The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL:	SB 200
INTRODUCER:	Senators Bradley and Gaetz
SUBJECT:	Utilities
DATE:	December 8, 2025
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	**Pre-meeting**
2.			CA	
3.			FP	

I. Summary:

SB 200 makes several revisions to Florida law regarding the Florida Public Service Commission (PSC). The bill:

- Authorizes counties to adopt ordinances requiring decommissioning of solar facilities at the end of such facilities' useful life;
- Authorizing counties to require financial assurance for such decommissioning;
- Amends the procedure and requirements for the PSC to approve public utility storm protection plans;
- Requires the Department of Environmental Protection to develop best management practices for the construction of solar facilities and requires solar facility operators to implement the same; and
- Requires the PSC to adopt rules as soon as practicable, but not later than October 31, 2026.

The bill has an effective date of July 1, 2026.

II. Present Situation:

Local Government Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.[1] Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law approved by the vote of the electors.[2] Likewise, municipalities have those governmental, corporate, and proprietary powers

[1] FLA. CONST. art. VIII, s. 1(f).
[2] FLA. CONST. art. VIII, s. 1(g).

that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.[3]

Renewable Energy

Section 366.91, F.S., establishes a number of renewable policies for the state. The purpose of these policies, as established in statute, is that it is in the public interest to promote the development of renewable energy resources in this state.[4] Further, the statute is intended to encourage fuel diversification to meet Florida's growing dependency on natural gas for electric production, minimize the volatility of fuel costs, encourage investment within the state, improve environmental conditions, and make Florida a leader in new and innovative technologies.[5]

The section defines "renewable energy" to mean:

> [E]lectrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced or resulting from sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. The term includes the alternative energy resource, waste heat, from sulfuric acid manufacturing operations and electrical energy produced using pipeline-quality synthetic gas produced from waste petroleum coke with carbon capture and sequestration.[6]

Solar Energy

Solar energy is a form of renewable energy by which power is produced from the sun. The sun emits solar radiation in the form of light. Solar energy technologies capture this emitted radiation and convert it into energy.[7] The two main types of solar energy technologies are:

- Photovoltaics (PV), which is the technology that is familiar to most people. PV is used in solar panels. When sunlight (i.e. radiation) hits a solar panel, the energy from that sunlight is absorbed by the PV cells in the panel. This absorbed energy creates electrical charges which move in response to an electrical field internal to the PV cell. These charges then allow electricity to flow from the panel.[8] Solar panels can be used in small scale (such as home rooftop solar) up to large utility-scale operations; and
- Concentrating solar-thermal power (CSP), which uses a system of mirrors to reflect and concentrate sunlight onto a receiver. This concentrated sunlight heats a high temperature fluid in the receiver to create thermal energy. This thermal energy can be used to spin a turbine (similar to how any coal or gas-fired power plant would work) or power an engine to create energy. The heat can also be used in industrial applications such as water desalination, enhanced oil recovery, food processing, chemical production, and mineral processing. CSP-

[3] FLA. CONST. art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.
[4] Section 366.91(1), F.S
[5] *Id.*
[6] Section 366.91(2)(e), F.S.
[7] United States Office of Energy Efficiency and Reliability, *Solar Energy*, https://www.energy.gov/topics/solar-energy (last visited Dec. 4, 2025).
[8] United States Department of Energy, *How Does Solar Work*, https://www.energy.gov/eere/solar/how-does-solar-work (last visited Dec. 4, 2025).

based systems are generally used for utility-scale operations. However, some single receptor and engine systems can be as small as 5 to 25 kilowatts and be used for distributed power applications.[9]

Florida Energy Consumption and Generation

Florida is the third-largest energy consuming state; however, it uses less energy per capita than all but six other states. Florida is also the second-largest producer of electricity in the nation (behind Texas). Natural gas is, by far, the largest energy source in Florida, and has been since 2003 when it surpassed coal.[10] As of January 1, 2025, the energy sources, as a percentage of all energy sources in Florida, are as follows:

- Natural gas: 74.77 percent
- Nuclear: 10.91 percent
- Coal: 3.41 percent
- Renewables: 8.13 percent
- Other: 0.8 percent
- Firm Inter-Region Interchange: 1.61 percent
- Distillate (i.e. fuel oil/diesel fuel): 0.07 percent
- Residual: 0.00 percent[11]

