

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: CS/CS/SB 1332

INTRODUCER: Community Affairs Committee; Regulated Industries Committee and Senator Wright

SUBJECT: Temporary Underground Power Panels

DATE: February 10, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sharon</u>	<u>Imhof</u>	<u>RI</u>	<u>Fav/CS</u>
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1332 prohibits counties and municipalities from enacting ordinances, regulations, or policies preventing an electric utility from installing a temporary underground (TUG) power panel during construction. The TUG power panel must meet the requirements of Article 590 of the 2020 National Electrical Code.

After an initial inspection of a TUG power panel, a county or municipality is prohibited from requiring a subsequent inspection as a condition for issuance of a certificate of occupancy.

The bill does not apply to a municipality that owns or operates an electric utility with 100,000 customers or less if the municipality's ordinance, regulation, or policy applies only to its own operations as an electric utility.

The bill defines the term "temporary underground power panel" as a permanent meter base including a meter socket, meter, and downpipe, to which power is provided through an underground service line by an electric utility pursuant to the utility's tariffs or service standards. The TUG power panel must be permanently attached to a block residential structure, provide temporary power for construction of the residential structure, and be intended for use in providing permanent service to the residential structure upon issuance of the certificate of occupancy.

The bill is effective July 1, 2022.

II. Present Situation:

Temporary Underground Power

When residential homes are under construction on undeveloped property, the homebuilder may arrange for temporary electric service to the property during construction to provide sufficient power for equipment on the job site.¹ Builders may also opt to use generators or install temporary power poles, which allow them to get enough energy for the necessary equipment on the job site.²

If the residence is ultimately going to receive power through an underground service line when the resident takes occupancy, a TUG service may be a more logical and cost-effective option.³ TUG service is available for residential services where the permanent approved meter socket, meter, and downpipe are configured so they can be used for temporary service.⁴

TUG allows the contractor to install the permanent meter base as soon as the lintel or tie beam is installed on the concrete block of a residential-detached home structure.⁵ This eliminates the need for temporary poles and allows the structure to receive permanent power prior to securing final inspection and a certificate of occupancy.⁶

After construction reaches a certain point and a temporary inspection takes place, the electric utility installs the permanent service to the meter socket.⁷ The permanent service is then used for construction until a certificate of occupancy is obtained.⁸ After the homeowner takes occupancy, the permanent connection installed for TUG service during construction is used to provide electric service to the residence.⁹

Before installing TUG service on a construction site, a builder must get approval from the county or municipality, usually through the building department.¹⁰ Generally, the contractor must indicate a desire to participate in a TUG program at the time of permitting and sign a written TUG agreement.¹¹ The Contractor must make prior arrangements with the applicable electric

¹ Power Plus, *Step-by-Step Guide: Temporary Construction Site Power*, <https://www.powerplus.com/industrial-power-blog/construction-site-temporary-power/> (last visited Jan. 24, 2022).

² *Id.*

³ *Id.*

⁴ See Florida Power and Light, *Electric Service Standards* (April 2021), at page 36 of the pdf, <file:///C:/Users/sharon.shirley/Downloads/electric-service-standards.pdf> (last visited Jan. 24, 2022).

⁵ See Orlando Utilities Commission, *How to Obtain Temporary Underground Service*, https://www.ouc.com/docs/customer-brochures/broc_tug.pdf?sfvrsn=9769e278_6 (last visited Jan. 24, 2022); City of Melbourne, *Temporary Underground Program Requirements*, <https://www.melbourneflorida.org/departments/code-compliance-division/building-section/building-section-forms/temporary-underground-tug-program-requirements> (last visited Jan. 24, 2022); Osceola County Building Office, *TUG: Temporary Under Ground Program Requirements* (January 2013) https://www.osceola.org/core/fileparse.php/2731/urlt/040521_TUG-Form-ADA.pdf (last visited Jan. 24, 2022).

⁶ Orlando Utilities Commission, *supra* note 5.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ See Orlando Utilities Commission, *supra* note 5; City of Melbourne, *supra* note 5; Osceola County Building Office, *supra* note 5.

¹¹ *Id.*

utility, providing a copy of the TUG agreement, and follow any guidelines prescribed by the utility.¹²

Many counties and municipalities offer TUG service, including:

- Orange County;¹³
- Osceola County;¹⁴
- Palm Beach County;¹⁵
- Pasco County;¹⁶
- Pinellas County;¹⁷
- Volusia County;¹⁸
- Orlando;¹⁹ and
- Melbourne.²⁰

National Electrical Code

The National Electrical Code (NEC) is published by the National Fire Protection Association (NFPA).²¹ The NEC is updated periodically, with NFPA members meeting every three years to review, modify, and add new NEC or NFPA requirements to enhance electrical safety.²² All 50 states have adopted the NEC, which serves to safeguard persons and property from hazards arising from electric use.²³ The most recent version of the NEC was published in 2020.²⁴ Article 590 of the NEC covers temporary electrical power and lighting installations.²⁵

¹² See City of Melbourne, *supra* note 5; Osceola County Building Office, *supra* note 5.

¹³ Orange County, *TUG Service*, <https://www.orangecountyfl.net/Portals/0/Library/Permitting-Licensing/docs/TUG%20Brochure%20CERT.pdf> (last visited Jan. 24, 2022).

