

By the Committee on Rules; and Senators Truenow and Trumbull

595-03349-25

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A bill to be entitled

An act relating to utility service restrictions; amending s. 366.032, F.S.; including boards, agencies, commissions, and authorities of counties, municipal corporations, and other political subdivisions of the state with the entities preempted from taking certain actions that restrict, prohibit, or have the effect of restricting or prohibiting the types or fuel sources of energy produced, used, delivered, converted, or supplied by certain entities to serve customers; prohibiting the Florida Building Commission or the State Fire Marshal from adopting into the Florida Building Code or Florida Fire Prevention Code any provision that prohibits or requires the installation of multiple types or fuel sources of energy production which may be used for certain purposes; defining the term "installation"; providing an exemption; voiding existing specified documents and policies from governmental entities that are preempted by the act; providing applicability; defining the term "agency"; providing an effective date.

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

Section 1. Subsections (1), (2), and (5) of section 366.032, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

366.032 Preemption over utility service restrictions.—

(1) A municipality; a county; a special district; a

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board, an agency, a commission, or an authority of a county, a
municipal corporation, or other political subdivision of the
state; a community development district created pursuant to
chapter 190; or or other political subdivision of the state may
not enact or enforce a resolution, ordinance, rule, code, or
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 any of the following entities to serve customers
that such entities are authorized to serve:

(a) A public utility or an electric utility as defined in
this chapter. +

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

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

(d) A natural gas transmission company as defined in s.
368.103. + ~~or~~

(e) A Category I liquefied petroleum gas dealer, a ~~or~~
Category II liquefied petroleum gas dispenser, or a Category III
liquefied petroleum gas cylinder exchange operator as defined in
s. 527.01.

(2) (a) Except to the extent necessary to enforce the
Florida Building Code adopted pursuant to s. 553.73 or the
Florida Fire Prevention Code adopted pursuant to s. 633.202, a
municipality; a county; a special district; a board, an
agency, a commission, or an authority of a county, municipal
corporation, or community development district created pursuant
to chapter 190; or or other political subdivision of the state may
not enact or enforce a resolution, an ordinance, a rule, a code,

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59 or a policy or take any action that restricts or prohibits or
60 has the effect of restricting or prohibiting the use of an
61 appliance, including a stove or grill, which uses the types or
62 fuel sources of energy production which may be used, delivered,
63 converted, or supplied by the entities listed in subsection (1).
64 As used in this subsection, the term "appliance" means a device
65 or apparatus manufactured and designed to use energy and for
66 which the Florida Building Code or the Florida Fire Prevention
67 Code provides specific requirements.

68 (b) The Florida Building Commission or State Fire Marshal
69 may not adopt into the Florida Building Code or the Florida Fire
70 Prevention Code any provision that prohibits or requires, or has
71 the effect of prohibiting or requiring, the installation of
72 multiple types or fuel sources of energy production which may be
73 used, delivered, converted, or supplied by the entities listed
74 in subsection (1) for powering appliances. As used in this
75 paragraph, the term "installation" includes the materials,
76 products, appliances, and methods of construction associated
77 with such installation. Emergency power systems and standby
78 power systems required by this section are exempt.

79 (5) Any charter, resolution, ordinance, rule, code, policy,
80 or action of any municipality, county, special district,
81 community development district created pursuant to chapter 190,
82 or political subdivision, or of any board, agency, commission,
83 or authority of such governmental entity, which ~~charter,~~
84 ~~resolution, ordinance, rule, code, policy, or action that~~ is
85 preempted by this act and which ~~that~~ existed before or on July
86 1, 2021, is void.

87 (6) For purposes of this section, the term "agency" does

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88 not apply to a separate legal entity that is created under s.
89 163.01, that does not provide utility services to consumers, and
90 whose membership consists only of electric utilities.

91 Section 2. This act shall take effect July 1, 2025.