

Bill No. SB 858

Barcode 093460

CHAMBER ACTION

Senate

House

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The Committee on Domestic Security (Diaz de la Portilla)
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 dispensing facilities.--

(1) No later than December 31, 2006, each motor fuel
terminal facility, as defined in s. 526.303, and wholesaler,
as defined in s. 526.303, which sells motor fuel in this state
must be capable of operating its distribution loading racks
using an alternate generated power source for a minimum of 72
hours. Pending a postdisaster examination of the equipment to
determine any extenuating damage that would render it unsafe
to use, the facility must have such alternate generated power
source available for operation no later than 24 hours after a
major disaster as defined in s. 252.34. Initial inspection for

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1 proper installation and operation shall be completed by a
 2 local building inspector, and verification of the inspection
 3 must be submitted to the local county emergency management
 4 director. Inspectors from the Department of Agriculture and
 5 Consumer Services shall check to assure that the equipment is
 6 available and in good operating order during regular
 7 inspections of the terminal operations.

8 (2) Each newly constructed or substantially renovated
 9 motor fuel retail outlet, as defined in s. 526.303, for which
 10 a certificate of occupancy is issued on or after July 1, 2006,
 11 shall be prewired with an appropriate transfer switch, and
 12 capable of operating all fuel pumps, dispensing equipment,
 13 life-safety systems, and payment acceptance equipment using an
 14 alternate generated power source. As used in this subsection,
 15 the term "substantially renovated" means a renovation that
 16 results in an increase of greater than 50 percent in the
 17 assessed value of the motor fuel retail outlet. Local building
 18 inspectors shall include this equipment and operations check
 19 in the normal inspection process before issuing a certificate
 20 of occupancy. A copy of the certificate of occupancy shall be
 21 provided to the local county emergency management director
 22 upon issuance of such certificate. Inspectors from the
 23 Department of Agriculture and Consumer Services shall check to
 24 assure that the equipment is available and in good operating
 25 order during regular inspections of the retail establishment.

26 (3) No later than December 31, 2006, all motor fuel
 27 retail outlets having 16 or more fueling positions that are
 28 within one-half mile proximate to an interstate highway or a
 29 state or federally designated evacuation route shall be
 30 prewired with an appropriate transfer switch and capable of
 31 operating all fuel pumps, dispensing equipment, life-safety

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1 systems, and payment acceptance equipment using an alternate
 2 generated power source. Initial inspection for proper
 3 installation and operation shall be completed by a local
 4 building inspector, and verification of the inspection must be
 5 submitted to the local county emergency management director.
 6 Inspectors from the Department of Agriculture and Consumer
 7 Services shall check to assure that the equipment i available
 8 and in good operating order during regular inspections of the
 9 retail establishment.

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

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

20 Section 2. Florida Disaster Motor Fuel Supplier
 21 Program.--

22 (1) There is created the "Florida Disaster Motor Fuel
 23 Supplier Program" within the Department of Community Affairs.
 24 The Florida Disaster Motor Fuel Supplier Program will allow
 25 any motor fuel retail outlet doing business in the state to
 26 participate in a network of emergency responders to provide
 27 fuel supplies and services to government, medical, critical
 28 infrastructure, and other responders, as well as the general
 29 public, in a declared disaster, as described in s. 252.36(2),
 30 Florida Statutes. Participation in the program will require
 31 precertification of preparedness to provide emergency services

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1 by Division of Emergency Management or the local county
2 emergency management director. Requirements for
3 precertification shall be established by the Division of
4 Emergency Management or the local county emergency management
5 director no later than July 1, 2006. Businesses that are
6 precertified will be issued a State Emergency Response Team
7 logo decal for public display to alert responders and the
8 public that the business is capable of assisting in an
9 emergency. In counties with active programs, the local county
10 emergency management department shall be primarily responsible
11 for administering the program within that county. In counties
12 that do not have active programs, the Division of Emergency
13 Management shall have the authority to precertify businesses
14 as members of the State Emergency Response Team and issue
15 appropriate signage.

