

CHAPTER 2021-111

Committee Substitute for Committee Substitute for House Bill No. 839

An act relating to the express preemption of fuel retailers and related transportation infrastructure; creating s. 377.707, F.S.; defining terms; prohibiting a municipality, county, special district, or political subdivision from taking certain actions to prohibit the siting, development, or redevelopment of fuel retailers and the related transportation infrastructure and from requiring fuel retailers to install or invest in a particular kind of fueling infrastructure; providing construction; providing an effective date.

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

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

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

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

(a) “Fuel retailer” means a fuel station or retail establishment that sells fuel to provide power to vehicles.

(b) “Related transportation infrastructure” means storage tanks, pipelines, or any related equipment that is necessary to deliver fuel to a fuel retailer or dispense fuel at a fuel retailer.

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

(a) Adopt a law, an ordinance, a regulation, a policy, or a resolution that prohibits the siting, development, or redevelopment of a fuel retailer or the related transportation infrastructure that is necessary to provide fuel to a fuel retailer within the entirety of the jurisdictional boundary of the municipality, county, special district, or political subdivision.

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

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

This section does not preempt a municipality, county, special district, or political subdivision from adopting and implementing a law, an ordinance, a regulation, a policy, or a resolution that is not otherwise inconsistent with general law relating to the siting, development, or redevelopment of fuel retailers or related transportation infrastructure necessary for them to provide fuel, if such law, ordinance, regulation, policy, or resolution does not result in a de facto prohibition of fuel retailers or related transportation infrastructure necessary to provide fuel to fuel retailers from being sited, developed, or redeveloped within zoning or land use classifications where such infrastructure is consistent with other allowable uses.

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

Approved by the Governor June 16, 2021.

Filed in Office Secretary of State June 16, 2021.