

ENROLLED

CS/CS/HB 919

2021 Legislature

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An act relating to preemption over restriction of utility services; creating s. 366.032, F.S.; prohibiting municipalities, counties, special districts, or other political subdivisions from restricting or prohibiting the types or fuel sources of energy production used, delivered, converted, or supplied by certain entities to serve customers; providing construction; voiding existing specified documents and policies that are preempted by this act; providing an effective date.

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

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

366.032 Preemption over utility service restrictions.-

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

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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,
 29 sells, or transmits electrical energy;

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
 34 Category II liquefied petroleum gas dispenser or Category III
 35 liquefied petroleum gas cylinder exchange operator as defined in
 36 s. 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.