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576-03597-20

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Agriculture, Environment, and  
General Government)

A bill to be entitled

An act relating to essential state infrastructure;  
amending s. 337.401, F.S.; specifying permit  
application timeframes required for the installation,  
location, or relocation of utilities within rights-of-  
way; creating s. 366.945, F.S.; providing legislative  
findings; requiring the Public Service Commission, in  
consultation with the Department of Transportation and  
the Office of Energy within the Department of  
Agriculture and Consumer Services, to develop and  
recommend, by a specified date, to the Governor, the  
President of the Senate, and the Speaker of the House  
of Representatives a plan for the development of  
electric vehicle charging station infrastructure along  
the State Highway System; authorizing the commission  
to consult with other agencies as the commission deems  
appropriate; requiring the plan to include  
recommendations for legislation; authorizing the plan  
to include other recommendations as determined by the  
commission; providing the goals and objectives of the  
plan; requiring the commission to file a status report  
with the Governor and the Legislature by a specified  
date containing any preliminary recommendations,  
including recommendations for legislation; amending s.  
704.06, F.S.; providing construction relating to the  
rights of an owner of land that has been traditionally



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27           used for agriculture and is subject to a conservation  
28           easement; providing an effective date.

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

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32           Section 1. Subsection (2) of section 337.401, Florida  
33 Statutes, is amended to read:

34           337.401 Use of right-of-way for utilities subject to  
35 regulation; permit; fees.—

36           (2) The authority may grant to any person who is a resident  
37 of this state, or to any corporation which is organized under  
38 the laws of this state or licensed to do business within this  
39 state, the use of a right-of-way for the utility in accordance  
40 with such rules or regulations as the authority may adopt. A ~~No~~  
41 utility may not ~~shall~~ be installed, located, or relocated unless  
42 authorized by a written permit issued by the authority. However,  
43 for public roads or publicly owned rail corridors under the  
44 jurisdiction of the department, a utility relocation schedule  
45 and relocation agreement may be executed in lieu of a written  
46 permit. The permit must ~~shall~~ require the permitholder to be  
47 responsible for any damage resulting from the issuance of such  
48 permit. The authority may initiate injunctive proceedings as  
49 provided in s. 120.69 to enforce provisions of this subsection  
50 or any rule or order issued or entered into pursuant thereto. A  
51 permit application required by an authority under this section  
52 must be processed and acted upon consistent with the timeframes  
53 provided in subparagraphs (7)(d)7., 8., and 9.

54           Section 2. Section 366.945, Florida Statutes, is created to  
55 read:



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56           366.945 Electric vehicle charging stations; infrastructure  
57 plan development.-

58           (1) The Legislature finds that:

59           (a) Climate change may have significant impacts to this  
60 state which will require the development of avoidance,  
61 adaptation, and mitigation strategies to address these potential  
62 impacts on future state projects, plans, and programs;

63           (b) A significant portion of the carbon dioxide emissions  
64 in this state are produced by the transportation sector;

65           (c) Electric vehicles can help reduce these emissions,  
66 thereby helping to reduce the impact of climate change on this  
67 state;

68           (d) The use of electric vehicles for non-local driving  
69 requires adequate, reliable charging stations to address  
70 electric vehicle battery range limitations;

71           (e) Having adequate, reliable charging stations along the  
72 State Highway System will also help with evacuations during  
73 hurricanes or other disasters;

74           (f) Ensuring the prompt installation of adequate, reliable  
75 charging stations is in the public interest; and

76           (g) A recommended plan for electric vehicle charging  
77 station infrastructure should be established to address changes  
78 in the emerging electric vehicle market and necessary charging  
79 infrastructure.

80           (2) (a) The commission, in coordination with the Department  
81 of Transportation and the Office of Energy within the Department  
82 of Agriculture and Consumer Services, shall develop and  
83 recommend a plan for current and future plans for the  
84 development of electric vehicle charging station infrastructure



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85 along the State Highway System, as defined in s. 334.03(24). The  
86 commission may consult with other agencies as the commission  
87 deems appropriate. The recommended plan must be developed and  
88 submitted to the Governor, the President of the Senate, and the  
89 Speaker of the House of Representatives by July 1, 2021. The  
90 plan must include recommendations for legislation and may  
91 include other recommendations as determined by the commission.

