

1 A bill to be entitled
2 An act relating to advanced nuclear reactors; creating
3 s. 403.541, F.S.; providing definitions; authorizing
4 the Florida Public Service Commission to regulate
5 advanced nuclear reactors in this state; authorizing
6 the Department of Health and the Department of
7 Environmental Protection to exercise specified powers
8 and duties; requiring the commission, the Department
9 of Health, and the Department of Environmental
10 Protection to jointly establish criteria for the
11 certification of laboratories that perform analysis on
12 nuclear materials; authorizing the possession of
13 nuclear material for specified purposes; providing an
14 exception and limitation for such possession;
15 requiring permits for the transfer, receipt,
16 possession, use, storage, or disposal of nuclear
17 materials; requiring the commission to make a certain
18 determination before issuing such permits; requiring
19 certifications for construction and significant design
20 modifications of advanced nuclear reactors; requiring
21 the commission to consider certain factors before
22 issuing such certifications; requiring the
23 construction or significant design modification of
24 advanced nuclear reactors to include certain radiation
25 control devices; authorizing the commission to issue

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

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 **Section 1. Section 403.541, Florida Statutes, is created**

51 **to read:**

52 403.541 Advanced nuclear reactors.-

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

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

59 1. Inherent or passive safety features;

60 2. Lower waste yields;

61 3. Improved fuel performance or efficiency;

62 4. Significantly improved designs, materials, fuels, or
63 cooling systems;

64 5. Reduced consumption of cooling water and other
65 environmental impacts; or

66 6. Flexibility in operational output or ability to
67 integrate into electric or nonelectric applications.

68 (b) "Commission" means the Florida Public Service
69 Commission.

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

72 (d) "Nuclear material" means byproduct material, source
73 material, and special nuclear material as those terms are
74 defined in s. 404.31.

75 (2)(a) The authority to regulate advanced nuclear reactors

76 in this state is granted to the commission. At a minimum, the
77 commission shall do all of the following:

78 1. Evaluate and approve designs for advanced nuclear
79 reactors.

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

84 3. Prescribe safety and construction standards for the use
85 of nuclear materials in the development and operation of
86 advanced nuclear reactors.

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

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

100 (d) The commission, the Department of Health, and the

101 Department of Environmental Protection shall jointly establish
102 criteria for the certification of laboratories that perform
103 analysis on nuclear materials for the purpose of researching,
104 designing, testing, or otherwise developing technology for
105 nuclear power plants under this section.

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

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

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

122 (c) Before issuing a permit under this subsection, the
123 commission must determine that the facility or reactor is
124 equipped with radiation control devices that will abate or
125 prevent radiological contamination in compliance with the

standards and rules established under this section.

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

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

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

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

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

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

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

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

(6) If an applicant has been issued a permit or certification from another state or federal agency for the

activities under this section, the commission may issue a reciprocal permit or certification if the safety standards of the other state or federal agency are no less stringent than the standards and rules established under this section.

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

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

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

186.801 Ten-year site plans.—

(2) Within 9 months after the receipt of the proposed plan, the commission shall make a preliminary study of such plan and classify it as "suitable" or "unsuitable." The commission may suggest alternatives to the plan. All findings of the commission shall be made available to the Department of Environmental Protection for its consideration at any subsequent electrical power plant site certification proceedings. It is

176 recognized that 10-year site plans submitted by an electric
177 utility are tentative information for planning purposes only and
178 may be amended at any time at the discretion of the utility upon
179 written notification to the commission. A complete application
180 for certification of an electrical power plant site under
181 chapter 403, when such site is not designated in the current 10-
182 year site plan of the applicant, shall constitute an amendment
183 to the 10-year site plan. In its preliminary study of each 10-
184 year site plan, the commission shall consider such plan as a
185 planning document and shall review:

186 (j) The amount of nuclear energy resources the utility
187 produces or purchases.

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

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

194 366.02 Definitions.—As used in this chapter:

195 (8) "Public utility" means every person, corporation,
196 partnership, association, or other legal entity and their
197 lessees, trustees, or receivers supplying electricity or gas
198 (natural, manufactured, or similar gaseous substance) to or for
199 the public within this state; but the term "public utility" does
200 not include either a cooperative now or hereafter organized and

existing under the Rural Electric Cooperative Law of the state;
a municipality or any agency thereof; any entity, other than an
electric utility, which produces electricity from an advanced
nuclear reactor that is not interconnected to this state's
electrical power grid for its own consumption or supplies such
electricity for consumption by a single consumer; any dependent
or independent special natural gas district; any natural gas
transmission pipeline company making only sales or
transportation delivery of natural gas at wholesale and to
direct industrial consumers; any entity selling or arranging for
sales of natural gas which neither owns nor operates natural gas
transmission or distribution facilities within the state; or a
person supplying liquefied petroleum gas, in either liquid or
gaseous form, irrespective of the method of distribution or
delivery, or owning or operating facilities beyond the outlet of
a meter through which natural gas is supplied for compression
and delivery into motor vehicle fuel tanks or other
transportation containers, unless such person also supplies
electricity or manufactured or natural gas.

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

366.92 Florida renewable energy policy.—

(1) It is the intent of the Legislature to promote the
development of clean ~~renewable~~ energy; protect the economic
viability of Florida's existing clean ~~renewable~~ energy

226 facilities; diversify the types of fuel used to generate
227 electricity in Florida; lessen Florida's dependence on natural
228 gas and fuel oil for the production of electricity; minimize the
229 volatility of fuel costs; encourage investment within the state;
230 improve environmental conditions; and, at the same time,
231 minimize the costs of power supply to electric utilities and
232 their customers.

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

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

237 (b) ~~(a)~~ "Provider" means a "utility" as defined in s.
238 366.8255(1) (a) .

239 ~~(b) "Renewable energy" includes renewable energy and~~
240 ~~renewable natural gas as those terms are defined in s.~~
241 ~~366.91(2) .~~

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

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

377.601 Legislative intent.—

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

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

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

403.506 Applicability, thresholds, and certification.—

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

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

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

3. Capacity expansions of 75 megawatts or less, in the aggregate, of one or more advanced nuclear reactors as defined

in s. 403.541 installed within the boundaries of an electrical power plant site previously certified under this act.

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

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

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

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

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

(b) ~~The~~ The construction of any new electrical power plant or expansion in steam generating capacity as measured by an increase in the maximum electrical generator rating of any existing electrical power plant may not be undertaken after October 1, 1973, without first obtaining certification in the manner as herein provided, except that this act shall not apply

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

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

308 403.519 Exclusive forum for determination of need.—

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

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326 | and necessity and shall serve as the commission's report
327 | required by s. 403.507(4). An order entered pursuant to this
328 | section constitutes final agency action.

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