

1 A bill to be entitled
 2 An act relating to the Motor Fuel Marketing Practices Act;
 3 repealing ss. 526.301-526.313, F.S., the Motor Fuel
 4 Marketing Practices Act, to terminate regulation of such
 5 practices under the act; amending s. 526.143, F.S.;
 6 conforming provisions to changes made by the act;
 7 providing an effective date.

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

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 11 Section 1. Sections 526.301, 526.302, 526.303, 526.304,
 12 526.305, 526.306, 526.307, 526.308, 526.309, 526.311, 526.312,
 13 and 526.313, Florida Statutes, are repealed.

14 Section 2. Section 526.143, Florida Statutes, is amended
 15 to read:

16 526.143 Alternate generated power capacity for motor fuel
 17 dispensing facilities.—

18 (1) By June 1, 2007, each motor fuel terminal facility,~~as~~
 19 ~~defined in s. 526.303(16),~~ and each wholesaler that,~~as defined~~
 20 ~~in s. 526.303(17),~~ which sells motor fuel in this state must be
 21 capable of operating its distribution loading racks using an
 22 alternate generated power source for a minimum of 72 hours.
 23 Pending a postdisaster examination of the equipment by the
 24 operator to determine any extenuating damage that would render
 25 it unsafe to use, the facility must have such alternate
 26 generated power source available for operation no later than 36
 27 hours after a major disaster as defined in s. 252.34.
 28 Installation of appropriate wiring, including a transfer switch,

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29 shall be performed by a certified electrical contractor. Each
30 business that is subject to this subsection must keep a copy of
31 the documentation of such installation on site or at its
32 corporate headquarters. In addition, each business must keep a
33 written statement attesting to the periodic testing and ensured
34 operational capacity of the equipment. The required documents
35 must be made available, upon request, to the Division of
36 Emergency Management and the director of the county emergency
37 management agency.

38 (2) Each newly constructed or substantially renovated
39 motor fuel retail outlet, ~~as defined in s. 526.303(14),~~ for
40 which a certificate of occupancy is issued on or after July 1,
41 2006, shall be prewired with an appropriate transfer switch, and
42 capable of operating all fuel pumps, dispensing equipment,
43 lifesafety systems, and payment-acceptance equipment using an
44 alternate generated power source. As used in this subsection,
45 the term "substantially renovated" means a renovation that
46 results in an increase of greater than 50 percent in the
47 assessed value of the motor fuel retail outlet. Local building
48 inspectors shall include this equipment and operations check in
49 the normal inspection process before issuing a certificate of
50 occupancy. Each retail outlet that is subject to this subsection
51 must keep a copy of the certificate of occupancy on site or at
52 its corporate headquarters. In addition, each retail outlet must
53 keep a written statement attesting to the periodic testing of
54 and ensured operational capability of the equipment. The
55 required documents must be made available, upon request, to the
56 Division of Emergency Management and the director of the county

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57 emergency management agency.

58 (3) (a) No later than June 1, 2007, each motor fuel retail
59 outlet described in subparagraph 1., subparagraph 2., or
60 subparagraph 3., which is located within one-half mile proximate
61 to an interstate highway or state or federally designated
62 evacuation route must be prewired with an appropriate transfer
63 switch and be capable of operating all fuel pumps, dispensing
64 equipment, lifesafety systems, and payment-acceptance equipment
65 using an alternate generated power source:

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

69 2. A motor fuel retail outlet located in a county having a
70 population of 100,000 or more, but fewer than 300,000, which has
71 12 or more fueling positions.

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

75 (b) Installation of appropriate wiring and transfer
76 switches must be performed by a certified electrical contractor.
77 Each retail outlet that is subject to this subsection must keep
78 a copy of the documentation of such installation on site or at
79 its corporate headquarters. In addition, each retail outlet must
80 keep a written statement attesting to the periodic testing of
81 and ensured operational capacity of the equipment. The required
82 documents must be made available, upon request, to the Division
83 of Emergency Management and the director of the county emergency
84 management agency.

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85 (4) (a) Subsections (2) and (3) apply to any self-service,
86 full-service, or combination self-service and full-service motor
87 fuel retail outlet regardless of whether the retail outlet is
88 located on the grounds of, or is owned by, another retail
89 business establishment that does not engage in the business of
90 selling motor fuel.

91 (b) Subsections (2) and (3) do not apply to:

92 1. An automobile dealer;

93 2. A person who operates a fleet of motor vehicles;

94 3. A person who sells motor fuel exclusively to a fleet of
95 motor vehicles; or

96 4. A motor fuel retail outlet that has a written agreement
97 with a public hospital, in a form approved by the Division of
98 Emergency Management, wherein the public hospital agrees to
99 provide the motor fuel retail outlet with an alternative means
100 of power generation onsite so that the outlet's fuel pumps may
101 be operated in the event of a power outage.

102 (5) (a) Each corporation or other entity that owns 10 or
103 more motor fuel retail outlets located within a single county
104 shall maintain at least one portable generator that is capable
105 of providing an alternate generated power source as required
106 under subsection (2) for every 10 outlets. If an entity owns
107 more than 10 outlets or a multiple of 10 outlets plus an
108 additional 6 outlets, the entity must provide one additional
109 generator to accommodate such additional outlets. Each portable
110 generator must be stored within this state, or may be stored in
111 another state if located within 250 miles of this state, and
112 must be available for use in an affected location within 24

113 hours after a disaster.

114 (b) Each corporation or other entity that owns 10 or more
 115 motor fuel retail outlets located within a single domestic
 116 security region, as determined pursuant to s. 943.0312(1), and
 117 that does not own additional outlets located outside the
 118 domestic security region shall maintain a written document of
 119 agreement with one or more similarly equipped entities for the
 120 use of portable generators that may be used to meet the
 121 requirements of paragraph (a) and that are located within this
 122 state but outside the affected domestic security region. The
 123 agreement may be reciprocal, may allow for payment for services
 124 rendered by the providing entity, and must guarantee the
 125 availability of the portable generators to an affected location
 126 within 24 hours after a disaster.

127 (c) For purposes of this section, ownership of a motor
 128 fuel retail outlet shall be the owner of record of the fuel
 129 storage systems operating at the location, as identified in the
 130 Department of Environmental Protection underground storage
 131 facilities registry pursuant to s. 376.303(1).

132 (6) As used in this section, the term:

133 (a) "Retail outlet" means a facility, including land and
 134 improvements, where motor fuel is offered for sale, at retail,
 135 to the motoring public.

136 (b) "Terminal facility" means any inland, waterfront, or
 137 offshore appurtenance on land used for the purpose of storing,
 138 handling, or transferring motor fuel, but does not include bulk
 139 storage facilities owned or operated by a wholesaler.

140 (c) "Wholesaler" means any person, other than a refiner or

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141 | dealer, who purchases motor fuel at a terminal facility and
142 | supplies motor fuel to retail outlets.

143 | Section 3. This act shall take effect July 1, 2011.