

By the Committee on Community Affairs; and Senator Collins

578-03556-23

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1 A bill to be entitled
2 An act relating to preemption over utility service
3 restrictions; amending s. 366.032, F.S.; prohibiting
4 certain local governmental entities, subject to
5 specified exceptions, from enacting or enforcing a
6 resolution, an ordinance, a rule, a code, or a policy
7 or from taking any action that restricts or prohibits
8 or has the effect of restricting or prohibiting the
9 use of appliances; revising an exception to
10 preemption; defining the term "appliance"; providing
11 an effective date.

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

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15 Section 1. Present subsections (2) through (4) of section
16 366.032, Florida Statutes, are redesignated as subsections (3)
17 through (5), respectively, a new subsection (2) is added to that
18 section, and present subsection (2) of that section is amended,
19 to read:

20 366.032 Preemption over utility service restrictions.—

21 (2) Except to the extent necessary to enforce the Florida
22 Building Code adopted pursuant to s. 553.73 or the Florida Fire
23 Prevention Code adopted pursuant to s. 633.202, a municipality,
24 county, special district, or other political subdivision of the
25 state may not enact or enforce a resolution, an ordinance, a
26 rule, a code, or a policy or take any action that restricts or
27 prohibits or has the effect of restricting or prohibiting the
28 use of an appliance, including a stove or grill, which uses the
29 types or fuel sources of energy production which may be used,

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30 delivered, converted, or supplied by the entities listed in
31 subsection (1). As used in this subsection, the term "appliance"
32 means a device or apparatus manufactured and designed to use
33 energy and for which the Florida Building Code or the Florida
34 Fire Prevention Code provides specific requirements.

35 (3)~~(2)~~ Notwithstanding the restrictions of this section,
36 this section does not prevent the board of a municipality or
37 governmental entity which owns or operates and directly controls
38 an electric or natural gas utility~~,~~ from passing rules,
39 regulations, or policies governing the utility.

40 Section 2. This act shall take effect July 1, 2023.