

By the Committee on Regulated Industries; and Senator Hutson

580-02581-21

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1 A bill to be entitled
2 An act relating to the state preemption of
3 transportation energy infrastructure regulation;
4 creating s. 377.707, F.S.; defining terms; providing
5 legislative findings; preempting the regulation of
6 transportation energy infrastructure to the state;
7 prohibiting a local government from taking specified
8 actions relating to the regulation of transportation
9 energy infrastructure; proving exceptions; providing
10 construction; providing an effective date.

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

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

16 377.707 State preemption of transportation energy
17 infrastructure regulation.-

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

19 (a) "Fuel" includes, but is not limited to, petroleum fuel,
20 petroleum products, gasoline, diesel fuel, motor fuel, marine
21 fuel, aviation fuel, renewable fuel, alternative fuel, natural
22 gas fuel, hydrogen fuel, and electricity, when such fuel sources
23 are used for transportation.

24 (b) "Transportation energy infrastructure" means
25 infrastructure supporting the production, importation, storage,
26 and distribution of fuel.

27 (2) The Legislature recognizes that affordable, reliable,
28 and sustainable energy throughout this state is dependent upon
29 transportation energy infrastructure networks extending beyond

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30 local government boundaries and recognizes the importance of
31 consumer choice in the energy market.

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

35 (a) Adopting or implementing any law, ordinance,
36 regulation, policy, or resolution that prohibits, restricts, or
37 requires, or that has the effect of prohibiting, restricting, or
38 requiring, the construction of new transportation energy
39 infrastructure or the expansion, upgrading, or repair of
40 existing transportation energy infrastructure, or imposing any
41 requirement regulating transportation energy infrastructure that
42 is more stringent than state law or department rule, except for
43 local ordinances regulating petroleum storage system
44 construction, operation, and maintenance which were enacted
45 pursuant to section 376.317(3)(a).

46 (b) Amending its comprehensive plan, land use map, zoning
47 districts, or land development regulations in a manner that
48 would conflict with an existing transportation energy
49 infrastructure classification as a permitted and allowable use,
50 including, but not limited to, an amendment that causes an
51 existing transportation energy infrastructure to be a
52 nonconforming use, structure, or development.

53 (c) Imposing requirements that are more stringent than
54 state law or rule.

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

57 (a) Applicable federal and state requirements for
58 transportation energy infrastructure, including safety and

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59 building standards; or

60 (b) Local safety and building standards that do not
61 conflict with federal or state safety and security requirements
62 for transportation energy infrastructure.

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

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