

By Senator Wilson

33-661A-06

1 A bill to be entitled
2 An act relating to alternative power supplies
3 for retail gasoline stations; creating s.
4 526.155, F.S.; requiring that each retail
5 gasoline station be equipped with an
6 alternative generator power source in order
7 that the station may operate its fuel pumping
8 system during a power outage caused by a major
9 disaster; requiring that the alternative
10 generator system be installed by an electrician
11 licensed in this state; providing that the act
12 applies to all self-service and full-service
13 retail gasoline stations; providing exceptions;
14 requiring the Division of Emergency Management
15 in the Department of Community Affairs to
16 produce by a certain date an inventory of the
17 locations of power generators capable of use
18 during a major disaster; requiring the division
19 to implement a program to lease power
20 generators following a major disaster to ensure
21 that retail gasoline stations have an
22 alternative generator power source to supply
23 gasoline to the retail public until the
24 electrical transmission system is restored;
25 authorizing the division to adopt rules to
26 administer the generator-leasing program;
27 preempting to the state the regulation, siting,
28 and placement of alternate power source
29 capabilities and equipment at a motor fuel
30 terminal facility, wholesaler, or retail sales
31 outlet; providing an effective date.

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

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3 Section 1. Section 526.155, Florida Statutes, is
4 created to read:

5 526.155 Gasoline supplies following a disaster.--

6 (1) Each retail gasoline station that offers motor
7 fuel to the public must be prewired with an appropriate
8 transfer switch and capable of using an alternative generator
9 power source for supplying power to the gasoline station,
10 including power to the gasoline pumping system, whenever there
11 is a disruption in the power supply due to a major disaster as
12 defined in s. 252.34. The components necessary to operate the
13 alternative generator power system at a retail gasoline
14 station must be installed by an electrician licensed in this
15 state.

16 (2)(a) Subsection (1) applies to any self-service or
17 full-service gasoline station. This section applies to a
18 retail gasoline station that is located on the grounds of, or
19 is owned by, another retail establishment that does not engage
20 in the business of selling motor fuel.

21 (b) Subsection (1) does not apply to an automobile
22 dealer, a person who operates a fleet of motor vehicles, or a
23 person who sells motor fuels exclusively to a fleet of motor
24 vehicles.

25 Section 2. (1) By January 1, 2007, the Division of
26 Emergency Management in the Department of Community Affairs
27 shall complete an inventory of the locations of power
28 generators capable of operation during a major disaster. The
29 inventory must identify, at a minimum, the location of each
30 generator, the number of generators stored at each specific
31 location, to whom the generators belong, whether the owner of

1 the generator is a private enterprise or a governmental
2 entity, the primary purpose of the generator storage, and the
3 names, addresses, and telephone numbers of persons having
4 authority to release the stored generators to the Division of
5 Emergency Management or to others.

6 (2) By July 1, 2007, the Division of Emergency
7 Management shall implement a program to lease power generators
8 to retail gasoline stations following a major disaster. The
9 purpose of the leasing program is to ensure that retail
10 gasoline stations have an alternative generator power source
11 to supply gasoline to the retail public until the electrical
12 transmission system is restored. The division shall cooperate
13 with private enterprise and governmental entities in locating
14 available generators, establishing procedures by which the
15 owners of generators can lease the generators to retail
16 gasoline stations, setting fee schedules for leasing
17 generators, and developing transportation capacity to deliver
18 the generators to the area in need of power generation.

19 (3) The division may adopt rules to administer the
20 generator-leasing system.

21 Section 3. Regulation of alternate power supplies;
22 preemption by the state.--Notwithstanding any other law or
23 local ordinance, and in order to ensure an appropriate
24 emergency management response to a major disaster in this
25 state, the regulation, requirements for siting, and placement
26 of alternate power source capabilities and equipment at a
27 motor fuel terminal facility, wholesaler, or retail sales
28 outlet are preempted to the state.

29 Section 4. This act shall take effect July 1, 2006.
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SENATE SUMMARY

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3 Requires that each retail gasoline station be equipped
4 with an alternative generator power source to operate its
5 fuel pumping system during a power outage caused by a
6 major disaster. Requires the alternative generator system
7 to be installed by an electrician licensed in this state.
8 Requires the Division of Emergency Management in the
9 Department of Community Affairs to produce an inventory
10 of the location of power generators capable of use during
11 a major disaster. Requires the division to implement a
12 program to lease power generators after the cessation of
13 a major disaster to ensure that retail gasoline stations
14 have an alternative generator power source to supply
15 gasoline to the retail public until the electrical
16 transmission system is restored in the damaged area.
17 Preempts to the state the regulation, siting, and
18 placement of alternate power source capabilities and
19 equipment at a motor fuel terminal facility, wholesaler,
20 or retail sales outlet.
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