

## CHAPTER 2014-93

### Committee Substitute for Committee Substitute for Senate Bill No. 1070

An act relating to fuel terminals; creating s. 163.3206, F.S.; providing legislative intent; defining terms; prohibiting a local government from amending its local comprehensive plan, land use map, zoning districts, or land development regulations to make a fuel terminal a nonconforming use under the provisions thereof; requiring a local government to allow the repair of a fuel terminal damaged or destroyed by a natural disaster or other catastrophe; providing applicability; providing an effective date.

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

Section 1. Section 163.3206, Florida Statutes, is created to read:

163.3206 Fuel terminals.—

(1) It is the intent of the Legislature to maintain, encourage, and ensure adequate and reliable fuel terminal infrastructure in this state. Fuel terminals are a critical component of fuel storage and distribution. The ability to receive, store, and distribute fuel is essential to the state's economy and to the health, safety, welfare, and quality of life of residents and visitors. It is essential that fuel terminal infrastructure be constructed and maintained in various locations in order to ensure the efficient and reliable transportation and delivery of an adequate quantity of fuel throughout the state.

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

(a) "Fuel" means any of the following:

1. Alternative fuel as defined in s. 525.01.
2. Aviation fuel as defined in s. 206.9815.
3. Diesel fuel as defined in s. 206.86.
4. Gas as defined in s. 206.9925.
5. Motor fuel as defined in s. 206.01.
6. Natural gas fuel as defined in s. 206.9951.
7. Oil as defined in s. 206.9925.
8. Petroleum fuel as defined in s. 525.01.
9. Petroleum product as defined in s. 206.9925.

(b) “Fuel terminal” means a storage and distribution facility for fuel, supplied by pipeline or marine vessel, which has the capacity to receive and store a bulk transfer of fuel, is equipped with a loading rack through which fuel is physically transferred into tanker trucks or rail cars, and is registered with the Internal Revenue Service as a terminal.

(3) After July 1, 2014, a local government may not amend its comprehensive plan, land use map, zoning districts, or land development regulations in a manner that would conflict with a fuel terminal’s classification as a permitted and allowable use, including, but not limited to, an amendment that causes a fuel terminal to be a nonconforming use, structure, or development.

(4) In the event of damage to or destruction of a fuel terminal as a result of a natural disaster or other catastrophe, a local government shall allow the timely repair of the fuel terminal to the capacity of the fuel terminal as it existed before the natural disaster or catastrophe.

(5) This section does not limit the authority of a local government to adopt, implement, modify, and enforce applicable federal and state requirements for fuel terminals, including safety and building standards, and local safety and building standards. However, the exercise of local authority may not conflict with federal or state safety and security requirements for fuel terminals.

Section 2. This act shall take effect July 1, 2014.

Approved by the Governor June 13, 2014.

Filed in Office Secretary of State June 13, 2014.