92 (b) The goals and objectives of the plan include, but are  
93 not limited to, all of the following:

94 1. Projecting the increase in the use of electric vehicles  
95 in this state over the next 20 years and determining how to  
96 ensure an adequate supply of reliable electric vehicle charging  
97 stations to support and encourage this growth in a manner  
98 supporting a competitive market with ample consumer choice.

99 2. Evaluating and comparing the types of electric vehicle  
100 charging stations available at present and that may become  
101 available in the future, including the technology and  
102 infrastructure incorporated in such stations, along with the  
103 circumstances within which each type of station and  
104 infrastructure is typically used, including fleet charging, for  
105 the purpose of identifying any advantages to developing  
106 particular types or uses of these stations.

107 3. Considering strategies to develop this supply of  
108 charging stations, including, but not limited to, methods of  
109 building partnerships with local governments, other state and  
110 federal entities, electric utilities, the business community,  
111 and the public in support of electric vehicle charging stations.

112 4. Identifying the types or characteristics of possible  
113 locations for electric vehicle charging station infrastructure



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114 along the State Highway System to support a supply of electric  
115 vehicle charging stations that will:

116 a. Accomplish the goals and objectives of this section;

117 b. Support both short-range and long-range electric vehicle  
118 travel;

119 c. Encourage the expansion of electric vehicle use in this  
120 state; and

121 d. Adequately serve evacuation routes in this state.

122 5. Identifying any barriers to the use of electric vehicles  
123 and electric vehicle charging station infrastructure both for  
124 short-range and long-range electric vehicle travel along the  
125 State Highway System.

126 6. Identifying an implementation strategy for expanding  
127 electric vehicle and charging station infrastructure use in this  
128 state.

129 7. Identifying the type of regulatory structure necessary  
130 for the delivery of electricity to electric vehicles and  
131 charging station infrastructure, including competitive neutral  
132 policies and the participation of public utilities in the  
133 marketplace.

134 8. Reviewing emerging technologies in the electric and  
135 alternative vehicle market, including alternative fuel sources.

136 (c) By December 1, 2020, the commission shall file a status  
137 report with the Governor, the President of the Senate, and the  
138 Speaker of the House of Representatives containing any  
139 preliminary recommendations, including recommendations for  
140 legislation.

141 Section 3. Subsection (11) of section 704.06, Florida  
142 Statutes, is amended to read



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143           704.06 Conservation easements; creation; acquisition;  
144 enforcement.-

145           (11) (a) ~~Nothing in~~ This section or other provisions of law  
146 may not ~~shall~~ be construed to prohibit or limit the owner of  
147 land, or the owner of a conservation easement over land, to  
148 voluntarily negotiate the sale or use ~~utilization~~ of such lands  
149 or easement for the construction and operation of linear  
150 facilities, including electric transmission and distribution  
151 facilities, telecommunications transmission and distribution  
152 facilities, pipeline transmission and distribution facilities,  
153 public transportation corridors, and related appurtenances, nor  
154 does ~~shall~~ this section prohibit the use of eminent domain for  
155 said purposes as established by law. In any legal proceeding to  
156 condemn land for the purpose of construction and operation of a  
157 linear facility as described above, the court shall consider the  
158 public benefit provided by the conservation easement and linear  
159 facilities in determining which lands may be taken and the  
160 compensation paid.

161           (b) For any land that has traditionally been used for  
162 agriculture, as that term is defined in s. 570.02, and is  
163 subject to a conservation easement entered into at any time  
164 pursuant to s. 570.71, this section or s. 570.71 may not be  
165 construed to limit the owner of the land to voluntarily  
166 negotiating the use of the land for any public or private linear  
167 facility, right of access, and related appurtenances, and  
168 reasonable compensation based on diminution in value of its  
169 interest in the conservation easement shall be the only remedy  
170 to the owner of the conservation easement for the construction  
171 and operation of any public or private linear facilities and



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172 related access and appurtenances.

173 (c) This section does not preclude the applicability of any  
174 environmental permitting requirements applicable to a linear  
175 facility pursuant to chapters 369-380 or chapter 403 or any  
176 agency rules adopted pursuant to those chapters.

177 Section 4. This act shall take effect July 1, 2020.