

ENROLLED

CS/CS/HB 839

2021 Legislature

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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

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26 retailer.

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

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

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

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

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 46 This section does not preempt a municipality, county, special
 47 district, or political subdivision from adopting and
 48 implementing a law, an ordinance, a regulation, a policy, or a
 49 resolution that is not otherwise inconsistent with general law
 50 relating to the siting, development, or redevelopment of fuel

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51 retailers or related transportation infrastructure necessary for
52 them to provide fuel, if such law, ordinance, regulation,
53 policy, or resolution does not result in a de facto prohibition
54 of fuel retailers or related transportation infrastructure
55 necessary to provide fuel to fuel retailers from being sited,
56 developed, or redeveloped within zoning or land use
57 classifications where such infrastructure is consistent with
58 other allowable uses.

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