

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WITHDRAWN	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: Tourism, Infrastructure &  
2 Energy Subcommittee

3 Representative Fabricio offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:  
7 Section 1. Section 377.707, Florida Statutes, is created to  
8 read:

9 377.707 State preemption of transportation energy  
10 infrastructure regulation.-

11 (1) As used in this section, the term "transportation  
12 energy infrastructure" means infrastructure supporting the  
13 production, import, storage, and distribution of fuels used for  
14 transportation including, but not limited to, petroleum,  
15 petroleum products, gasoline, diesel fuel, motor fuel,

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16 alternative fuel, marine fuel, aviation fuel, renewable fuel,  
17 natural gas, hydrogen, and electricity.

18 (2) The Legislature finds that affordable, reliable, and  
19 sustainable transportation energy throughout the state is  
20 dependent upon transportation energy infrastructure networks  
21 extending beyond local government boundaries and recognizes the  
22 importance of consumer choice in the transportation energy  
23 market. Therefore, the regulation of transportation energy  
24 infrastructure is expressly preempted to the state.

25 (3) Except as authorized by general law, a local  
26 government is prohibited from:

27 (a) Adopting or implementing any law, ordinance,  
28 regulation, policy, or resolution that prohibits, restricts, or  
29 requires, or that has the effect of prohibiting, restricting, or  
30 requiring, the construction of new transportation energy  
31 infrastructure or the expansion, upgrading, or repair of  
32 existing transportation energy infrastructure, or imposing any  
33 requirement regulating transportation energy infrastructure that  
34 is more stringent than state law or department rule, except for  
35 local ordinances regulating underground petroleum storage system  
36 construction, operation, and maintenance that were enacted  
37 pursuant to s. 376.317(3) (a).

38 (b) Amending its comprehensive plan, land use map, zoning  
39 districts, or land development regulations in a manner that  
40 would conflict with an existing transportation energy

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41 infrastructure classification as a permitted and allowable use  
42 including, but not limited to, an amendment that causes an  
43 existing transportation energy infrastructure to be a  
44 nonconforming use, structure, or development.

45 (c) Imposing transportation energy infrastructure  
46 requirements that are more stringent than state law or  
47 department rule.

48 (4) This section does not limit the authority of a local  
49 government to adopt, implement, modify, and enforce applicable  
50 federal and state requirements for transportation energy  
51 infrastructure including safety and building standards. However,  
52 the exercise of local authority may not conflict with federal or  
53 state safety and security requirements for transportation energy  
54 infrastructure.

55 (5) Any existing or future law, ordinance, regulation,  
56 policy, or resolution that is contrary to this section is void.

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

59 Remove everything before the enacting clause and insert:  
60 An act relating to statepreemption of transportation energy  
61 infrastructure regulation; creating s. 377.707, F.S.; providing  
62 a definition; providing legislative findings; preempting  
63 regulation of transportation energy infrastructure to the state;  
64 prohibiting a local government from regulating transportation

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65 | energy infrastructure; providing an exception; providing  
66 | construction; providing an effective date.