to regulate
advanced nuclear reactors in this state; authorizing
the Department of Health and the Department of
Environmental Protection to exercise specified powers
and duties; requiring the commission, the Department
of Health, and the Department of Environmental
Protection to jointly establish criteria for the
certification of laboratories that perform analysis on
nuclear materials; authorizing the possession of
nuclear material for specified purposes; providing an
exception and limitation for such possession;
requiring permits for the transfer, receipt,
possession, use, storage, or disposal of nuclear
materials; requiring the commission to make a certain
determination before issuing such permits; requiring
certifications for construction and significant design
modifications of advanced nuclear reactors; requiring
the commission to consider certain factors before
issuing such certifications; authorizing the
commission to issue reciprocal permits under certain
conditions; providing penalties; requiring the
commission, after consultation with the Department of

HB 1461

2026

26 Environmental Protection and the Department of Health,
27 to adopt rules; providing requirements for such rules;
28 amending s. 186.801, F.S.; revising the criteria the
29 commission must consider in the preliminary study of
30 electric utility 10-year site plans; amending s.
31 366.02, F.S.; revising the definition of the term
32 "public utility"; amending s. 366.92, F.S.; revising
33 legislative intent for the state's renewable energy
34 policy; revising definitions; revising requirements
35 for the development of certain standards by electric
36 utilities; removing such requirement for rural
37 cooperatives; amending s. 377.601, F.S.; revising
38 legislative intent for the state's energy policy;
39 amending s. 403.506, F.S.; revising applicability of
40 power plant capacity and expansion thresholds;
41 amending s. 403.519, F.S.; revising the criteria the
42 commission must consider in making determinations for
43 proposed power plants; providing an effective date.
44

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

46

47 **Section 1. Section 403.541, Florida Statutes, is created**
48 **to read:**

49 403.541 Advanced nuclear reactors.-

50 (1) As used in this section, the term:

51 (a) "Advanced nuclear reactor" means a nuclear fusion
52 reactor, or a nuclear fission reactor that uses new or
53 significantly improved designs compared to commercial nuclear
54 reactors in operation as of January 1, 2021, including
55 improvements such as:

- 56 1. Inherent or passive safety features;
- 57 2. Lower waste yields;
- 58 3. Improved fuel performance or efficiency;
- 59 4. Significantly improved designs, materials, fuels, or
60 cooling systems;
- 61 5. Reduced consumption of cooling water and other
62 environmental impacts; or
- 63 6. Flexibility in operational output or ability to
64 integrate into electric or nonelectric applications.

65 (b) "Commission" means the Florida Public Service
66 Commission.

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

69 (d) "Nuclear material" means byproduct material, source
70 material, and special nuclear material as those terms are
71 defined in s. 404.31.

72 (2) (a) The authority to regulate advanced nuclear reactors
73 in this state is granted solely to the commission. At a minimum,
74 the commission shall do all of the following:

- 75 1. Evaluate and approve designs for advanced nuclear

76 reactors.

77 2. Issue permits for the possession, transportation,
78 transfer, and use of nuclear materials in sufficient quantities
79 to facilitate advanced nuclear reactor research, design,
80 testing, construction, and operation.

81 3. Prescribe safety and construction standards for the use
82 of nuclear materials in the development and operation of
83 advanced nuclear reactors.

84 (b) The Department of Health may exercise its powers and
85 duties granted under chapter 404 for the regulation of advanced
86 nuclear reactors under this section. The Department of Health
87 shall develop appropriate guidelines for nuclear facilities and
88 advanced nuclear reactors to mitigate harm to human health
89 resulting from radiological exposure.

90 (c) The Department of Environmental Protection may
91 exercise its powers and duties granted under chapter 403 for the
92 regulation of advanced nuclear reactors under this section. The
93 Department of Environmental Protection shall develop appropriate
94 guidelines for nuclear facilities and advanced nuclear reactors
95 to mitigate environmental harm and promote the efficient and
96 sustainable use of water and other natural resources.

97 (d) The commission, the Department of Health, and the
98 Department of Environmental Protection shall jointly establish
99 criteria for the certification of laboratories that perform
100 analysis on nuclear materials for the purpose of researching,

HB 1461

2026

101 designing, testing, or otherwise developing technology for
102 nuclear power plants under this section.

103 (3) A person, corporation, or entity may possess nuclear
104 materials for, and in quantities sufficient to facilitate, the
105 research, design, testing, construction, and operation of
106 advanced nuclear reactors. However, except for active military
107 personnel or contractors acting pursuant to a lawful military
108 order, a person, corporation, or entity may not possess nuclear
109 materials in quantities that pose a danger to national defense
110 and security or public health and safety.

111 (4) (a) The operator of a facility conducting research and
112 testing of advanced nuclear reactors must obtain a permit from
113 the commission for the use and storage of nuclear materials to
114 facilitate such research and testing.

