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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/09/2021	.	
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The Committee on Regulated Industries (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

377.707 State preemption of transportation energy
infrastructure regulation.—

(1) As used in this section, the term:

(a) "Fuel" includes, but is not limited to, petroleum fuel,



352804

11 petroleum products, gasoline, diesel fuel, motor fuel, marine
12 fuel, aviation fuel, renewable fuel, alternative fuel, natural
13 gas fuel, hydrogen fuel, and electricity, when such fuel sources
14 are used for transportation.

15 (b) "Transportation energy infrastructure" means
16 infrastructure supporting the production, importation, storage,
17 and distribution of fuel.

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

23 (3) The regulation of transportation energy infrastructure
24 is expressly preempted to the state. A local government is
25 prohibited from doing any of the following:

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

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



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

44 (c) Imposing requirements that are more stringent than
45 state law or rule.

46 (4) This section does not limit the authority of a local
47 government to adopt, implement, modify, and enforce:

48 (a) Applicable federal and state requirements for
49 transportation energy infrastructure, including safety and
50 building standards; or

51 (b) Local safety and building standards that do not
52 conflict with federal or state safety and security requirements
53 for transportation energy infrastructure.

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

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

57
58 ===== T I T L E A M E N D M E N T =====

59 And the title is amended as follows:

60 Delete everything before the enacting clause
61 and insert:

62 A bill to be entitled
63 An act relating to the state preemption of
64 transportation energy infrastructure regulation;
65 creating s. 377.707, F.S.; defining terms; providing
66 legislative findings; preempting the regulation of
67 transportation energy infrastructure to the state;
68 prohibiting a local government from taking specified



352804

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actions relating to the regulation of transportation
energy infrastructure; proving exceptions; providing
construction; providing an effective date.