16 (2) At a minimum, businesses that are precertified as
17 State Emergency Response Team members must have the on-site
18 capability to provide fuel dispensing services to other SERT
19 team members within 24 hours after a major disaster has
20 occurred, or demonstrate the ability to have such service
21 available, and agree to make service available as needed.
22 Businesses may choose to sell fuel through preexisting
23 contract with local, state, and federal response agencies or
24 may provide point-of-sale service to such agencies. In
25 addition, businesses may choose to sell to the general public,
26 or may be directed to provide such service by county or state
27 emergency management officers pursuant to s. 252.35, Florida
28 Statutes. If requested, appropriate law enforcement security
29 may be provided to the participating business for the purpose
30 of maintaining civil order during operating hours.

31 (3) Persons who are designated as members of the State

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1 Emergency Response Team and who can produce appropriate
2 identification, as determined by state or county emergency
3 management officials, will be given priority for fuel purchase
4 at businesses designated as SERT members. Businesses may be
5 directed by county or state emergency management officials to
6 remain open for some period during declared curfew to provide
7 service for emergency personnel. Under such direction, the
8 business shall not be in violation of the curfew and shall not
9 be penalized for such operation, nor shall the emergency
10 personnel be in violation of such curfew. Persons traveling
11 during periods of curfew shall be required to produce valid
12 official documentation of their SERT or local emergency
13 response position. Such documentation may include, but is not
14 limited to, current SERT identification badge, current law
15 enforcement or other response agency identification or shield,
16 current health care employee identification card, or current
17 government services identification card indicating a critical
18 services position.

19 (4) Businesses that are designated as SERT members may
20 request priority resupply fueling in order to continue service
21 to emergency responders. Such request is not binding, but
22 shall be considered by emergency managers in determining
23 appropriate response actions.

24 (5) Motor fuel retail outlets that choose to
25 participate in the Florida Disaster Motor Fuel Supplier
26 program may receive a state tax credit of up to 25 percent of
27 the value of a purchase of equipment and installation required
28 to meet certification requirements established by the Division
29 of Emergency Management of the local county emergency
30 management director. The total tax credit for an individual
31 certified location may not exceed \$15,000. The Florida

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1 Department of Revenue is authorized to issue the credit with
2 prior approval with the facility's payment of taxes on motor
3 fuel sales or corporate taxes to be predetermined by both the
4 department and the facility owner.

5 Section 3. Regulation of alternate power sources at
6 motor fuel outlets and other facilities preempted to the
7 state.--Notwithstanding any other law or local ordinance, and
8 to ensure an appropriate emergency management response to
9 major disasters in the state, the regulation, requirements for
10 siting, and placement of alternate power source capabilities
11 and equipment at motor fuel terminal facilities, wholesalers,
12 and retail sales outlets are preempted to the state.

13 Section 4. Review of Florida disaster motor fuel
14 supply distribution.--The Department of Environmental
15 Protection Energy Office shall review situational progress in
16 postdisaster motor fuel supply distribution and provide a
17 report to the Legislature by March 1, 2007. The report shall
18 include information on statewide compliance with s. 526.143,
19 Florida Statutes, and identification of all motor fuel retail
20 outlets that are participating in the Florida Disaster Motor
21 Fuel Supplier Program.

22 Section 5. If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 invalidity does not affect other provisions or applications of
25 the act which can be given effect without the invalid
26 provision or application, and to this end the provisions of
27 this act are declared severable.

28 Section 6. This act shall take effect upon becoming a
29 law.

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

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5 and insert:

6 A bill to be entitled

7 An act relating to emergency management;

8 creating s. 526.143, F.S.; requiring motor fuel

9 terminal facilities, wholesalers, new or

10 substantially renovated motor fuel retail

11 outlets, and other motor fuel retail outlets

12 meeting specified criteria for size and

13 location to be capable of operating with

14 alternate generated power; providing

15 exemptions; providing for inspections of

16 equipment and of installation and operation;

17 creating the Florida Disaster Motor Fuel

18 Supplier Program; providing for motor fuel

19 retail outlets to participate in a network of

20 emergency responders; prescribing duties of

21 county emergency management departments and the

22 Division of Emergency Management; prescribing

23 requirements to participate in the program;

24 providing for security at participating

25 outlets; exempting participating outlets from

26 curfew requirements; providing a state tax

27 credit for equipment and installation costs to

28 outlets participating in the program;

29 preempting regulation of alternate power

30 sources at motor fuel terminal facilities,

31 wholesalers, and motor fuel retail outlets to

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2 effective date.
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