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CS/HB 1137

2025 Legislature

1
2 An act relating to utility service restrictions;
3 amending s. 366.032, F.S.; prohibiting boards,
4 agencies, commissions, and any authority of any
5 county, municipal corporation, or political
6 subdivision from restricting or prohibiting fuel
7 sources and appliances used to provide energy to
8 consumers; revising retroactive applicability to
9 include boards, agencies, commissions, and any
10 authority of any county, municipal corporation, and
11 political subdivision; providing applicability;
12 creating s. 425.041, F.S.; prohibiting cooperatives
13 from restricting or prohibiting certain fuel sources
14 and appliances used to provide energy to consumers;
15 defining the term "appliance"; amending s. 553.73,
16 F.S.; prohibiting the Florida Building Commission from
17 restricting or prohibiting the installation of certain
18 materials; providing applicability; amending s.
19 633.202, F.S.; prohibiting the State Fire Marshal from
20 restricting or prohibiting the installation of certain
21 materials; providing applicability; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Subsections (1), (2), and (5) of section
27 366.032, Florida Statutes, are amended, and subsection (6) is
28 added to that section to read:

29 366.032 Preemption over utility service restrictions.—

30 (1) A municipality, county, board, agency, commission, or
31 authority of any county, municipal corporation, or political
32 subdivision, special district, community development district
33 created pursuant to chapter 190, or other political subdivision
34 of the state may not enact or enforce a resolution, ordinance,
35 rule, code, or policy or take any action that restricts or
36 prohibits or has the effect of restricting or prohibiting the
37 types or fuel sources of energy production which may be used,
38 delivered, converted, or supplied by the following entities to
39 serve customers that such entities are authorized to serve:

40 (a) A public utility or an electric utility as defined in
41 this chapter;

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

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

45 (d) A natural gas transmission company as defined in s.
46 368.103; or

47 (e) A Category I liquefied petroleum gas dealer or
48 Category II liquefied petroleum gas dispenser or Category III
49 liquefied petroleum gas cylinder exchange operator as defined in
50 s. 527.01.

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51 (2) Except to the extent necessary to enforce the Florida
52 Building Code adopted pursuant to s. 553.73 or the Florida Fire
53 Prevention Code adopted pursuant to s. 633.202, a municipality,
54 county, board, agency, commission, or authority of any county,
55 municipal corporation, or political subdivision, special
56 district, community development district created pursuant to
57 chapter 190, or other political subdivision of the state may not
58 enact or enforce a resolution, an ordinance, a rule, a code, or
59 a policy or take any action that restricts or prohibits or has
60 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 (5) Any municipality, county, board, agency, commission,
69 or authority of any county, municipal corporation, or political
70 subdivision, special district, community development district
71 created pursuant to chapter 190, or political subdivision
72 charter, resolution, ordinance, rule, code, policy, or action
73 that is preempted by this act that existed before or on July 1,
74 2021, is void.

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

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76 not apply to a separate legal entity that is created under s.
77 163.01, that does not provide utility services to consumers, and
78 the membership of which consists only of electric utilities.

79 Section 2. Section 425.041, Florida Statutes, is created
80 to read:

81 425.041 Prohibited bylaws, tariffs, and policies.—A
82 cooperative may not adopt, enact, or enforce any bylaw, tariff,
83 or policy, or take any other action, that restricts or prohibits
84 or has the effect of restricting or prohibiting:

85 (1) The types or fuel sources of energy production which
86 may be used, delivered, converted, or supplied by the entities
87 listed in s. 366.032(1) to serve customers that such entities
88 are authorized to serve.

89 (2) The use of an appliance, including a stove or grill,
90 which uses the types or fuel sources of energy production which
91 may be used, delivered, converted, or supplied by the entities
92 listed in s. 366.032(1). As used in this subsection, the term
93 "appliance" means a device or apparatus manufactured and
94 designed to use energy and for which the Florida Building Code
95 or the Florida Fire Prevention Code provides specific
96 requirements.

97 Section 3. Subsection (20) of section 553.73, Florida
98 Statutes, is amended to read:

99 553.73 Florida Building Code.—

100 (20) The Florida Building Commission may not:

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101 (a) Adopt the 2016 version of the American Society of
102 Heating, Refrigerating and Air-Conditioning Engineers Standard
103 9.4.1.1(g).

104 (b) Adopt any provision that requires a door located in
105 the opening between a garage and a single-family residence to be
106 equipped with a self-closing device.

107 (c) Adopt into the Florida Building Code any provision
108 that prohibits or requires, or has the effect of prohibiting or
109 requiring, the installation of materials to facilitate the use
110 of more than one type or fuel source of energy production listed
111 in s. 366.032(1), except to the extent that more than one type
112 or fuel source of energy is required for the proper operation of
113 an appliance, as specified by the appliance manufacturer. This
114 paragraph does not apply to emergency power systems and standby
115 power systems required by law, the Florida Building Code, the
116 Florida Fire Prevention Code, or local amendments adopted
117 thereto.

118 Section 4. Subsection (21) is added to section 633.202,
119 Florida Statutes, to read:

120 633.202 Florida Fire Prevention Code.—

121 (21) The State Fire Marshal may not adopt into the Florida
122 Fire Prevention Code any provision that prohibits or requires,
123 or has the effect of prohibiting or requiring, the installation
124 of materials to facilitate the use of more than one type or fuel
125 source of energy production listed in s. 366.032(1), except to

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126 the extent that more than one type or fuel source of energy is
127 required for the proper operation of an appliance, as specified
128 by the appliance manufacturer. This paragraph does not apply to
129 emergency power systems and standby power systems required by
130 law, the Florida Building Code, the Florida Fire Prevention
131 Code, or local amendments adopted thereto.

132 Section 5. This act shall take effect July 1, 2025.