

By the Committees on Community Affairs; and Regulated Industries; and Senator Hutson

578-02922-21

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1 A bill to be entitled
2 An act relating to the express preemption of fuel
3 retailers and related transportation infrastructure;
4 creating s. 377.707, F.S.; defining terms; prohibiting
5 a municipality, county, special district, or political
6 subdivision from taking certain actions to prohibit
7 the siting, development, or redevelopment of fuel
8 retailers and the related transportation
9 infrastructure and from requiring fuel retailers to
10 install or invest in a particular fueling
11 infrastructure; providing construction; providing an
12 effective date.

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

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

18 377.707 Express preemption of fuel retailers and related
19 transportation infrastructure.—

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

21 (a) "Fuel retailer" means a fuel station or retail
22 establishment that sells fuel to provide power to vehicles.

23 (b) "Related transportation infrastructure" means
24 underground storage tanks, pipelines, or any related equipment
25 that is necessary to dispense fuel at a fuel retailer.

26 (2) A municipality, county, special district, or political
27 subdivision may not do any of the following:

28 (a) Adopt a law, an ordinance, a regulation, a policy, or a
29 resolution that prohibits the siting, development, or

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30 redevelopment of a fuel retailer or the related transportation
31 infrastructure that is necessary to provide fuel to a fuel
32 retailer within the entirety of the jurisdictional boundary of
33 the municipality, county, special district, or political
34 subdivision.

35 (b) Adopt or apply a law, an ordinance, a regulation, a
36 policy, or a resolution that results in the de facto prohibition
37 of a fuel retailer or the related transportation infrastructure
38 that is necessary to provide fuel to a fuel retailer within the
39 entirety of the jurisdictional boundary of a municipality,
40 county, special district, or political subdivision.

41 (c) Require a fuel retailer to install or invest in a
42 particular kind of fueling infrastructure, including, but not
43 limited to, electric vehicle charging stations.

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45 This section does not preempt a municipality, county, special
46 district, or political subdivision from adopting and
47 implementing a law, an ordinance, a regulation, a policy, or a
48 resolution that is not otherwise inconsistent with general law
49 relating to the siting, development, or redevelopment of fuel
50 retailers or related transportation infrastructure necessary for
51 them to provide fuel, if such law, ordinance, regulation,
52 policy, or resolution does not result in a de facto prohibition
53 of fuel retailers or related transportation infrastructure
54 necessary to provide fuel to fuel retailers from being sited,
55 developed, or redeveloped within the entirety of the
56 jurisdictional boundaries of the municipality, county, special
57 district, or political subdivision.

58 Section 2. This act shall take effect upon becoming a law.