CS/HB 1281

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, ordinance, rule, code, or policy or from
7	taking any action that restricts or prohibits or has
8	the effect of restricting or prohibiting the use of
9	any major appliances; revising an exception to
10	preemption; providing an effective date.
11	
12	Be It Enacted by the Legislature of the State of Florida:
13	
14	Section 1. Subsections (2) through (4) of section 366.032,
15	Florida Statutes, are renumbered as (3) through (5),
16	respectively, subsection (1) and present subsection (2) are
17	amended, and a new subsection (2) is added to that section, to
18	read:
19	366.032 Preemption over utility service restrictions
20	(1) A municipality, county, special district, or other
21	political subdivision of the state may not enact or enforce a
22	resolution, ordinance, rule, code, or policy or take any action
23	that restricts or prohibits or has the effect of restricting or
24	prohibiting the types or fuel sources of energy production which
25	may be used, delivered, converted, or supplied by the following
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26 entities to serve customers that such entities are authorized to 27 serve: 28 A public utility or an electric utility as defined in (a) 29 this chapter; An entity formed under s. 163.01 that generates, 30 (b) sells, or transmits electrical energy; 31 32 A natural gas utility as defined in s. 366.04(3)(c); (C) 33 A natural gas transmission company as defined in s. (d) 34 368.103; or (e) A Category I liquefied petroleum gas dealer or 35 36 Category II liquefied petroleum gas dispenser or Category III liquefied petroleum qas cylinder exchange operator as defined in 37 s. 527.01. 38 39 (2) Except to the extent necessary to enforce the Florida Building Code adopted pursuant to s. 553.73 or the Florida Fire 40 41 Prevention Code adopted pursuant to s. 633.202, a municipality, 42 county, special district, or other political subdivision of the 43 state may not enact or enforce a resolution, ordinance, rule, 44 code, or policy or take any action that restricts or prohibits 45 or has the effect of restricting or prohibiting the use of any major appliances, including a stove or grill, which uses the 46 47 types or fuel sources of energy production which may be used, 48 delivered, converted, or supplied by the entities listed in 49 subsection (1). 50 (3) (2) Notwithstanding the restrictions of this section,

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51	this section does not prevent the board of a municipality or
52	governmental entity which owns or operates and directly controls
53	an electric or natural gas utility $_{ au}$ from passing rules,
54	regulations, or policies governing the utility.
55	Section 2. This act shall take effect July 1, 2023.

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