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1
2 An act relating to renewable energy; creating s.
3 163.3205, F.S.; providing legislative intent; defining
4 the term "solar facility"; providing that solar
5 facilities are a permitted use in local government
6 comprehensive plan agricultural land use categories
7 and certain agricultural zoning districts; requiring
8 solar facilities to comply with specified criteria;
9 authorizing counties to adopt ordinances that meet
10 certain requirements; providing applicability;
11 amending s. 366.91, F.S.; defining and redefining
12 terms; authorizing the Florida Public Service
13 Commission to approve cost recovery by a gas public
14 utility for certain contracts for the purchase of
15 renewable natural gas; amending ss. 366.92, 373.236,
16 and 403.973, F.S.; conforming cross-references;
17 reenacting s. 288.9606(7), F.S., relating to the
18 issuance of revenue bonds, to incorporate the
19 amendment made to s. 366.91, F.S., in a reference
20 thereto; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 163.3205, Florida Statutes, is created
25 to read:

26 163.3205 Solar facility approval process.—

27 (1) It is the intent of the Legislature to encourage
28 renewable solar electrical generation throughout this state. It
29 is essential that solar facilities and associated electric

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30 infrastructure be constructed and maintained in various
31 locations throughout this state in order to ensure the
32 availability of renewable energy production, which is critical
33 to this state's energy and economic future.

34 (2) As used in this section, the term "solar facility"
35 means a production facility for electric power which:

36 (a) Uses photovoltaic modules to convert solar energy to
37 electricity that may be stored on site, delivered to a
38 transmission system, and consumed primarily offsite.

39 (b) Consists principally of photovoltaic modules, a
40 mounting or racking system, power inverters, transformers,
41 collection systems, battery systems, fire suppression equipment,
42 and associated components.

43 (c) May include accessory administration or maintenance
44 buildings, electric transmission lines, substations, energy
45 storage equipment, and related accessory uses and structures.

46 (3) A solar facility shall be a permitted use in all
47 agricultural land use categories in a local government
48 comprehensive plan and all agricultural zoning districts within
49 an unincorporated area and must comply with the setback and
50 landscaped buffer area criteria for other similar uses in the
51 agricultural district.

52 (4) A county may adopt an ordinance specifying buffer and
53 landscaping requirements for solar facilities. Such requirements
54 may not exceed the requirements for similar uses involving the
55 construction of other facilities that are permitted uses in
56 agricultural land use categories and zoning districts.

57 (5) This section does not apply to any site that was the
58 subject of an application to construct a solar facility

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59 submitted to a local governmental entity before July 1, 2021.

60 Section 2. Present paragraphs (a) through (d) of subsection
61 (2) of section 366.91, Florida Statutes, are redesignated as
62 paragraphs (b) through (e), respectively, a new paragraph (a)
63 and paragraph (f) are added to that subsection, present
64 paragraph (d) of that subsection is amended, and subsection (9)
65 is added to that section, to read:

66 366.91 Renewable energy.—

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

68 (a) "Biogas" means a mixture of gases produced by the
69 biological decomposition of organic materials which is largely
70 comprised of carbon dioxide, hydrocarbons, and methane gas.

71 (e)~~(d)~~ "Renewable energy" means electrical energy produced
72 from a method that uses one or more of the following fuels or
73 energy sources: hydrogen produced or resulting from sources
74 other than fossil fuels, biomass, solar energy, geothermal
75 energy, wind energy, ocean energy, and hydroelectric power. The
76 term includes the alternative energy resource, waste heat, from
77 sulfuric acid manufacturing operations and electrical energy
78 produced using pipeline-quality synthetic gas produced from
79 waste petroleum coke with carbon capture and sequestration.

80 (f) "Renewable natural gas" means anaerobically generated
81 biogas, landfill gas, or wastewater treatment gas refined to a
82 methane content of 90 percent or greater which may be used as a
83 transportation fuel or for electric generation or is of a
84 quality capable of being injected into a natural gas pipeline.

85 (9) The commission may approve cost recovery by a gas
86 public utility for contracts for the purchase of renewable
87 natural gas in which the pricing provisions exceed the current

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88 market price of natural gas, but which are otherwise deemed
89 reasonable and prudent by the commission.

90 Section 3. Paragraph (b) of subsection (2) of section
91 366.92, Florida Statutes, is amended to read:

92 366.92 Florida renewable energy policy.—

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

94 (b) "Renewable energy" includes ~~means~~ renewable energy and
95 renewable natural gas as those terms are defined in s. 366.91(2)
96 ~~s. 366.91(2)(d).~~

97 Section 4. Subsection (7) of section 373.236, Florida
98 Statutes, is amended to read:

99 373.236 Duration of permits; compliance reports.—

100 (7) A permit approved for a renewable energy generating
101 facility or the cultivation of agricultural products on lands
102 consisting of 1,000 acres or more for use in the production of
103 renewable energy, as defined in s. 366.91(2)(e) ~~s. 366.91(2)(d)~~,
104 shall be granted for a term of at least 25 years at the
105 applicant's request based on the anticipated life of the
106 facility if there is sufficient data to provide reasonable
107 assurance that the conditions for permit issuance will be met
108 for the duration of the permit; otherwise, a permit may be
109 issued for a shorter duration that reflects the longest period
110 for which such reasonable assurances are provided. Such a permit
111 is subject to compliance reports under subsection (4).

112 Section 5. Paragraph (f) of subsection (3) and paragraph
113 (b) of subsection (19) of section 403.973, Florida Statutes, are
114 amended to read:

115 403.973 Expedited permitting; amendments to comprehensive
116 plans.—

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117 (3)

118 (f) Projects resulting in the production of biofuels
119 cultivated on lands that are 1,000 acres or more or in the
120 construction of a biofuel or biodiesel processing facility or a
121 facility generating renewable energy, as defined in s.
122 366.91(2)(e) ~~s. 366.91(2)(d)~~, are eligible for the expedited
123 permitting process.

124 (19) The following projects are ineligible for review under
125 this part:

126 (b) A project, the primary purpose of which is to:

127 1. Effect the final disposal of solid waste, biomedical
128 waste, or hazardous waste in this state.

129 2. Produce electrical power, unless the production of
130 electricity is incidental and not the primary function of the
131 project or the electrical power is derived from a fuel source
132 for renewable energy as defined in s. 366.91(2)(e) ~~s.~~
133 ~~366.91(2)(d)~~.

134 3. Extract natural resources.

135 4. Produce oil.

136 5. Construct, maintain, or operate an oil, petroleum, or
137 sewage pipeline.

138 Section 6. For the purpose of incorporating the amendment
139 made by this act to section 366.91, Florida Statutes, in a
140 reference thereto, subsection (7) of section 288.9606, Florida
141 Statutes, is reenacted to read:

142 288.9606 Issue of revenue bonds.—

143 (7) Notwithstanding any provision of this section, the
144 corporation in its corporate capacity may, without authorization
145 from a public agency under s. 163.01(7), issue revenue bonds or

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146 other evidence of indebtedness under this section to:

147 (a) Finance the undertaking of any project within the state
148 that promotes renewable energy as defined in s. 366.91 or s.
149 377.803;

150 (b) Finance the undertaking of any project within the state
151 that is a project contemplated or allowed under s. 406 of the
152 American Recovery and Reinvestment Act of 2009; or

153 (c) If permitted by federal law, finance qualifying
154 improvement projects within the state under s. 163.08.

155 Section 7. This act shall take effect July 1, 2021.