

Bill No. SB 2386

Barcode 841138

CHAMBER ACTION

Senate

House

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The Committee on Domestic Security (Wilson) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 526.143, Florida Statutes, is created to read:

526.143 Alternate generated power capacity for motor fuel retail facilities.--

(1) Each newly constructed or substantially renovated motor fuel retail outlet, as defined in s. 526.303, for which a certificate of occupancy is issued on or after July 1, 2006, shall be prewired with an appropriate transfer switch, and capable of operating all fuel pumps, dispensing equipment, life-safety systems, and payment-acceptance equipment using an alternate generated power source. As used in this subsection, the term "substantially renovated" means a renovation that results in an increase of greater than 50 percent in the assessed value of the motor fuel retail outlet. Local building

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1 inspectors shall include this equipment and operations check
 2 in the normal inspection process before issuing a certificate
 3 of occupancy. Each retail outlet that is subject to this
 4 subsection must keep a copy of the certificate of occupancy on
 5 site or at its corporate headquarters. In addition, each
 6 retail outlet must keep a written statement attesting to the
 7 periodic testing of and ensured operational capability of the
 8 equipment. The required documents must be made available, upon
 9 request, to the Division of Emergency Management and the
 10 director of the county emergency management agency.

11 (2)(a) No later than December 31, 2006, each motor
 12 fuel retail outlet described in subparagraphs 1., 2., or 3.,
 13 which is located within 1/2 mile proximate to an interstate
 14 highway or state or federally designated evacuation route must
 15 be prewired with an appropriate transfer switch and be capable
 16 of operating all fuel pumps, dispensing equipment, life-safety
 17 systems, and payment-acceptance equipment using an alternate
 18 generated power source:

19 1. A motor fuel retail outlet located in a county
 20 having a population of 300,000 or more which has 16 or more
 21 fueling positions.

22 2. A motor fuel retail outlet located in a county
 23 having a population of 100,000 or more, but fewer than
 24 300,000, which has 12 or more fueling positions.

25 3. A motor fuel retail outlet located in a county
 26 having a population of fewer than 100,000 which has eight or
 27 more fueling positions.

28 (b) Installation of appropriate wiring and transfer
 29 switch shall be performed by a certified electrical
 30 contractor. Each retail outlet that is subject to this
 31 subsection must keep a copy of the documentation of such

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1 installation on site or at its corporate headquarters. In
 2 addition, each retail outlet must keep a written statement
 3 attesting to the periodic testing of and ensured operational
 4 capacity of the equipment. The required documents must be made
 5 available, upon request, to the Division of Emergency
 6 Management and the director of the county emergency management
 7 agency.

8 (3)(a) Subsections (1) and (2) apply to any
 9 self-service, full-service, or combination self-service and
 10 full-service motor fuel retail outlet regardless of whether
 11 the retail outlet is located on the grounds of, or is owned
 12 by, another retail business establishment that does not engage
 13 in the business of selling motor fuel.

14 (b) Subsections (1) and (2) do not apply to:
 15 1. An automobile dealer;
 16 2. A person who operates a fleet of motor vehicles; or
 17 3. A person who sells motor fuel exclusively to a
 18 fleet of motor vehicles.

19 Section 2. (1) By January 1, 2007, the Division of
 20 Emergency Management shall complete an inventory of generators
 21 owned by the state and local governments which are capable of
 22 operating during a major disaster. The inventory must
 23 identify, at a minimum, the location of each generator, the
 24 number of generators stored at each specific location, to
 25 which agency the generators belong, the primary use of the
 26 generator by the owner agency, and the names, addresses, and
 27 telephone numbers of persons having the authority to loan the
 28 stored generators as authorized by the Division of Emergency
 29 Management during a declared emergency.

30 (2) The division shall maintain an inventory list of
 31 generators owned by the state and local governments. In

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1 addition, the division may keep a list of private entities,
 2 along with appropriate contact information, which offer
 3 generators for sale or lease. The list of private entities
 4 shall be available to the public for inspection in written and
 5 electronic formats.

6 Section 3. Regulation of alternate power supplies;
 7 preemption by the state.--Notwithstanding any other law or
 8 local ordinance and in order to ensure an appropriate
 9 emergency management response to a major disaster in this
 10 state, the regulation, requirements for siting, and placement
 11 of alternate power source capabilities and equipment at a
 12 motor fuel terminal facility, wholesaler, or retail sales
 13 outlet are preempted to the state.

14 Section 4. If any provision of this act or its
 15 application to any person or circumstance is held invalid, the
 16 invalidity does not affect other provisions or applications of
 17 the act which can be given effect without the invalid
 18 provision or application, and to this end the provisions of
 19 this act are severable.

20 Section 5. This act shall take effect July 1, 2006.

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete everything before the enacting clause

26

27 and insert:

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A bill to be entitled

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An act relating to alternative power supplies

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for retail motor fuel facilities; creating s.

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526.143, F.S.; requiring new or substantially

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1 renovated motor fuel retail outlets, and other
2 motor fuel retail outlets meeting specified
3 criteria for size and location, to be capable
4 of operating with alternate generated power;
5 providing requirements for the installation of
6 such equipment; requiring that such businesses
7 maintain documentation of compliance; providing
8 exemptions; requiring the Division of Emergency
9 Management to complete an inventory of
10 generators owned by the state and local
11 governments; authorizing the division to
12 maintain a list of private entities offering
13 generators for sale or lease and make that list
14 available to the public; preempting regulation
15 of alternate power sources at a motor fuel
16 terminal facility, wholesaler, or motor fuel
17 retail outlet to the state; providing for
18 severability; providing an effective date.

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