A bill to be entitled

An act relating to utility service restrictions; amending s. 366.032, F.S.; prohibiting boards, agencies, commissions, and any authority of any county, municipal corporation, or political subdivision from restricting or prohibiting fuel sources and appliances used to provide energy to consumers; revising retroactive applicability to include boards, agencies, commissions, and any authority of any county, municipal corporation, and political subdivision; amending s. 425.04, FS.; prohibiting rural electric cooperatives from restricting or prohibiting certain fuel sources and appliances used to provide energy to consumers; amending s. 553.73, F.S.; prohibiting the Florida Building Commission from adopting specified restrictions; providing exceptions; amending s. 633.202, F.S.; prohibiting the State Fire Marshall from adopting specified restrictions; providing exceptions; providing an effective date.

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

Section 1. Subsections (1), (2), and (5) of section 366.032, Florida Statutes, are amended to read:

366.032 Preemption over utility service restrictions.—

(1) A municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, 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, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, 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.

(5) Any municipality, county, board, agency, commission, or authority of any county, municipal corporation, or political subdivision, special district, community development district created pursuant to chapter 190, or political subdivision charter, resolution, ordinance, rule, code, policy, or action that is preempted by this act that existed before or on July 1, 2021, is void.

Section 2. A new subsection (18) is added to section 425.04, Florida Statutes, to read:

425.04 Powers.—A cooperative shall have all of the following powers:

(18) A rural electric cooperative organized pursuant to this chapter may not adopt, enact, or enforce any bylaw, tariff, or policy, or take any other action, that restricts or prohibits or has the effect of restricting or prohibiting:

(a) The types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in paragraphs (a)-(e) of subsection (1) of s. 366.032 to serve customers that such entities are authorized to serve.

(b) 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 paragraphs (a)-(e) of subsection (1) of s. 366.032. 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.

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

553.73 Florida Building Code.—

(20) The Florida Building Commission may not:

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

(b) Adopt any provision that requires a door located in the opening between a garage and a single-family residence to be

equipped with a self-closing device.

(c) Adopt into the Florida Building Code any provision that prohibits or requires, or has the effect of prohibiting or requiring, the installation of materials to facilitate the use of more than one type or fuel source of energy production listed in paragraphs (a)-(e) of subsection (1) of s. 366.032, except to the extent that more than one type or fuel source of energy is required for the proper operation of an appliance, as specified by the appliance manufacturer. Emergency power systems and standby power systems required by statute, the Florida Building Code, the Florida Fire Prevention Code, or local amendments adopted thereto are exempt from this paragraph.

Section 4. A new subsection (21) is added to section 633.202, Florida Statutes, to read:

633.202 Florida Fire Prevention Code.—

(21) The State Fire Marshall may not adopt into the Florida Fire Prevention Code any provision that prohibits or requires, or has the effect of prohibiting or requiring, the installation of materials to facilitate the use of more than one type or fuel source of energy production listed in paragraphs (a)-(e) of subsection (1) of s. 366.032, except to the extent that more than one type or fuel source of energy is required for the proper operation of an appliance, as specified by the appliance manufacturer. Emergency power systems and standby power systems required by statute, the Florida Building Code,

the Florida Fire Prevention Code, or local amendments adopted thereto are exempt from this paragraph.

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