

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Transportation & Highway
 2 Safety Subcommittee
 3 Representative Ray offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

8 Section 1. Section 163.3206, Florida Statutes, is created
 9 to read:

10 163.3206 Fuel terminals.—

11 (1) It is the intent of the Legislature to maintain,
 12 encourage, and ensure adequate and reliable fuel terminal
 13 infrastructure in this state. Fuel terminals are a critical
 14 component of fuel storage and distribution. The ability to
 15 receive, store, and distribute fuel is essential to the state's
 16 economy and to the health, safety, welfare, and quality of life
 17 of residents and visitors. It is essential that fuel terminal

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18 infrastructure be constructed and maintained in various
19 locations in order to ensure the efficient and reliable
20 transportation and delivery of an adequate quantity of fuel
21 throughout the state.

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

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

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

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

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

27 4. Gas as defined in s. 206.9925.

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

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

30 7. Oil as defined in s. 206.9925.

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

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

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

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

42 (3) Notwithstanding any local government comprehensive
43 plan, land use map, zoning district, or land development

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44 regulation to the contrary, fuel terminals in existence on July
45 1, 2014, are a permitted and allowable use under any local
46 government comprehensive plan, land use map, zoning district, or
47 land development regulation.

48 (a) Such fuel terminals may be expanded within the
49 physical boundary of the parcel upon which the fuel terminal is
50 located regardless of the current land use designation of the
51 parcel.

52 1. Local governments may adopt and enforce reasonable land
53 development regulations for the expanded portion of the fuel
54 terminal only. Such regulations may address only setback,
55 landscaping, buffering, screening, lighting, or other aesthetic
56 compatibility-based standards. Vegetated buffers or screening
57 may not be required to have a mature height in excess of 14
58 feet.

59 2. This paragraph does not limit a local government's
60 authority to grant a variance from setback, landscaping,
61 buffering, screening, lighting, or other aesthetic
62 compatibility-based standards to a fuel terminal owner upon the
63 owner's request.

64 (b) A local government may not amend its comprehensive
65 plan, land use map, zoning districts, or land development
66 regulations in a manner that would conflict with a fuel
67 terminal's classification as a permitted and allowable use under
68 this section, including, but not limited to, an amendment that
69 causes a fuel terminal to be a nonconforming use, structure, or

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70 development.

71 (4) This section does not limit the authority of a local
72 government to implement and enforce applicable federal and state
73 requirements for fuel terminals, including safety and building
74 standards. However, the exercise of such authority may not
75 conflict with federal or state safety and security requirements
76 for fuel terminals.

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

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81 **T I T L E A M E N D M E N T**

82 Remove everything before the enacting clause and insert:
83 An act relating to fuel terminals; creating s. 163.3206,
84 F.S.; providing legislative intent; defining terms;
85 declaring certain fuel terminals a permitted and allowable
86 use under any local government comprehensive plan, land use
87 map, zoning district, or land development regulation;
88 authorizing the expansion of such fuel terminals;
89 authorizing limited local government regulation of expanded
90 fuel terminals; prohibiting a local government from
91 amending its local comprehensive plan, land use map, zoning
92 districts, or land development regulations to make such
93 fuel terminals a nonconforming use under the provisions
94 thereof; providing applicability; providing an effective
95 date.