¹⁴ Osceola County Building Office, *supra* note 5.

¹⁵ Palm Beach County, *Temporary Underground Service Policy and Procedure Memorandum*, May 9, 2019, [https://discover.pbcgov.org/pzb/building/BuildingCodes/PB-O-130%20-%20Temporary%20Underground%20\(TUG\)%20Service.pdf](https://discover.pbcgov.org/pzb/building/BuildingCodes/PB-O-130%20-%20Temporary%20Underground%20(TUG)%20Service.pdf) (last visited Jan 24, 2022).

¹⁶ Pasco County, *TUG Service Requirements*, <https://www.pascocountyfl.net/3638/TUG-Service-Requirement> (last visited Jan. 24, 2022).

¹⁷ Pinellas County, *TUG or Pre-Power Application and Agreement*, https://www.pinellascounty.org/build/PDF/Pre-Power_Tug_Inspections.pdf (last visited Jan. 24, 2022).

¹⁸ Volusia County, *Temporary Underground Service Request Form*, <https://www.volusia.org/core/fileparse.php/6038/urlt/tug.pdf> (last visited Jan. 24, 2022).

¹⁹ Orlando Utilities Commission, *supra* note 5.

²⁰ City of Melbourne, *supra* note 5.

²¹ National Fire Protection Association, *National Electrical Code*, <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=70> (last visited Jan. 26, 2022).

²² Eaton, *For Safety's Sake: The NEC 2020 Code Review*, <https://www.eaton.com/us/en-us/company/news-insights/for-safetys-sake-blog/the-NEC-2020-code-review.html#:~:text=Every%20three%20years%2C%20members%20of,the%20workplace%20and%20the%20home.> (last visited Jan. 26, 2022).

²³ NFPA, *supra* note 21.

²⁴ *Id.*

²⁵ Electrical Construction & Maintenance, Mike Holt, *The Basics of Temporary Installations*, <https://www.ecmweb.com/national-electrical-code/code-basics/article/20887856/the-basics-of-temporary-installations> (last visited Jan. 26, 2022).

III. Effect of Proposed Changes:

The bill creates s. 125.488, F.S., to prohibit counties from enacting any ordinance, regulation, or policy that prevents, or has the effect of preventing, an electric utility from installing a TUG power panel during construction. Under the bill, the term electric utility has the same meaning as in s. 366.02(2), F.S., which includes any municipal electric utility, investor-owned electric utility, or rural electric cooperative which owns, maintains, or operates an electric generation, transmission, or distribution system within the state. The TUG power panel must meet the requirements of Article 590 of the 2020 National Electrical Code.

After an initial inspection of a TUG power panel, a county or municipality is prohibited from requiring a subsequent inspection as a condition for issuance of a certificate of occupancy.

The bill defines the term “temporary underground power panel” as a permanent meter base including a meter socket, meter, and downpipe, to which power is provided through an underground service line by an electric utility pursuant to the utility’s tariffs or service standards. The TUG power panel must be permanently attached to a block residential structure, provide temporary power for construction of the residential structure, and be intended for use in providing permanent service to the residential structure upon issuance of the certificate of occupancy.

The bill also creates s. 166.0484, F.S., relating to ordinances, regulations, and policies concerning TUG power panels. The provisions of this section are identical to those in s. 125.488, F.S., but they apply to municipalities rather than counties.

The bill does not apply to a municipality that owns or operates an electric utility with 100,000 customers or less if the municipality’s ordinance, regulation, or policy applies only to its own operations as an electric utility.

The bill is effective July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Contractors who use TUG power panels during construction may realize some efficiency in the local government permitting and inspection process.

C. Government Sector Impact:

None.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill creates sections 125.488 and 166.0484 of the Florida Statutes.

IX. **Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Community Affairs on February 8, 2022:

The CS exempts a municipality that owns or operates an electric utility with 100,000 customers or less if the municipality's ordinance, regulation, or policy applies only to its own operations as an electric utility.

CS by Regulated Industries on January 25, 2022:

The CS conforms the Senate bill to the House bill by:

- Prohibiting both counties and municipalities from enacting any ordinance, regulation, or policy preventing an electric utility from installing a TUG power panel, during construction and installation of the temporary underground power panel.
- Requiring TUG power panels to meet the requirements of Article 590 of the 2020 National Electrical Code.

- Defining an electric utility in accordance with s. 366.02(2), F.S., as any municipal electric utility, investor-owned electric utility, or rural electric cooperative which owns, maintains, or operates an electric generation, transmission, or distribution system within the state.
- Prohibiting counties and municipalities from requiring a subsequent inspection of the TUG power panel as a condition for issuance of a certificate of occupancy, after an initial inspection.
- Defining a “temporary underground power panel” as a permanent meter base that includes a meter socket, meter, and downpipe, to which power is provided through an underground service line by an electric utility pursuant to its tariffs or service standards, that is permanently attached to a block residential structure, provides temporary power for construction of the residential structure, and is intended for use in providing permanent service to the residential structure upon issuance of the certificate of occupancy.
- Providing for a title change from temporary underground residential electric service to temporary underground power panels.

B. Amendments:

None.