Approximately 86 percent of Florida's renewables generation is from solar.[12] Of that solar generation, approximately four-fifths are from utility-scale operations. As of September 2024, Florida is the 3rd largest generator of solar energy in the United States (behind California and Texas).[13]

The Florida Reliability Coordinating Council expects approximately a four-fold increase in solar as a percentage of Florida's total energy production (increasing from nearly 7.04 percent in 2024 to 28.22 percent in 2034).[14]

---

[9] United States Department of Energy, *Concentrating Solar-Thermal Power Basics*, https://www.energy.gov/eere/solar/concentrating-solar-thermal-power-basics (last visited Dec. 3, 2025).
[10] United States Energy Information Administration, *Florida Profile Analysis*, Mar. 20, 2025, https://www.eia.gov/state/analysis.php?sid=FL#:~:text=Solar%20energy%20and%20biomass%20provide,generation%20 (last visited Dec. 3, 2025).
[11] Florida Reliability Coordinating Council, *2025 Regional Load & Resource Plan FRCC-MS-PL-586 Version: 1*, 60, Jun. 13, 2025 (available at: https://www.floridapsc.com/pscfiles/website-files/PDF/Utilities/Electricgas/TenYearSitePlans/2025/FRCC_RLRP.pdf).
[12] *Id.* at 59.
[13] United States Energy Information Administration, *Electricity Data Browser*, https://www.eia.gov/electricity/data/browser/#/topic/0?agg=1,2,0&fuel=004&geo=00fvvvvvvvvvo&sec=g&linechart=ELEC.GEN.SUN-CT-99.M&columnchart=ELEC.GEN.SUN-CT-99.M&map=ELEC.GEN.SUN-CT-99.M&freq=M&start=202411&end=202412&ctype=linechart&ltype=pin&rtype=s&maptype=0&rse=0&pin= (last visited Dec. 3, 2025).
[14] Florida Reliability Coordinating Council, *supra* note 11.

Solar Facility Development in Agricultural Areas

A utility-scale solar generation system requires larger quantities of land per unit of power produced than traditional power plants.[15] Solar generation facilities require "at least [ten] times as much land per unit of power produced than coal or natural gas-fired power plants."[16] Solar facilities are generally located where resource availability (i.e. suitably large-enough land at reasonable prices) is highest, instead of where it is most convenient for people and infrastructure. As a result, these projects tend to end up in less industrially-developed areas—such as agricultural areas. Siting such facilities can be challenging and the facilities are sometimes viewed as unpopular by those who do not want these large projects near their homes.[17]

There has been, especially over the last several years, growing concern and sentiment against widespread development of solar facilities in agricultural areas. These concerns include:

- Aesthetic impacts.[18] Some are concerned that the solar facilities negatively impact the visual character of agricultural areas and negatively impact historical, eco, and agricultural tourism. This may have long-term impacts on the character of rural and agriculture areas and property values.[19]
- Impact on the agricultural industry by reducing the "prime" areas available for agricultural production.[20] This could have a negative impact on agricultural supply chain resiliency[21] and could increase prices or competition for agricultural land.[22]
- Impacts on local agricultural-related industry.[23]
- Environmental impacts such as runoff of water and topsoil, erosion, flood control, damage from materials used in solar power facilities, dust, noise and light pollution, and loss of wildlife habitat.[24]

