

26 | issuing such certifications; requiring the
27 | construction or significant design modification of
28 | advanced nuclear reactors to include certain radiation
29 | control devices; authorizing the commission to issue
30 | reciprocal permits under certain conditions; providing
31 | penalties; requiring the commission, after
32 | consultation with the Department of Environmental
33 | Protection and the Department of Health, to adopt
34 | rules; providing requirements for such rules; amending
35 | s. 186.801, F.S.; revising the criteria the commission
36 | must consider in the preliminary study of electric
37 | utility 10-year site plans; amending s. 366.92, F.S.;
38 | defining the term "clean energy"; removing the
39 | definition of the term "renewable energy"; conforming
40 | provisions to changes made by the act; amending s.
41 | 377.601, F.S.; revising legislative intent for the
42 | state's energy policy; amending s. 403.503, F.S.;
43 | revising the definition of the term "applicant";
44 | amending s. 403.506, F.S.; revising applicability of
45 | power plant capacity and expansion thresholds;
46 | amending s. 403.507, F.S.; providing applicability;
47 | amending s. 403.519, F.S.; revising the criteria the
48 | commission must consider in making determinations for
49 | proposed power plants; providing applicability;
50 | providing an effective date.

51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75

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

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

403.541 Advanced nuclear reactors.-

(1) Based on the energy needs of this state, economic considerations, statewide energy reliability goals, and the need for additional baseload electrical generating capacity, the Legislature intends to promote the development of nuclear energy and to protect the viability of existing nuclear energy facilities in this state, encourage investment into nuclear energy within this state, and minimize rising electricity rates through the use of nuclear energy.

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

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

- 1. Inherent or passive safety features;
- 2. Lower waste yields;
- 3. Improved fuel performance or efficiency;
- 4. Significantly improved designs, materials, fuels, or cooling systems;

76 5. Reduced consumption of cooling water and other
 77 environmental impacts; or

78 6. Flexibility in operational output or ability to
 79 integrate into electric or nonelectric applications.

80 (b) "Commission" means the Florida Public Service
 81 Commission.

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

84 (d) "Nuclear material" means byproduct material, source
 85 material, and special nuclear material as those terms are
 86 defined in s. 404.31.

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

90 1. Evaluate and approve designs for advanced nuclear
 91 reactors.

92 2. Issue permits for the possession, transportation,
 93 transfer, and use of nuclear materials in sufficient quantities
 94 to facilitate advanced nuclear reactor research, design,
 95 testing, construction, and operation.

96 3. Prescribe safety and construction standards for the use
 97 of nuclear materials in the development and operation of
 98 advanced nuclear reactors.

99
 100 In exercising its authority granted under this paragraph, the

101 commission shall consult with the University of Florida's
102 Nuclear Fuels and Materials Characterization Facility, or its
103 successor facility at the University of Florida supporting
104 research in nuclear materials science.

105 (b) The Department of Health may exercise its powers and
106 duties granted under chapter 404 for the regulation of advanced
107 nuclear reactors under this section. The Department of Health
108 shall develop appropriate guidelines for nuclear facilities and
109 advanced nuclear reactors to mitigate harm to human health
110 resulting from radiological exposure.

111 (c) The Department of Environmental Protection may
112 exercise its powers and duties granted under chapter 403 for the
113 regulation of advanced nuclear reactors under this section. The
114 Department of Environmental Protection shall develop appropriate
115 guidelines for nuclear facilities and advanced nuclear reactors
116 to mitigate environmental harm and promote the efficient and
117 sustainable use of water and other natural resources.

118 (d) The commission, the Department of Health, and the
119 Department of Environmental Protection shall jointly establish
120 criteria for the certification of laboratories that perform
121 analysis on nuclear materials for the purpose of researching,
122 designing, testing, or otherwise developing technology for
123 nuclear power plants under this section.

124 (4) A person, corporation, or entity may possess nuclear
125 materials for, and in quantities sufficient to facilitate, the

126 research, design, testing, construction, and operation of
127 advanced nuclear reactors. However, except for active military
128 personnel or contractors acting pursuant to a lawful military
129 order, a person, corporation, or entity may not possess nuclear
130 materials in quantities that pose a danger to national defense
131 and security or public health and safety.

132 (5) (a) The operator of a facility conducting research and
133 testing of advanced nuclear reactors must obtain a permit from
134 the commission for the use and storage of nuclear materials to
135 facilitate such research and testing.

136 (b) A person, corporation, or entity must obtain a permit
137 from the commission for the transfer, receipt, possession, use,
138 or disposal of nuclear materials relating to the operation of
139 advanced nuclear reactors.

140 (c) Before issuing a permit under this subsection, the
141 commission must determine that the facility or reactor is
142 equipped with radiation control devices that will abate or
143 prevent radiological contamination in compliance with the
144 standards and rules established under this section.

