HB 1281 2023

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A bill to be entitled

An act relating to preemption over utility service restrictions; amending. s. 366.032, F.S.; preventing certain local governmental entities from enacting or enforcing a resolution, ordinance, rule, code, or policy or from taking any action that restricts or prohibits or has the effect of restricting or prohibiting the use of any major appliances; revising an exception to preemption; providing an effective date.

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

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

366.032 Preemption over utility service restrictions.-

(1) A municipality, county, special district, 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 the following

Page 1 of 3

HB 1281 2023

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 or Category II liquefied petroleum gas dispenser or Category III liquefied petroleum gas cylinder exchange operator as defined in s. 527.01.
- (2) A municipality, county, special district, 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 use of any major appliances, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in subsection (1).
- $\underline{(3)}$ Notwithstanding the restrictions of this section, this section does not prevent the board of a municipality or governmental entity which owns or operates and directly controls an electric or natural gas utility, from passing rules,

Page 2 of 3

CODING: Words stricken are deletions; words underlined are additions.

HB 1281 2023

51	regulations,	or	policies	governin	ng the	utilit	y •		
52	Section	2.	This act	shall t	ake ef	fect J	uly	1,	2023.

Page 3 of 3

CODING: Words stricken are deletions; words underlined are additions.