---

[15] Samantha Gross, *Renewables, land use, and local opposition in the United States*, Jan. 2020, (available at: https://www.brookings.edu/research/renewables-land-use-and-local-opposition-in-the-united-states/.
[16] *Id*.
[17] *Id*.
[18] Nichola Groom, REUTERS, *U.S. solar expansion stalled by rural land-use protests*, Apr. 7, 2022 (available at https://www.reuters.com/world/us/us-solar-expansion-stalled-by-rural-land-use-protests-2022-04-07/#:~:text=As%20solar%20developers%20propose%20new,farm%20culture%2C%20or%20wildlife%20habitat).
[19] *Id* and Inhwan Ko, *Rural opposition to landscape change from solar energy: Explaining the diffusion of setback restrictions on solar farms across South Korean counties*, ENERGY RESEARCH & SOCIAL SCIENCE, Volume 99, 2023, 103073 (available at https://www.sciencedirect.com/science/article/pii/S2214629623001330).
[20] Zachary A. Goldberg, *Solar energy development on farmland: Three prevalent perspectives of conflict, synergy and compromise in the United States,* ENERGY RESEARCH & SOCIAL SCIENCE, Vol. 101, pg. 4, 2023 (available at https://www.sciencedirect.com/science/article/pii/S2214629623002050).
[21] *Id* and Fred Pearce, *'Green Grab': Solar and Wind Boom Sparks Conflicts on Land Use*, YALE ENVIRONMENT 360, Feb. 20, 2025 (available at https://e360.yale.edu/features/solar-land-grabs-agrovoltaics).
[22] Tom Daniels and Hannah Wagner, KLEINMAN CENTER FOR ENERGY POLICY, *Regulating Utility-Scale Solar Projects on Agricultural Land*, Aug. 11, 2022 (available at https://kleinmanenergy.upenn.edu/research/publications/regulating-utility-scale-solar-projects-on-agricultural-land/#:~:text=Some%20people%2C%20however%2C%20oppose%20using,agricultural%20production%20will%20likely%20increase).
[23] *Id.*
[24] Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States, Solar Energy Development Environmental Considerations, 2012 (available at https://solareis.anl.gov/guide/environment/) and, Julia Simon, *In some fights over solar, it's environmentalist vs. environmentalist*, NATIONAL PUBLIC RADIO, Jun. 18, 2023.

- Perception that rural areas bear greater burden, without benefit, to provide power for far-away more densely populated urban and suburban areas.[25]
- The complexity and cost of connecting potentially far-flung agricultural areas producing power to power-consuming urban and suburban areas. Extensive rural solar development requires significant upgrades to transmission infrastructure (which can be a very time-consuming process) and construction of new transmission lines can cause costly disruptions to agricultural operations.[26]
- Future decommissioning procedures, responsibilities, and costs.[27]

Development of Solar Facilities in Agricultural Areas in Florida

In 2021, the Florida Legislature passed SB 896 (ch. 2021-178, Laws of Florida). The bill, in part, specified that solar facilities are a permitted use in all agricultural land use categories in a local government comprehensive plan and all agricultural zoning districts within an unincorporated area.[28] It required such facilities to comply with the setback and landscaped buffer area criteria for other similar uses in the agricultural district.[29] It also authorized counties to adopt ordinances specifying buffer and landscaping requirements for such facilities if the requirements do not exceed those for similar uses involving the construction of other facilities that are permitted uses in agricultural land use categories and zoning districts.[30] The intended effect of this legislation was to increase solar development in Florida "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." [31]

State Solar Decommissioning Requirements

Solar panels are generally designed to have a lifespan of approximately 25 to 35 years.[32] Solar panels will not fail, per se, after this time, however its energy generation will likely be significantly less than the manufacturer intended after the end of that "lifespan." Most solar panels have a yearly degradation in power production of approximately 0.5 percent;[33] thus, over the course of 25 to 35 years, the power production of a panel could be expected to drop to approximately 87.5 percent to 82.5 percent of its original generating capacity.

---

[25] Krishna Ramanujan, *Lack of local benefits fuels upstate opposition to solar farms*, CORNELL CHRONICLE, May 3, 2023 (available at https://news.cornell.edu/stories/2023/05/lack-local-benefits-fuels-upstate-opposition-solar-farms).
[26] Betty Resnick and Arica Hamilton, *Solar Energy Expansion and its Impacts on Rural Communities*, AMERICAN FARM BUREAU FEDERATION, Aug. 8, 2024 (available at https://www.fb.org/market-intel/solar-energy-expansion-and-its-impacts-on-rural-communities).
[27] *Id.*
[28] Section 163.3205(3), F.S.
[29] *Id.*
[30] Section 163.3205(4), F.S.
[31] Section 163.3205(1), F.S.
[32] Environmental Protection Agency, *End-of-Life Solar Panels: Regulations and Management*, Aug. 13, 2025 (available at https://www.epa.gov/hw/end-life-solar-panels-regulations-and-management).
[33] U.S. Light Energy, *How Long Do Solar Farms Last?*, Nov. 17, 2023, https://uslightenergy.com/how-long-do-solar-farms-last/#:~:text=What%20is%20the%20Typical%20Life,while%20reducing%20the%20degradation%20rate.

