

By the Committee on Community Affairs; and Senator Simpson

578-02456-14

20141070c1

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; authorizing limited local
9 government regulation of expanded fuel terminals;
10 prohibiting a local government from amending its local
11 comprehensive plan, land use map, zoning districts, or
12 land development regulations to make such fuel
13 terminals a nonconforming use under the provisions
14 thereof; providing applicability; providing an
15 effective date.

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

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19 Section 1. Section 163.3206, Florida Statutes, is created
20 to read:

21 163.3206 Fuel terminals.—

22 (1) It is the intent of the Legislature to maintain,
23 encourage, and ensure adequate and reliable fuel terminal
24 infrastructure in this state. Fuel terminals are a critical
25 component of fuel storage and distribution. The ability to
26 receive, store, and distribute fuel is essential to the state's
27 economy and to the health, safety, welfare, and quality of life
28 of residents and visitors. It is essential that fuel terminal
29 infrastructure be constructed and maintained in various

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30 locations in order to ensure the efficient and reliable
31 transportation and delivery of an adequate quantity of fuel
32 throughout the state.

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

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

- 35 1. Alternative fuel as defined in s. 525.01.
- 36 2. Aviation fuel as defined in s. 206.9815.
- 37 3. Diesel fuel as defined in s. 206.86.
- 38 4. Gas as defined in s. 206.9925.
- 39 5. Motor fuel as defined in s. 206.01.
- 40 6. Natural gas fuel as defined in s. 206.9951.
- 41 7. Oil as defined in s. 206.9925.
- 42 8. Petroleum fuel as defined in s. 525.01.
- 43 9. Petroleum product as defined in s. 206.9925.

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

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

53 (3) Notwithstanding any local government comprehensive
54 plan, land use map, zoning district, or land development
55 regulation to the contrary, fuel terminals in existence on July
56 1, 2014, are a permitted and allowable use under any local
57 government comprehensive plan, land use map, zoning district, or
58 land development regulation.

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59 (a) Such fuel terminals may be expanded within the physical
60 boundary of the parcel upon which the fuel terminal is located
61 regardless of the current land use designation of the parcel.

62 1. Local governments may adopt and enforce reasonable land
63 development regulations for the expanded portion of the fuel
64 terminal only. Such regulations may address only setback,
65 landscaping, buffering, screening, lighting, or other aesthetic
66 compatibility-based standards. Vegetated buffers or screening
67 may not be required to have a mature height in excess of 14
68 feet.

69 2. This paragraph does not limit a local government's
70 authority to grant a variance from setback, landscaping,
71 buffering, screening, lighting, or other aesthetic
72 compatibility-based standards to a fuel terminal owner upon the
73 owner's request.

74 (b) A local government may not amend its comprehensive
75 plan, land use map, zoning districts, or land development
76 regulations in a manner that would conflict with a fuel
77 terminal's classification as a permitted and allowable use under
78 this section, including, but not limited to, an amendment that
79 causes a fuel terminal to be a nonconforming use, structure, or
80 development.

81 (4) This section does not limit the authority of a local
82 government to implement and enforce applicable federal and state
83 requirements for fuel terminals, including safety and building
84 standards. However, the exercise of such authority may not
85 conflict with federal or state safety and security requirements
86 for fuel terminals.

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