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

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

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

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

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

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

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

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

167 (7) If an applicant has been issued a permit or
168 certification from another state or federal agency for the
169 activities under this section, the commission may issue a
170 reciprocal permit or certification if the safety standards of
171 the other state or federal agency are no less stringent than the
172 standards and rules established under this section.

173 (8) A person, corporation, or entity who violates this
174 section or any rules adopted hereunder is subject to a civil
175 penalty not to exceed \$100,000 for each violation for each day

176 the violation persists, except that the maximum civil penalty
177 may not exceed \$1 million for any related series of violations.

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

183 **Section 2. Paragraph (j) of subsection (2) of section**
184 **186.801, Florida Statutes, is redesignated as paragraph (l), and**
185 **new paragraphs (j) and (k) are added to that section, to read:**

186 186.801 Ten-year site plans.—

187 (2) Within 9 months after the receipt of the proposed
188 plan, the commission shall make a preliminary study of such plan
189 and classify it as "suitable" or "unsuitable." The commission
190 may suggest alternatives to the plan. All findings of the
191 commission shall be made available to the Department of
192 Environmental Protection for its consideration at any subsequent
193 electrical power plant site certification proceedings. It is
194 recognized that 10-year site plans submitted by an electric
195 utility are tentative information for planning purposes only and
196 may be amended at any time at the discretion of the utility upon
197 written notification to the commission. A complete application
198 for certification of an electrical power plant site under
199 chapter 403, when such site is not designated in the current 10-
200 year site plan of the applicant, shall constitute an amendment

201 to the 10-year site plan. In its preliminary study of each 10-
202 year site plan, the commission shall consider such plan as a
203 planning document and shall review:

204 (j) The amount of nuclear energy resources the utility
205 produces or purchases.

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

210 **Section 3. Subsections (1), (2), and (3) of section**
211 **366.92, Florida Statutes, are amended to read:**

212 366.92 Florida clean ~~renewable~~ energy policy.—

213 (1) It is the intent of the Legislature to promote the
214 development of clean ~~renewable~~ energy; protect the economic
215 viability of Florida's existing clean ~~renewable~~ energy
216 facilities; diversify the types of fuel used to generate
217 electricity in Florida; lessen Florida's dependence on natural
218 gas and fuel oil for the production of electricity; minimize the
219 volatility of fuel costs; encourage investment within the state;
220 improve environmental conditions; and, at the same time,
221 minimize the costs of power supply to electric utilities and
222 their customers.

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

224 (a) "Clean energy" includes energy produced by nuclear
225 reactors and includes renewable energy and renewable natural gas

226 | as those terms are defined in s. 366.91.

227 | (b)~~(a)~~ "Provider" means a "utility" as defined in s.
228 | 366.8255(1) (a) .

229 | ~~(b) "Renewable energy" includes renewable energy and~~
230 | ~~renewable natural gas as those terms are defined in s.~~
231 | ~~366.91(2).~~

232 | (3) Each ~~municipal~~ electric utility ~~and rural electric~~
233 | ~~cooperative~~ shall develop standards for the promotion,
234 | encouragement, and expansion of the use of clean renewable
235 | energy resources and energy conservation and efficiency
236 | measures. On or before April 1, annually, each ~~municipal~~
237 | electric utility ~~and electric cooperative~~ shall submit to the
238 | commission a report that identifies such standards.

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

241 | 377.601 Legislative intent.—

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

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

246 | **Section 5. Subsection (5) of section 403.503, Florida**
247 | **Statutes, is amended to read:**

248 | 403.503 Definitions relating to Florida Electrical Power
249 | Plant Siting Act.—As used in this act:

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

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

255 403.506 Applicability, thresholds, and certification.—

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

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

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

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

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

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

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

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

287 (b) The ~~no~~ construction of any new electrical power plant
288 or expansion in steam generating capacity as measured by an
289 increase in the maximum electrical generator rating of any
290 existing electrical power plant may not be undertaken after
291 October 1, 1973, without first obtaining certification in the
292 manner as herein provided, except that this act shall not apply
293 to any such electrical power plant which is presently operating
294 or under construction or which has, upon the effective date of
295 chapter 73-33, Laws of Florida, applied for a permit or
296 certification under requirements in force prior to the effective
297 date of such act.

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

300 403.507 Preliminary statements of issues, reports, project
 301 analyses, and studies.—

302 (4)

303 (c) This subsection does not apply to an application for
 304 an advanced nuclear reactor as defined in s. 403.541 that will
 305 not be interconnected to this state's electrical power grid.

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

309 403.519 Exclusive forum for determination of need.—

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

325 relevant. The commission's determination of need for an
326 electrical power plant shall create a presumption of public need
327 and necessity and shall serve as the commission's report
328 required by s. 403.507(4). An order entered pursuant to this
329 section constitutes final agency action.

330 (5) This section does not apply to an application for an
331 advanced nuclear reactor as defined in s. 403.541 that will not
332 be interconnected to this state's electrical power grid.

333 **Section 9.** This act shall take effect July 1, 2026.