Most of the solar PV systems in the world are young—according to the United States Department of Energy, approximately 70 percent of solar systems in existence have been installed since 2017. Thus, while some solar equipment has entered the waste stream, significantly more systems will be reaching their end-of-life stage in the next few decades.[34]

At the end of the useful life of a solar facility, operators generally have three choices:
- Refurbishing the plant by correcting any deficiencies;
- Repowering the plant with new PV modules and inverters; or
- Decommissioning the plant and removing all the hardware from the site.[35]

Abandoning in place is also a potential option, however, this is often unacceptable to landholders and, increasingly, regulators.[36]

Solar decommissioning is the process of deconstructing and removing facilities used for the generation of solar energy after a facility has reached the end of its useful life. Decommissioning generally involves the removal of a facility itself, along with ancillary equipment and related structures (such as solar panels, racking systems, posts, electric wiring, fencing, inverters and transformers, and access roads) from a site used for solar energy generation and returning the site to its state before being used for such generation.[37]

Presently, there is no consistent standard for solar facility decommissioning in the United States—as relatively few solar projects have reached end-of-life.[38] However, 33 states now have some type of solar decommissioning policy (Florida does not currently have such a policy).[39] This has increased significantly from 2016 when only 9 states had some sort of solar decommissioning policy.[40]

The North Carolina Clean Energy Technology Center (NCCETC) has identified 5 types of solar decommissioning statewide policy models:
- Local Option Only: States with no statewide policy, giving local governments the sole jurisdiction to implement solar decommissioning rules;
- Local Option with State Model Template: States in which there is no statewide policy, giving local governments the sole jurisdiction to implement solar decommissioning rules, but are

---

[34] United States Department of Energy, *End-of-Life Management for Solar Photovoltaics*, https://www.energy.gov/eere/solar/end-life-management-solar-photovoltaics#:~:text=Read%20about%20SETO's%20PV%20End%2Dof%2DLife%20Action%20Plan%20.&text=Most%20PV%20systems%20are%20young,may%20produce%20power%20much%20longer (last visited Dec. 14, 2025).
[35] Taylor Curtis, et al., *Best Practices at the End of the Photovoltaic System Performance Period*, NATIONAL RENEWABLE ENERGY LABORATORY, pg. 1, Feb 2021 (available at https://www.nrel.gov/docs/fy21osti/78678.pdf).
[36] *Id.*
[37] North Carolina Clean Energy Technology Center, *The 50 States of Solar Decommissioning: 2024 Snapshot*, pg. 4, January 2025 (available at https://nccleantech.ncsu.edu/wp-content/uploads/2025/01/50-States-of-Solar-Decommissioning-2024-Snapshot.pdf).
[38] *Id.*
[39] *Id.*
[40] Emily Apadula, *The State of Solar Decommissioning Policy: Then and Now,* NORTH CAROLINA CLEAN ENERGY TECHNOLOGY CENTER, Oct. 29, 2023. https://www.dsireinsight.com/blog/2023/10/27/the-state-of-solar-decommissioning-policy-then-and-now.

provided with a model template for requirements by the state government that localities can use;
- Statewide/Local Hybrid: States with a statewide decommissioning statute or rule that may give local governments the option to impose stricter requirements;
- Statewide: States in which statewide decommissioning statutes or rules are required; and
- Statewide Optional: States with decommissioning statutes or rules that can be administered in lieu of local regulations.[41]

As of January 2025, the NCCETC has identified 20 states as having a statewide policy, 11 states having a statewide/local hybrid policy, 1 state having a statewide optional policy, and 1 state having an official model template that local governments may adopt. [42]

Florida Public Service Commission

The PSC is an arm of the legislative branch of government.[43] The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe and reliable manner and at fair prices.[44] In order to do so, the PSC exercises authority over utilities in one or more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.[45]

