

CHAPTER 2023-285

Committee Substitute for Committee Substitute for House Bill No. 1281

An act relating to preemption over utility service restrictions; amending s. 366.032, F.S.; prohibiting certain local governmental entities, subject to specified exceptions, from enacting or enforcing a resolution, an ordinance, a rule, a code, or a policy or from taking any action that restricts or prohibits or has the effect of restricting or prohibiting the use of appliances; revising an exception to preemption; defining the term “appliance”; 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 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) 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, county, special district, or other political subdivision of the state may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the use of an appliance, 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). As used in this subsection, the term “appliance” means a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements.

(3)(2) 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, regulations, or policies governing the utility.

Section 2. This act shall take effect July 1, 2023.

Approved by the Governor June 22, 2023.

Filed in Office Secretary of State June 22, 2023.