

ENROLLED

CS/CS/HB 1281

2023 Legislature

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 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.

12

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

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

20 366.032 Preemption over utility service restrictions.—

21 (1) A municipality, county, special district, or other
 22 political subdivision of the state may not enact or enforce a
 23 resolution, ordinance, rule, code, or policy or take any action
 24 that restricts or prohibits or has the effect of restricting or
 25 prohibiting the types or fuel sources of energy production which

ENROLLED

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2023 Legislature

26 | may be used, delivered, converted, or supplied by the following
 27 | entities to serve customers that such entities are authorized to
 28 | serve:

29 | (a) A public utility or an electric utility as defined in
 30 | this chapter;

31 | (b) An entity formed under s. 163.01 that generates,
 32 | sells, or transmits electrical energy;

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

34 | (d) A natural gas transmission company as defined in s.
 35 | 368.103; or

36 | (e) A Category I liquefied petroleum gas dealer or
 37 | Category II liquefied petroleum gas dispenser or Category III
 38 | liquefied petroleum gas cylinder exchange operator as defined in
 39 | s. 527.01.

40 | (2) Except to the extent necessary to enforce the Florida
 41 | Building Code adopted pursuant to s. 553.73 or the Florida Fire
 42 | Prevention Code adopted pursuant to s. 633.202, a municipality,
 43 | county, special district, or other political subdivision of the
 44 | state may not enact or enforce a resolution, an ordinance, a
 45 | rule, a code, or a policy or take any action that restricts or
 46 | prohibits or has the effect of restricting or prohibiting the
 47 | use of an appliance, including a stove or grill, which uses the
 48 | types or fuel sources of energy production which may be used,
 49 | delivered, converted, or supplied by the entities listed in
 50 | subsection (1). As used in this subsection, the term "appliance"

ENROLLED

CS/CS/HB 1281

2023 Legislature

51 | means a device or apparatus manufactured and designed to use
52 | energy and for which the Florida Building Code or the Florida
53 | Fire Prevention Code provides specific requirements.

54 | (3)-(2) Notwithstanding the restrictions of this section,
55 | this section does not prevent the board of a municipality or
56 | governmental entity which owns or operates and directly controls
57 | an electric or natural gas utility, from passing rules,
58 | regulations, or policies governing the utility.

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