Electric and Gas Utilities

The PSC monitors the safety and reliability of the electric power grid[46] and may order the addition or repair of infrastructure as necessary.[47] The PSC has broad jurisdiction over the rates and service of investor-owned electric and gas utilities[48] (defined as "public utilities" under ch. 366, F.S.).[49] However, the PSC does not fully regulate municipal electric utilities (utilities owned or operated on behalf of a municipality) or rural electric cooperatives. The PSC does have jurisdiction over these types of utilities with regard to rate structure, territorial boundaries, and bulk power supply operations and planning.[50] Municipally-owned utility rates and revenues are regulated by their respective local governments or local utility boards. Rates and revenues for a cooperative utility are regulated by its governing body elected by the cooperative's membership.

Municipal Electric and Gas Utilities, and Special Gas Districts, in Florida

A municipal electric or gas utility is an electric or gas utility owned and operated by a municipality. Chapter 366, F.S., provides the majority of electric and gas utility regulations for Florida. A "special gas district" is a dependent or independent special district, set up pursuant to

[41] North Carolina Clean Energy Technology Center, *The 50 States of Solar Decommissioning: 2024 Snapshot*, *supra* note 37 at 6.
[42] *Id* at 11.
[43] Section 350.001, F.S.
[44] *See* Florida Public Service Commission, *Florida Public Service Commission Homepage*, http://www.psc.state.fl.us (last visited Dec. 3, 2025).
[45] Florida Public Service Commission, *About the PSC*, https://www.psc.state.fl.us/about (last visited Dec. 3, 2025).
[46] Section 366.04(5) and (6), F.S.
[47] Section 366.05(1) and (8), F.S.
[48] Section 366.05, F.S.
[49] Section 366.02(8), F.S.
[50] Florida Public Service Commission, *About the PSC*, *supra* note 45.

ch. 189, F.S., to provide natural gas service.[51] While ch. 366, F.S., does not provide a definition, per se, for a "municipal utility," variations of this terminology and the concept of these types of utilities appear throughout the chapter. Currently, Florida has 33 municipal electric utilities that serve over 14 percent of the state's electric utility customers.[52] Florida also has 27 municipally-owned gas utilities and four special gas districts.[53]

Rural Electric Cooperatives in Florida

At present, Florida has 18 rural electric cooperatives, with 16 of these being distribution cooperatives and two being generation and transmission cooperatives.[54] These cooperatives operate in 57 of Florida's 67 counties and have more than 2.7 million customers.[55] Florida rural electric cooperatives serve a large percentage of area, but have a low customer density. Specifically, Florida cooperatives serve approximately 10 percent of Florida's total electric utility customers, but their service territory covers 60 percent of Florida's total land mass. Each cooperative is governed by a board of cooperative members elected by the cooperative's membership.[56]

Public Electric and Gas Utilities in Florida

There are four investor-owned electric utility companies (electric IOUs) in Florida: Florida Power & Light Company (FPL), Duke Energy Florida (Duke), Tampa Electric Company (TECO), and Florida Public Utilities Corporation (FPUC).[57] In addition, there are five investor-owned natural gas utility companies (gas IOUs) in Florida: Florida City Gas, FPUC, Peoples Gas System, Sebring Gas System, and St. Joe Natural Gas Company. Of these five gas IOUs, four engage in the merchant function servicing residential, commercial, and industrial customers: Florida City Gas, FPUC, Peoples Gas System, and St. Joe Natural Gas Company. Sebring Gas System is only engaged in firm transportation service.[58]

Electric IOU and Gas IOU rates and revenues are regulated by the PSC and the utilities must file periodic earnings reports. These allow the PSC to monitor earnings levels on an ongoing basis and adjust customer rates quickly if a company appears to be overearning.[59] If a utility believes it is earning below a reasonable level, it can petition the PSC for a change in rates.[60]

