

A bill to be entitled

An act relating to fuel terminals; creating s. 163.3206, F.S.; providing legislative intent; providing definitions; prohibiting a local government from amending its comprehensive plan, land use map, zoning districts, or land development regulations to make fuel terminals a nonconforming use under the provisions thereof; providing for the repair of a fuel terminal to its preexisting capacity after certain events; providing applicability; providing an effective date.

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

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

163.3206 Fuel terminals.—

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

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) Effective July 1, 2014, a local government may not

47 amend its comprehensive plan, land use map, zoning districts, or

48 land development regulations in a manner that would conflict

49 with a fuel terminal's classification as a permitted and

50 allowable use under this section, including, but not limited to,

51 an amendment that causes a fuel terminal to be a nonconforming

52 use, structure, or development.

53 (4) This section does not limit the authority of a local
54 government to implement and enforce applicable federal and state
55 requirements for fuel terminals, including safety and building
56 standards. However, the exercise of such authority may not
57 conflict with federal or state safety and security requirements
58 for fuel terminals. In the event of damage to or destruction of
59 a fuel terminal as a result of a natural disaster or other
60 catastrophe, a local government shall allow the timely repair of
61 a fuel terminal to the capacity of the fuel terminal as it
62 existed before the disaster.

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