

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.

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

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 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
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
 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
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.

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