

A bill to be entitled

An act relating to the Consumer Emergency Gasoline Act; creating s. 206.627, F.S.; requiring the owners of certain retail gasoline stations to purchase and install equipment to provide an alternative means of generating electric power for purposes of operating the station's fuel pumps under certain circumstances; providing application; providing a schedule of compliance; providing a criminal penalty; providing for a credit against motor fuel tax collections to any retail gasoline station owner who purchases and installs such equipment; providing limitations; requiring the Department of Revenue to provide forms and procedures for the credit by rule; preempting to the state the regulation, siting requirements, and placement of electric power generators at petroleum retail and wholesale facilities; providing an effective date.

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

Section 1. Section 206.627, Florida Statutes, is created to read:

206.627 Consumer Emergency Gasoline Act.--

(1) The owner of any gasoline station that sells motor fuel at retail to the general public and that had a minimum monthly average motor fuel sales volume of 125,000 gallons for any 6-month period during calendar year 2005 shall purchase and install on the station property equipment that provides an

29 alternative means of generating electric power for purposes of
30 operating the station's fuel pumps in the event of an electric
31 power outage or interruption in electric service. Such equipment
32 must be maintained and kept fully operational at all times, and
33 the station must be capable of pumping motor fuel immediately
34 upon the occurrence of an electric power outage or interruption
35 in electric service.

36 (2) Notwithstanding the volume limitation in subsection
37 (1), subsection (1) also applies to the owner of any newly
38 constructed gasoline station for which a certificate of
39 occupancy and operation is issued on or after June 1, 2006.
40 Subject to the volume limitation in subsection (1), the owner of
41 a gasoline station for which a certificate of occupancy and
42 operation was issued before June 1, 2006, shall comply with the
43 requirements of subsection (1) by December 1, 2007.

44 (3) The owner of a gasoline station who fails to comply
45 with the requirements of this section commits a misdemeanor of
46 the second degree, punishable as provided in s. 775.082 or s.
47 775.083.

48 (4) (a) The owner of any gasoline station who purchases and
49 installs equipment described in subsection (1) is entitled to a
50 credit against the motor fuel taxes collected at that station
51 for purposes of defraying the costs of purchasing and installing
52 that equipment. The amount of the credit shall not exceed the
53 cost of purchasing and installing the equipment at that station.
54 The maximum amount of the credit shall be based upon the amount
55 of motor fuel taxes collected at that station during March 2006.

56 (b) The station owner must apply to the department for the

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57 credit on forms developed by the department and pursuant to
58 procedures adopted by the department.

59 (c) The department shall provide by rule forms and
60 procedures for applying for and granting the credit authorized
61 under this subsection.

62 Section 2. Regulation of generators at petroleum
63 facilities preempted to state.--Notwithstanding any other law or
64 local ordinance and to ensure the optimization of uniform
65 electric power generation placement at petroleum facilities
66 throughout the state, the regulation, requirements for siting,
67 and placement of electric power generators at petroleum retail
68 and wholesale facilities are preempted to the state.

69 Section 3. This act shall take effect June 1, 2006.