

By the Committees on Rules; Community Affairs; and Regulated Industries; and Senator Hutson

595-04574-21

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1 A bill to be entitled  
2 An act relating to preemption over restriction of  
3 utility services; creating s. 366.032, F.S.;  
4 prohibiting municipalities, counties, special  
5 districts, or other political subdivisions from  
6 restricting or prohibiting the types or fuel sources  
7 of energy production used, delivered, converted, or  
8 supplied by certain entities to serve customers;  
9 providing construction; voiding existing specified  
10 documents and policies that are preempted by the act;  
11 providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Section 366.032, Florida Statutes, is created to  
16 read:

17 366.032 Preemption over utility service restrictions.—

18 (1) A municipality, county, special district, or other  
19 political subdivision of the state may not enact or enforce a  
20 resolution, ordinance, rule, code, policy, or take any action  
21 that restricts or prohibits or has the effect of restricting or  
22 prohibiting the types or fuel sources of energy production which  
23 may be used, delivered, converted, or supplied by the following  
24 entities to serve customers that such entities are authorized to  
25 serve:

26 (a) A public utility or an electric utility as defined in  
27 this chapter;

28 (b) An entity formed under s. 163.01 that generates, sells,  
29 or transmits electrical energy;

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30 (c) A natural gas utility as defined in s. 366.04(3)(c);

31 (d) A natural gas transmission company as defined in s.  
32 368.103; or

33 (e) A Category I liquefied petroleum gas dealer or Category  
34 II liquefied petroleum gas dispenser or Category III liquefied  
35 petroleum gas cylinder exchange operator as defined in s.  
36 527.01.

37 (2) Notwithstanding the restrictions of this section, this  
38 section does not prevent the board of a municipality or  
39 governmental entity which owns or operates and directly controls  
40 an electric or natural gas utility, from passing rules,  
41 regulations, or policies governing the utility.

42 (3) This section does not expand or alter the jurisdiction  
43 of the commission over public utilities or electric utilities.

44 Section 2. Any municipality, county, special district, or  
45 political subdivision charter, resolution, ordinance, rule,  
46 code, policy, or action that is preempted by this act that  
47 existed before or on July 1, 2021, is void.

48 Section 3. This act shall take effect July 1, 2021.