

1 A bill to be entitled
2 An act relating to utilities; amending s. 163.3205,
3 F.S.; revising legislative intent; defining terms;
4 authorizing a county to adopt an ordinance for the
5 decommissioning of certain solar facilities that have
6 reached the end of their useful life; providing for
7 the rebuttal of certain presumptions; authorizing a
8 county to require financial assurance from a solar
9 facility owner to establish that the solar facility
10 owner has the capability to satisfy the estimated cost
11 of decommissioning the solar facility; authorizing a
12 county to decommission a solar facility under certain
13 circumstances; requiring the Department of
14 Environmental Protection to develop best management
15 practices (BMPs) for the construction of a solar
16 facility; specifying requirements for the BMPs;
17 requiring the department to review certain information
18 to revise and update such BMPs annually; requiring a
19 solar facility operator to implement specified BMPs;
20 amending s. 366.96, F.S.; requiring that improvements
21 included in certain transmission and distribution
22 storm protection plans have forecasted customer
23 benefits that exceed their forecasted cost; revising
24 the factors that the Public Service Commission must
25 consider in reviewing such plans; deleting obsolete

language; requiring the commission to submit a proposed rule for adoption by a specified date; providing an effective date.

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

Section 1. Section 163.3205, Florida Statutes, is amended to read:

163.3205 Solar facility approval process; decommissioning requirements; construction requirements.—

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

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

(a) "Agricultural land" means land within:

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

51 2. An agricultural zoning district within an
52 unincorporated area.

53 (b) "Decommission" means the removal of a solar facility
54 and return of agricultural land that was used for the solar
55 facility to an agriculturally useful condition similar to that
56 which existed before construction of the solar facility,
57 including the removal of above-ground facilities and
58 infrastructure that do not serve a continuing purpose.

59 (c) "Solar facility" means a production facility for
60 electric power which:

61 1.-(a) Uses photovoltaic modules to convert solar energy to
62 electricity that may be stored on site, delivered to a
63 transmission system, and consumed primarily offsite.

64 2.-(b) Consists principally of photovoltaic modules, a
65 mounting or racking system, power inverters, transformers,
66 collection systems, battery systems, fire suppression equipment,
67 and associated components.

68 3.-(c) May include accessory administration or maintenance
69 buildings, electric transmission lines, substations, energy
70 storage equipment, and related accessory uses and structures.

71 (3) PERMITTED USE.—A solar facility is ~~shall be~~ a
72 permitted use in all agricultural land use categories in a local
73 government comprehensive plan and all agricultural zoning
74 districts within an unincorporated area and must comply with the
75 setback and landscaped buffer area criteria for other similar

76 uses in the agricultural district.

77 (4) LANDSCAPE REQUIREMENTS.—A county may adopt an
78 ordinance specifying buffer and landscaping requirements for
79 solar facilities. Such requirements may not exceed the
80 requirements for similar uses involving the construction of
81 other facilities that are permitted uses in agricultural land
82 use categories and zoning districts.

83 (5) DECOMMISSIONING.—A county may adopt an ordinance
84 requiring that a solar facility with a generating capacity of 1
85 megawatt or more be properly decommissioned within 24 months
86 after notice to the solar facility owner that the facility has
87 reached the end of its useful life.

88 (a) It is presumed that a solar facility has reached the
89 end of its useful life if:

90 1. The solar facility fails to produce power for a period
91 of 12 months after construction of the solar facility has been
92 completed. This 12-month period does not include a period in
93 which the solar facility does not produce power due to a
94 disaster or other event beyond the control of the facility
95 owner; or

96 2. The solar facility has been abandoned. A solar facility
97 is considered abandoned if:

98 a. After commencement of the solar facility's construction
99 but before its completion, no significant construction of the
100 facility occurs for a period of 24 months; or

101 b. After becoming nonoperational due to a disaster or
102 other event beyond the control of the facility owner, no
103 significant reconstruction of the solar facility occurs for a
104 period of 12 months.

105 (b) A solar facility owner may rebut the presumption that
106 a solar facility has reached the end of its useful life by
107 submitting to the county a plan, a schedule, and adequate
108 assurances that construction or operation of the solar facility
109 will continue.

110 (c) A county may require financial assurance from a solar
111 facility owner in the form of a bond, an irrevocable letter of
112 credit established pursuant to chapter 675, a guarantee by the
113 solar facility owner's parent company, or another financial
114 device deemed adequate by the county to establish that the solar
115 facility owner has the capability to satisfy the estimated cost
116 of decommissioning the solar facility.

117 (d) If a facility owner does not complete decommissioning
118 in the timeframe required by county ordinance, the county may
119 take action to complete the decommissioning, including action to
120 require forfeiture of the financial assurance provided under
121 paragraph (c). A county must allow a solar facility owner at
122 least 12 months to commence decommissioning and 24 months to
123 complete decommissioning before taking such action.

124 (6) CONSTRUCTION BEST MANAGEMENT PRACTICES.—

125 (a) The Department of Environmental Protection shall

develop best management practices (BMPs) for the construction of a solar facility. Such BMPs must include, but are not limited to, all of the following:

1. Requirements for percolation testing on the premises of a proposed solar facility.

2. Requirements for stormwater runoff management during the construction of a solar facility.

3. Requirements for construction design that would enable a solar facility to withstand a 100-year storm event.

(b) The Department of Environmental Protection shall update and revise its BMPs annually. As part of the update and revision process, the department shall review all settlements, consent decrees, judgments, and resolutions of civil cases since 2020 which relate to the construction of a solar facility.

(c) An operator of a solar facility or a proposed solar facility shall implement all BMPs developed pursuant to paragraph (a).

(7)(5) APPLICABILITY.—This section does not apply to any site that was the subject of an application to construct a solar facility submitted to a local governmental entity before July 1, 2021.

Section 2. Subsections (4) and (11) of section 366.96, Florida Statutes, are amended to read:

366.96 Storm protection plan cost recovery.—

(4) At a minimum, any improvement included in a

151 transmission and distribution storm protection plan filed
152 pursuant to this section must have a forecasted customer benefit
153 that exceeds its forecasted cost. In addition, in its review of
154 each ~~transmission and distribution storm protection~~ plan filed
155 pursuant to this section, the commission shall consider:

156 (a) The extent to which the plan is expected to reduce
157 restoration costs and outage times associated with extreme
158 weather events and enhance reliability, including whether the
159 plan prioritizes areas of lower reliability performance and
160 whether the cost of implementing the plan is reasonable and
161 prudent, given the expected benefit.

162 (b) The extent to which storm protection of transmission
163 and distribution infrastructure is feasible, reasonable, or
164 practical in certain areas of the utility's service territory,
165 including, but not limited to, flood zones and rural areas.

166 (c) The estimated costs and benefits to the utility and
167 its customers of making the improvements proposed in the plan.

168 (d) The estimated annual rate impact resulting from
169 implementation of the plan during the first 3 years addressed in
170 the plan.

171 (e) The performance of previously approved plan
172 improvements in reducing outage times and storm restoration
173 costs.

174 (11) The commission shall adopt rules to implement and
175 administer this section ~~and shall propose a rule for adoption as~~

176 ~~soon as practicable after the effective date of this act, but~~
177 ~~not later than October 31, 2019.~~

178 **Section 3.** The Public Service Commission shall submit a
179 proposed rule for adoption which implements the amendments made
180 by this act to s. 366.96, Florida Statutes, as soon as
181 practicable after the effective date of this act, but not later
182 than October 31, 2026.

183 **Section 4.** This act shall take effect July 1, 2026.