115 (b) A person, corporation, or entity must obtain a permit
116 from the commission for the transfer, receipt, possession, use,
117 or disposal of nuclear materials relating to the operation of
118 advanced nuclear reactors.

119 (c) Before issuing a permit under this subsection, the
120 commission must determine that the facility or reactor is
121 equipped with radiation control devices that will abate or
122 prevent radiological contamination in compliance with the
123 standards and rules established under this section.

124 (5) (a) The construction or significant design modification
125 of an advanced nuclear reactor must be certified by the

126 commission before such construction or modification may begin.

127 (b) Before issuing a certification under this subsection,
128 the commission must consider, at a minimum, all of the
129 following:

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

132 2. The compliance of the design with the safety standards
133 prescribed by the commission.

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

137 4. The completeness and accuracy of engineering
138 calculations and testing data for the design.

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

141 (c) The construction or significant design modification of
142 an advanced nuclear reactor must include radiation control
143 devices that will abate or prevent radiological contamination in
144 compliance with the standards and rules established under this
145 section.

146 (6) If an applicant has been issued a permit or
147 certification from another state or federal agency for the
148 activities under this section, the commission may issue a
149 reciprocal permit or certification if the safety standards of
150 the other state or federal agency are no less stringent than the

HB 1461

2026

151 standards and rules established under this section.

152 (7) A person, corporation, or entity who violates this
153 section or any rules adopted hereunder is subject to a civil
154 penalty not to exceed \$100,000 for each violation for each day
155 the violation persists, except that the maximum civil penalty
156 may not exceed \$1 million for any related series of violations.

157 (8) The commission, after consultation with the Department
158 of Health and the Department of Environmental Protection, shall
159 adopt rules to implement this section. In developing such rules,
160 the commission shall refer to part II of this chapter and the
161 rules and regulations established thereunder.

162 **Section 2. Paragraph (j) of subsection (2) of section**
163 **186.801, Florida Statutes, is redesignated as paragraph (1), and**
164 **new paragraphs (j) and (k) are added to that section, to read:**

165 186.801 Ten-year site plans.—

166 (2) Within 9 months after the receipt of the proposed
167 plan, the commission shall make a preliminary study of such plan
168 and classify it as "suitable" or "unsuitable." The commission
169 may suggest alternatives to the plan. All findings of the
170 commission shall be made available to the Department of
171 Environmental Protection for its consideration at any subsequent
172 electrical power plant site certification proceedings. It is
173 recognized that 10-year site plans submitted by an electric
174 utility are tentative information for planning purposes only and
175 may be amended at any time at the discretion of the utility upon

HB 1461

2026

176 written notification to the commission. A complete application
177 for certification of an electrical power plant site under
178 chapter 403, when such site is not designated in the current 10-
179 year site plan of the applicant, shall constitute an amendment
180 to the 10-year site plan. In its preliminary study of each 10-
181 year site plan, the commission shall consider such plan as a
182 planning document and shall review:

183 (j) The amount of nuclear energy resources the utility
184 produces or purchases.

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

189 **Section 3. Subsection (8) of section 366.02, Florida**
190 **Statutes, is amended to read:**

191 366.02 Definitions.—As used in this chapter:

192 (8) "Public utility" means every person, corporation,
193 partnership, association, or other legal entity and their
194 lessees, trustees, or receivers supplying electricity or gas
195 (natural, manufactured, or similar gaseous substance) to or for
196 the public within this state; but the term "public utility" does
197 not include either a cooperative now or hereafter organized and
198 existing under the Rural Electric Cooperative Law of the state;
199 a municipality or any agency thereof; any entity other than an
200 electric utility that produces electricity from an advanced

HB 1461

2026

201 nuclear reactor that is not interconnected to this state's
202 electrical power grid for its own consumption or supplies such
203 electricity for consumption by a single consumer; any dependent
204 or independent special natural gas district; any natural gas
205 transmission pipeline company making only sales or
206 transportation delivery of natural gas at wholesale and to
207 direct industrial consumers; any entity selling or arranging for
208 sales of natural gas which neither owns nor operates natural gas
209 transmission or distribution facilities within the state; or a
210 person supplying liquefied petroleum gas, in either liquid or
211 gaseous form, irrespective of the method of distribution or
212 delivery, or owning or operating facilities beyond the outlet of
213 a meter through which natural gas is supplied for compression
214 and delivery into motor vehicle fuel tanks or other
215 transportation containers, unless such person also supplies
216 electricity or manufactured or natural gas.