---

[51] Section 189.012(6), F.S., defines a "special district" as "a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet."
[52] Florida Municipal Electric Association, *About Us,* https://www.flpublicpower.com/about-us (last visited Dec. 3, 2025).
[53] Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, pg. 14, Apr. 2025 (available at: https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202025.pdf).
[54] Florida Electric Cooperative Association, *Members*, https://feca.com/members/ (last visited Dec. 3, 2025).
[55] Florida Electric Cooperative Association, *Our History*, https://feca.com/our-history/ (last visited Dec. 3, 2025).
[56] *Id.*
[57] Florida Public Service Commission, *2025 Facts and Figures of the Florida Utility Industry*, *supra* note 53, at 4.
[58] *Id* at 15. Firm transportation service is offered to customers under schedules or contracts which anticipate no interruption under almost all operating conditions. *See* Firm transportation service, 18 CFR s. 284.7.
[59] PSC, *2024 Annual Report*, p. 6, (available at: https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/AnnualReports/2024.pdf) (last visited Dec., 2025).
[60] *Id.*

Section 366.041(2), F.S., requires public utilities to provide adequate service to customers. As compensation for fulfilling that obligation, s. 366.06, F.S., requires the PSC to allow the IOUs to recover honestly and prudently invested costs of providing service, including investments in infrastructure and operating expenses used to provide electric service.[61]

Storm Protection Plans

Section 366.96, F.S., requires public electric utilities to file with the PSC "a transmission and distribution storm protection plan (SPP) that covers the immediate 10-year planning period. Each plan must explain the systematic approach the utility will follow to achieve the objectives of reducing restoration costs and outage times associated with extreme weather events and enhancing reliability."[62] Public electric utilities file, for PSC review and approval, an updated SPP every three years.[63] In its review of SPPs, s. 366.96(4), F.S., requires the PSC to consider:

- The extent to which the SPP is expected to reduce restoration costs and outage times associated with extreme weather events and enhance reliability, including whether the SPP prioritizes areas of lower reliability performance;
- The extent to which storm protection of transmission and distribution infrastructure is feasible, reasonable, or practical in certain areas of the utility's service territory, including, but not limited to, flood zones and rural areas;
- The estimated costs and benefits of the SPP to the utility and its customers of making the improvements proposed in the plan; and
- The estimated annual rate impact resulting from implementation of the SPP during the first three years addressed in the plan.

Section 366.96(7), F.S., also includes an annual cost-recovery clause mechanism that allows these utilities to recover transmission and distribution storm protection plan costs through a charge separate and apart from that utility's base rates. This annual recovery is called the SPP cost recovery clause docket. Once a utility's SPP has been approved, the utility may proceed with implementing the plan. If the PSC determines that SPP costs were prudently incurred (actions taken to implement the approved SPP cannot be taken as evidence of imprudence), then SPP implementation costs are not subject to disallowance or further prudence review except for fraud, perjury, or intentional withholding of key information by the public utility.

A public utility may recover SPP capital expenditures by recovering the annual depreciation on the cost, calculated at the public utility's current approved depreciation rates, and a return on the undepreciated balance of the costs calculated at the public utility's weighted average cost of capital using the last approved return on equity.[64]

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 163.3205, F.S., to revise the legislative intent for that section. It adds a statement that it is the intent of the Legislature that agricultural land used for a solar

[61] *Id*.
[62] Section 366.96(3), F.S.
[63] Section 366.96(6), F.S.
[64] Section 366.96(9), F.S.

facility be returned to its original state and be viable for agricultural use at the end of the life of the solar facility.

The bill also creates a definition for "agricultural land" to mean:

- An area categorized as agricultural land in a local government comprehensive plan. Such categorization includes any agricultural land use category; or
- An agricultural zoning district within an unincorporated area.

It creates a definition for "decommissioned" to mean the removal of a solar facility and return of agricultural land that was used for such solar facility to an agriculturally useful condition similar to that which existed before construction of the solar facility. This would include the removal of above-ground facilities and infrastructure that do not serve a continuing purpose.

