

By the Committees on Transportation; and Community Affairs; and
Senator Simpson

596-03788-14

20141070c2

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; prohibiting a local government from amending
5 its local comprehensive plan, land use map, zoning
6 districts, or land development regulations to make a
7 fuel terminal a nonconforming use under the provisions
8 thereof; requiring a local government to allow the
9 repair of a fuel terminal damaged or destroyed by a
10 natural disaster or other catastrophe; providing
11 applicability; providing an effective date.

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

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15 Section 1. Section 163.3206, Florida Statutes, is created
16 to read:

17 163.3206 Fuel terminals.-

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

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

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

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

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

46 (3) After July 1, 2014, a local government may not amend
47 its comprehensive plan, land use map, zoning districts, or land
48 development regulations in a manner that would conflict with a
49 fuel terminal's classification as a permitted and allowable use,
50 including, but not limited to, an amendment that causes a fuel
51 terminal to be a nonconforming use, structure, or development.

52 (4) In the event of damage to or destruction of a fuel
53 terminal as a result of a natural disaster or other catastrophe,
54 a local government shall allow the timely repair of the fuel
55 terminal to the capacity of the fuel terminal as it existed
56 before the natural disaster or catastrophe.

57 (5) This section does not limit the authority of a local
58 government to adopt, implement, modify, and enforce applicable

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59 federal and state requirements for fuel terminals, including
60 safety and building standards, and local safety and building
61 standards. However, the exercise of local authority may not
62 conflict with federal or state safety and security requirements
63 for fuel terminals.

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