

By Senator Hutson

7-00593A-21

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1                   A bill to be entitled  
2           An act relating to preemption on restriction of  
3           utility services; creating s. 366.032, F.S.; defining  
4           the term "utility service provider"; prohibiting  
5           municipalities, counties, special districts, or other  
6           political subdivisions from enacting or enforcing  
7           provisions or taking actions that restrict or prohibit  
8           property owners, tenants, or utility service customers  
9           from choosing their utility service from a utility  
10          service provider that serves the property,  
11          irrespective of the fuel source; retaining the right  
12          of municipalities to levy taxes on public services and  
13          to receive revenue from public utilities; providing  
14          for preemption; providing for retroactive application;  
15          providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19           Section 1. Section 366.032, Florida Statutes, is created to  
20 read:

21           366.032 Preemption on utility service restrictions and  
22 prohibitions; retroactive applicability.-

23           (1) As used in this section, the term "utility service  
24 provider" means any person, corporation, partnership,  
25 association, or political subdivision, whether private,  
26 municipal, county, special district, or cooperative, which is  
27 engaged in the sale or supply of electricity or gas to or for  
28 the public within this state.

29           (2) A municipality, county, special district, or any other

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30 political subdivision of the state may not enact or enforce a  
31 resolution, ordinance, rule, code, or policy or take any action  
32 that restricts or prohibits or has the effect of restricting or  
33 prohibiting a property owner, tenant, or utility service  
34 customer from choosing his or her utility service, whether  
35 electric, manufactured gas, liquefied petroleum gas, natural  
36 gas, hydrogen, fuel oil, a renewable source, or any other  
37 source, from a utility service provider that serves the affected  
38 property. However, this section does not restrict a  
39 municipality's right and power to levy taxes on public services  
40 under s. 166.231 or affect the right of any municipality to  
41 receive revenue from any public utility.

42 (3) Any municipality, county, special district, or  
43 political subdivision charter, resolution, ordinance, rule,  
44 code, policy, or action that is preempted by this act and that  
45 existed before, on, or after the effective date of this act is  
46 void.

47 Section 2. This act shall take effect July 1, 2021.