The bill authorizes that, for any solar facility[65] over 1 megawatt, counties may adopt an ordinance requiring that such solar facilities be properly decommissioned within 24 months upon notice to the solar facility has reached the end of its useful life. The bill provides that a solar facility has reached the end of its useful life if:

- The solar facility fails to produce power for a period of 12 months after construction of the solar facility has been completed. This 12-month period does not include a period in which the solar facility does not produce power due to a disaster or other event beyond the control of the facility owner; or
- The solar facility has been abandoned. A solar facility is considered abandoned if:
  - After commencement of the solar facility's construction but before completion, no significant construction of the facility occurs for a period of 24 months; or
  - After becoming nonoperational due to a disaster or other event beyond the control of the facility owner, no significant reconstruction of the solar facility occurs for a period of 12 months.

These presumptions may be rebutted if the owner of the facility can provide the county with a plan, schedule, and adequate assurances for the continuing construction or operation of the solar facility.

Counties, under the bill, may also require financial assurance for the decommissioning of a solar facility in the form of a bond, an irrevocable letter of credit established pursuant to ch. 675, F.S., a guarantee by the solar facility owner's parent company, or another financial device deemed adequate by the county to cover the estimated cost of decommissioning the solar facility.

If a solar facility owner does not complete the decommissioning as required by county ordinance, counties may take action to complete the decommissioning (this would include taking action to require forfeiture of the financial assurance). Counties, however, must allow owners at

[65] Section 163.3205, F.S., defines "solar facility" to mean a production facility for electric power which: (a) uses photovoltaic modules to convert solar energy to electricity that may be stored on site, delivered to a transmission system, and consumed primarily offsite; (b) consists principally of photovoltaic modules, a mounting or racking system, power inverters, transformers, collection systems, battery systems, fire suppression equipment, and associated components, and (c) may include accessory administration or maintenance buildings, electric transmission lines, substations, energy storage equipment, and related accessory uses and structures.

least 12 months to commence decommissioning and 24 months to complete decommissioning before taking such a forfeiture action.

The bill also requires the Department of Environmental Protection (DEP) to develop best management practices (BMPs) for the construction of solar facilities. These BMPs must include, but are not limited to:

- Requirements for percolation testing on the premises of a proposed solar facility;
- Requirements for stormwater runoff management during the construction of a solar facility; and
- Requirements for construction design that would enable a solar facility to withstand a 100-year storm event.

The bill requires the DEP to update and revise these BMPs annually. During this update and revision process, the DEP must review all settlements, consent decrees, judgments, and resolutions of civil cases since 2020 which relate to the construction of a solar facility. Operators of a solar facility or proposed solar facility must implement these BMPs.

Section 2 of the bill amends s. 366.96, F.S., regarding storm protection plans (SPP) and storm protection plan cost recovery (SPPCRC). The bill requires that, for any improvement included in an SPP, such improvement must have forecasted benefit exceeding its forecasted cost. The bill also adds a new requirement that the PSC consider, in addition to the existing considerations listed in s. 366.96(4), F.S., the following in reviewing and approving SPPs:

- Whether the cost of implementing the SPP is reasonable and prudent given the expected benefit; and
- The performance of previously approved SPP improvements in reducing outage times and storm restoration costs.

The bill also deletes an obsolete provision in s. 366.96, F.S., requiring the PSC to adopt rules by a certain date.

Section 3 of the bill requires the PSC to submit a proposed rule for adoption as soon as possible after the effective date of the bill, but no later than October 31, 2026.

Section 4 of the bill provides an effective date of July 1, 2026, for the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Section 1 of the bill will have an indeterminate financial impact on the cost of opening new solar facilities in the state, in part, depending on the number of local jurisdictions that put into place decommissioning requirements as authorized under the bill. It also may increase local regulatory approval costs for persons wishing to construct new solar facilities on agricultural land.

Section 2 of the bill will have an indeterminate financial impact on public electric utilities and the ratepayers of those utilities due to additional economic scrutiny of storm protection plans and resulting projects.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The PSC has indicated that it would need additional time beyond the timeframe called for in Section 3 of the bill to submit a proposed rule for adoption.[66] The PSC also raised concerns, regarding Section 2 of the bill, that the "use of the phrase 'reasonable and prudent' at the planning stage [of an SPP] may create unintended consequences under the doctrine of administrative finality."[67]

[66] Florida Public Service Commission, *2026 Agency Legislative Bill Analysis for SB 200*, (Dec. 3, 2025).
[67] *Id.*

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3205 and 366.96.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.