A bill to be entitled

An act relating to state preemption of transportation energy infrastructure regulation; creating s. 377.707, F.S.; providing a definition; providing legislative findings; preempting regulation of transportation energy infrastructure to the state; prohibiting a local government from regulating transportation energy infrastructure; providing an exception; 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 State preemption of transportation energy infrastructure regulation.—

(1) As used in this section, the term "transportation energy infrastructure" means infrastructure supporting the production, import, storage, and distribution of fuels used for transportation including, but not limited to, petroleum, petroleum products, gasoline, diesel fuel, motor fuel, alternative fuel, marine fuel, aviation fuel, renewable fuel, natural gas, hydrogen, and electricity.

(2) The Legislature finds that affordable, reliable, and sustainable transportation energy throughout the state is

dependent upon transportation energy infrastructure networks extending beyond local government boundaries and recognizes the importance of consumer choice in the transportation energy market. Therefore, the regulation of transportation energy infrastructure is expressly preempted to the state.

(3) Except as authorized by general law, a local government is prohibited from:

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

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

(c) Imposing transportation energy infrastructure requirements that are more stringent than state law or department rule.

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

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

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