217 **Section 4. Subsections (1), (2), and (3) of section**
218 **366.92, Florida Statutes, are amended to read:**

219 366.92 Florida renewable energy policy.—

220 (1) It is the intent of the Legislature to promote the
221 development of clean renewable energy; protect the economic
222 viability of Florida's existing clean renewable energy
223 facilities; diversify the types of fuel used to generate
224 electricity in Florida; lessen Florida's dependence on natural
225 gas and fuel oil for the production of electricity; minimize the

HB 1461

2026

226 volatility of fuel costs; encourage investment within the state;
227 improve environmental conditions; and, at the same time,
228 minimize the costs of power supply to electric utilities and
229 their customers.

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

231 (a) "Clean energy" includes energy produced by advanced
232 nuclear reactors as that term is defined in s. 403.541, and
233 renewable energy and renewable natural gas as those terms are
234 defined in s. 366.91.

235 (b) ~~(a)~~ "Provider" means a "utility" as defined in s.
236 366.8255(1) (a).

237 (b) ~~"Renewable energy"~~ includes renewable energy and
238 renewable natural gas as those terms are defined in s.
239 366.91(2).

240 (3) Each ~~municipal~~ electric utility and ~~rural~~ electric
241 ~~cooperative~~ shall develop standards for the promotion,
242 encouragement, and expansion of the use of clean renewable
243 energy resources and energy conservation and efficiency
244 measures. On or before April 1, annually, each ~~municipal~~
245 electric utility and ~~electric cooperative~~ shall submit to the
246 commission a report that identifies such standards.

247 **Section 5. Paragraph (m) is added to subsection (3) of**
248 **section 377.601, Florida Statutes, to read:**

249 377.601 Legislative intent.—

250 (3) In furtherance of the goals in subsection (2), it is

251 the policy of the state to:

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

254 **Section 6. Subsection (1) of section 403.506, Florida**

255 **Statutes, is amended to read:**

256 403.506 Applicability, thresholds, and certification.—

257 (1) (a) The provisions of This act applies shall apply to
258 any electrical power plant as defined herein, except that the
259 provisions of this act does shall not apply to the following,
260 unless the applicant has elected to apply for certification
261 under this act:

262 1. Any electrical power plant of less than 75 megawatts in
263 gross capacity, including its associated facilities, unless the
264 applicant has elected to apply for certification of such
265 electrical power plant under this act.

266 2. The provisions of this act shall not apply to Capacity
267 expansions of 75 megawatts or less, in the aggregate, of an
268 existing exothermic reaction cogeneration electrical generating
269 facility that was exempt from this act when it was originally
270 built; however, this exemption shall not apply if the unit uses
271 oil or natural gas for purposes other than unit startup.

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

276 4. One or more advanced nuclear reactors as defined in s.
277 403.541 to be located within the boundaries of an electrical
278 power plant site previously certified under this act, provided
279 that:

280 a. The advanced nuclear reactor or reactors are intended
281 to replace an existing electrical power plant located on the
282 site.

283 b. The certificate holder intends to retire the existing
284 electrical power plant from service.

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

288 5. One or more advanced nuclear reactors as defined in s.
289 403.541 that are not interconnected to this state's electrical
290 power grid and that are owned and operated by an entity other
291 than an electric utility for purposes of producing power for its
292 own consumption or for use by a single consumer of electrical
293 power.

294 (b) The ~~No~~ construction of any new electrical power plant
295 or expansion in steam generating capacity as measured by an
296 increase in the maximum electrical generator rating of any
297 existing electrical power plant may not be undertaken after
298 October 1, 1973, without first obtaining certification in the
299 manner as herein provided, except that this act shall not apply
300 to any such electrical power plant which is presently operating

301 or under construction or which has, upon the effective date of
302 chapter 73-33, Laws of Florida, applied for a permit or
303 certification under requirements in force prior to the effective
304 date of such act.

305 **Section 7. Subsection (3) of section 403.519, Florida
306 Statutes, is amended to read:**

307 403.519 Exclusive forum for determination of need.—

308 (3) The commission shall be the sole forum for the
309 determination of this matter, which accordingly may ~~shall~~ not be
310 raised in any other forum or in the review of proceedings in
311 such other forum. In making its determination, the commission
312 shall take into account the need for electric system reliability
313 and integrity, the need for adequate electricity at a reasonable
314 cost, the need for fuel diversity and supply reliability,
315 whether the proposed plant is the most cost-effective
316 alternative available, and whether nuclear ~~renewable~~ energy
317 resources ~~sources and technologies~~, as well as conservation
318 measures, are used ~~utilized~~ to the extent reasonably available.
319 The commission shall also expressly consider the conservation
320 measures taken by or reasonably available to the applicant or
321 its members which might mitigate the need for the proposed plant
322 and other matters within its jurisdiction which it deems
323 relevant. The commission's determination of need for an
324 electrical power plant shall create a presumption of public need
325 and necessity and shall serve as the commission's report

HB 1461

2026

326 required by s. 403.507(4). An order entered pursuant to this
327 section constitutes final agency action.

328 **Section 8.** This act shall take effect July 1, 2026.