

By Senator Simpson

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1 A bill to be entitled
2 An act relating to fuel terminals; creating s.
3 163.3206, F.S.; providing legislative intent; defining
4 terms; declaring certain fuel terminals a permitted
5 and allowable use under any local government
6 comprehensive plan, land use map, zoning district, or
7 land development regulation; authorizing the expansion
8 of such fuel terminals; providing an exception to the
9 expansion of such fuel terminals; authorizing limited
10 local government regulation of expanded fuel
11 terminals; prohibiting a local government from
12 amending its local comprehensive plan, land use map,
13 zoning districts, or land development regulations to
14 make such fuel terminals a nonconforming use under the
15 provisions thereof; providing that future fuel
16 terminals are a permitted and allowable use in certain
17 land use categories and zoning districts; authorizing
18 a local government to prohibit future fuel terminals
19 in certain land use categories and zoning districts;
20 providing applicability; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 163.3206, Florida Statutes, is created
25 to read:

26 163.3206 Fuel terminals.-

27 (1) It is the intent of the Legislature to maintain,
28 encourage, and ensure adequate and reliable fuel terminal
29 infrastructure in this state. Fuel terminals are a critical

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30 component of fuel storage and distribution. The ability to
31 receive, store, and distribute fuel is essential to the state's
32 economy and to the health, safety, welfare, and quality of life
33 of residents and visitors. It is essential that fuel terminal
34 infrastructure be constructed and maintained in various
35 locations in order to ensure the efficient and reliable
36 transportation and delivery of an adequate quantity of fuel
37 throughout the state.

38 (2) As used in this section, the term:

39 (a) "Fuel" means any of the following:

40 1. Alternative fuel as defined in s. 525.01.

41 2. Aviation fuel as defined in s. 206.9815.

42 3. Diesel fuel as defined in s. 206.86.

43 4. Gas as defined in s. 206.9925.

44 5. Motor fuel as defined in s. 206.01.

45 6. Natural gas fuel as defined in s. 206.9951.

46 7. Oil as defined in s. 206.9925.

47 8. Petroleum fuel as defined in s. 525.01.

48 9. Petroleum product as defined in s. 206.9925.

49 (b) "Fuel terminal" means a storage and distribution
50 facility for fuel, supplied by pipeline or marine vessel, which
51 has the capacity to receive and store a bulk transfer of fuel,
52 is equipped with a loading rack through which fuel is physically
53 transferred into tanker trucks or rail cars, and which is
54 registered with the Internal Revenue Service as a terminal.

55 (c) "Primary use" means a use that is allowed as of right
56 and that does not require a special exception, a special use
57 permit, or a conditional use or other similar approval.

58 (3) Notwithstanding any local government comprehensive

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59 plan, land use map, zoning district, or land development
60 regulation to the contrary, fuel terminals in existence on July
61 1, 2014, are a permitted and allowable use under any local
62 government comprehensive plan, land use map, zoning district, or
63 land development regulation.

64 (a) Such fuel terminals, including the real property and
65 any facility thereon, may be expanded and the expanded fuel
66 terminal is a permitted and allowable use in all land use
67 categories in the applicable local government comprehensive plan
68 and zoning district unless such expansion consists of adding
69 real property that on July 1, 2014, was designated as
70 preservation, conservation, or historic preservation property on
71 the future land use map.

72 1. Local governments may adopt and enforce reasonable land
73 development regulations for the expanded portion of the fuel
74 terminal only. Such regulations may address only setback,
75 landscaping, buffering, screening, lighting, or other aesthetic
76 compatibility-based standards. Vegetated buffers or screening
77 may not be required to have a mature height in excess of 14
78 feet.

79 2. This paragraph does not limit a local government's
80 authority to grant a variance from setback, landscaping,
81 buffering, screening, lighting, or other aesthetic
82 compatibility-based standards to a fuel terminal owner upon the
83 owner's request.

84 (b) A local government may not amend its comprehensive
85 plan, land use map, zoning districts, or land development
86 regulations in a manner that would conflict with a fuel
87 terminal's classification as a permitted and allowable use under

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88 this section, including, but not limited to, an amendment that
89 causes a fuel terminal to be a nonconforming use, structure, or
90 development.

91 (4) Fuel terminals proposed after July 1, 2014, are a
92 permitted and allowable use in all industrial or similar land
93 use categories and in zoning districts that, as a primary use,
94 permit heavy industrial use, light industrial use,
95 manufacturing, assembly, processing, warehouses, wholesale, or
96 similar use. However, a local government may prohibit such fuel
97 terminals in land use categories and in zoning districts that
98 permit a residential or commercial use as a primary use.

99 (5) This section does not limit the authority of a local
100 government to implement and enforce applicable federal and state
101 requirements for fuel terminals, including safety and building
102 standards. However, the exercise of such authority may not
103 conflict with federal or state safety and security requirements
104 for fuel terminals.

105 Section 2. This act shall take effect July 1, 2014.