

1 A bill to be entitled
 2 An act relating to state preemption of transportation
 3 energy infrastructure regulation; creating s. 377.707,
 4 F.S.; providing a definition; providing legislative
 5 findings; preempting regulation of transportation
 6 energy infrastructure to the state; prohibiting a
 7 local government from regulating transportation energy
 8 infrastructure; providing an exception; providing
 9 construction; providing an effective date.

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

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 13 Section 1. Section 377.707, Florida Statutes, is created
 14 to read:

15 377.707 State preemption of transportation energy
 16 infrastructure regulation.-

17 (1) As used in this section, the term "transportation
 18 energy infrastructure" means infrastructure supporting the
 19 production, import, storage, and distribution of fuels used for
 20 transportation including, but not limited to, petroleum,
 21 petroleum products, gasoline, diesel fuel, motor fuel,
 22 alternative fuel, marine fuel, aviation fuel, renewable fuel,
 23 natural gas, hydrogen, and electricity.

24 (2) The Legislature finds that affordable, reliable, and
 25 sustainable transportation energy throughout the state is

26 dependent upon transportation energy infrastructure networks
27 extending beyond local government boundaries and recognizes the
28 importance of consumer choice in the transportation energy
29 market. Therefore, the regulation of transportation energy
30 infrastructure is expressly preempted to the state.

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

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

44 (b) Amending its comprehensive plan, land use map, zoning
45 districts, or land development regulations in a manner that
46 would conflict with an existing transportation energy
47 infrastructure classification as a permitted and allowable use
48 including, but not limited to, an amendment that causes an
49 existing transportation energy infrastructure to be a
50 nonconforming use, structure, or development.

51 (c) Imposing transportation energy infrastructure
52 requirements that are more stringent than state law or
53 department rule.

54 (4) This section does not limit the authority of a local
55 government to adopt, implement, modify, and enforce applicable
56 federal and state requirements for transportation energy
57 infrastructure including safety and building standards. However,
58 the exercise of local authority may not conflict with federal or
59 state safety and security requirements for transportation energy
60 infrastructure.

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

63 Section 2. This act shall take effect July 1, 2021.