

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 481 Temporary Underground Power Panels
SPONSOR(S): Tourism, Infrastructure & Energy Subcommittee, Duggan
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1332

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee	15 Y, 0 N, As CS	Walsh	Keating
2) Local Administration & Veterans Affairs Subcommittee	16 Y, 0 N	Leshko	Miller
3) Commerce Committee	21 Y, 0 N	Walsh	Hamon

SUMMARY ANALYSIS

When a residential home is under construction on undeveloped property, the homebuilder may arrange for temporary electric service to provide power to the property through the construction process. If the residence is ultimately going to receive power through an underground service line when the resident takes occupancy, a reduced cost alternative to a temporary power pole on a construction site is temporary underground (TUG) service.

A TUG service connection is available for underground residential services where the permanent approved meter socket, meter, and downpipe are configured such that they can be used for temporary service. After the homeowner takes occupancy of the house, the TUG connection installed during construction is then used to provide electric service to the residence.

Before installing TUG service on a construction site, a builder must get approval from the county or municipality, often through the county or municipality's building department.

The National Electrical Code (NEC) is published by the National Fire Protection Association, and serves to safeguard persons and property from hazards arising from the use of electricity.

The bill provides that neither counties nor municipalities may enact any ordinance, regulation, or policy that prevents, or has the effect of preventing, an electric utility from installing a temporary underground power panel, so long as the panel meets the requirements of Article 590 of the NEC, 2020 edition.

The bill defines the term "temporary underground power panel" and provides that a county or municipality that has conducted an inspection of a temporary underground power panel may not require a subsequent inspection of the panel as a condition of issuance of a Certificate of Occupancy.

The bill does not impact state government revenues or expenditures. The bill appears to have an indeterminate impact on local government revenues and expenditures, as local codes relating to TUG service vary by jurisdiction.

The bill would be effective July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Temporary Underground Power

When a residential home is under construction on undeveloped property, the homebuilder may arrange for temporary electric service to provide power to the property through the construction process. Builders may opt for temporary power poles, which allow them to get enough energy for the necessary equipment on the job site.¹ If the residence is ultimately going to receive power through an underground service line when the resident takes occupancy, a reduced cost alternative to a temporary power pole is temporary underground (TUG) service.²

The TUG alternative is available for underground residential services where the permanent approved meter socket, meter, and downpipe are configured such that they can be used for temporary service.³ In local jurisdictions that allow TUG service, after construction reaches a certain point and a temporary inspection takes place, the electric utility installs the permanent service to the meter socket.⁴ The installed permanent service is then used for construction until the Certificate of Occupancy is obtained.⁵ After the homeowner takes occupancy of the house, the permanent connection installed for TUG service during construction is then used to provide electric service to the residence.

Before installing TUG service on a construction site, a builder must get approval from the county or municipality, often through the county or municipality's building department.⁶ Many, but not all, Florida counties and municipalities offer TUG agreements. An internet search reflects that some of the counties and municipalities that have a TUG program include: Orange County, Osceola County, Palm Beach County, Pasco County, Pinellas County, Volusia County, Altamonte Springs, Fort Myers, Melbourne, Orlando, and Tarpon Springs.

National Electrical Code

The National Electrical Code (NEC) is published by the National Fire Protection Association and is updated every couple of years.⁷ All 50 states have adopted the NEC, as it serves to safeguard persons and property from hazards arising from the use of electricity.⁸ The most recent version of the NEC was published in 2020.⁹ Article 590 of the NEC covers temporary electrical power and lighting installations.¹⁰

¹ *Step-by-Step Guide: Temporary Construction Site Power*, PowerPlus, <https://www.powerplus.com/industrial-power-blog/construction-site-temporary-power/> (last visited Jan. 27, 2022).

² See, e.g., Florida Power and Light, *Electric Service Standards* (April 2021), at 10.

³ See, e.g., *Id.*

⁴ See, e.g., 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. 27, 2022); and *Electric Service Standards* at 10.

⁵ See, e.g., *Id.*

⁶ See, e.g., *Id.*

⁷ National Fire Protection Association, *NFPA 70*, <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=70> (last visited Jan. 27, 2022).

⁸ *Id.*; National Fire Protection Association, *National Electrical Code*, 29 (2020), available at <https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=70> (last visited Jan. 27, 2021).

⁹ National Fire Protection Association, *NFPA 70*.

¹⁰ National Fire Protection Association, *National Electrical Code* at 504.

Effect of the Bill

The bill provides that neither counties nor municipalities may enact any ordinance, regulation, or policy that prevents, or has the effect of preventing, an electric utility from installing a temporary underground power panel, so long as the panel meets the requirements of Article 590 of the NEC, 2020 edition.

The bill defines the term “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. Per the definition, the temporary underground power panel must be permanently attached to a block residential structure and be intended for use in providing permanent service to the residential structure upon issuance of the Certificate of Occupancy.

Under the bill, a county or municipality that has conducted an inspection of a temporary underground power panel may not require a subsequent inspection of the panel as a condition of issuance of a Certificate of Occupancy.

B. SECTION DIRECTORY:

Section 1: Creates s. 125.488, F.S., relating to county ordinances, regulations, and policies concerning temporary underground power panels.

Section 2: Creates s. 166.0484, F.S., relating to municipal ordinances, regulations, and policies concerning temporary underground power panels.

Section 3: Provides that the bill shall take effect July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. See Fiscal Comments.

2. Expenditures:

Indeterminate. See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Homebuilders may have fewer expenditures on fees associated with TUG inspections.

D. FISCAL COMMENTS:

Local government codes relating to TUG service, including fees and inspection requirements, vary across the state. Thus, the bill’s impact may vary by jurisdiction.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not require or authorize rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 12, 2022, the Tourism, Infrastructure & Energy Subcommittee adopted a strike-all amendment to the bill and reported the bill favorably as a committee substitute. The amendment defines the term “temporary underground power panel,” corrects a reference to the National Electrical Code, and clarifies that a county or municipality may not require a subsequent inspection of a temporary underground power panel as a condition of issuance of a Certificate of Occupancy.

This analysis is drafted to the committee substitute as approved by the Tourism, Infrastructure & Energy Subcommittee.