

By Senator Bradley

6-00460-26

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A bill to be entitled

An act relating to utilities; amending s. 163.3205, F.S.; revising legislative intent; defining terms; authorizing a county to adopt an ordinance for the decommissioning of certain solar facilities that have reached the end of their useful life; providing for the rebuttal of certain presumptions; authorizing a county to require financial assurance from a solar facility owner to establish that the solar facility owner has the capability to satisfy the estimated cost of decommissioning the solar facility; authorizing a county to decommission a solar facility under certain circumstances; requiring the Department of Environmental Protection to develop best management practices (BMPs) for the construction of a solar facility; specifying requirements for the BMPs; requiring the department to review certain information to revise and update such BMPs annually; requiring a solar facility operator to implement specified BMPs; amending s. 366.96, F.S.; requiring that improvements included in certain transmission and distribution storm protection plans have forecasted customer benefits that exceed their forecasted cost; revising the factors that the Public Service Commission must 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.

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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

2. An agricultural zoning district within an unincorporated area.

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

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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 permitted
72 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 ordinance
78 specifying buffer and landscaping requirements for solar
79 facilities. Such requirements may not exceed the requirements
80 for similar uses involving the construction of other facilities
81 that are permitted uses in agricultural land use categories and
82 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.

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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 other
102 event beyond the control of the facility owner, no significant
103 reconstruction of the solar facility occurs for a period of 12
104 months.

105 (b) A solar facility owner may rebut the presumption that a
106 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.

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

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

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

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

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

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

143 (7)(5) APPLICABILITY.-This section does not apply to any
144 site that was the subject of an application to construct a solar
145 facility submitted to a local governmental entity before July 1,

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

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

(b) 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.

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

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

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

(11) The commission shall adopt rules to implement and

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administer this section and shall propose a rule for adoption as soon as practicable after the effective date of this act, but not later than October 31, 2019.

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

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