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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2020	.	
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Appropriations Subcommittee on Agriculture, Environment, and  
General Government (Lee) recommended the following:

1       **Senate Substitute for Amendment (139902) (with title**  
2 **amendment)**

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4       Delete everything after the enacting clause  
5 and insert:

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

8       337.401 Use of right-of-way for utilities subject to  
9 regulation; permit; fees.—

10       (2) The authority may grant to any person who is a resident



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11 of this state, or to any corporation which is organized under  
12 the laws of this state or licensed to do business within this  
13 state, the use of a right-of-way for the utility in accordance  
14 with such rules or regulations as the authority may adopt. A ~~No~~  
15 utility may not shall be installed, located, or relocated unless  
16 authorized by a written permit issued by the authority. However,  
17 for public roads or publicly owned rail corridors under the  
18 jurisdiction of the department, a utility relocation schedule  
19 and relocation agreement may be executed in lieu of a written  
20 permit. The permit must shall require the permitholder to be  
21 responsible for any damage resulting from the issuance of such  
22 permit. The authority may initiate injunctive proceedings as  
23 provided in s. 120.69 to enforce provisions of this subsection  
24 or any rule or order issued or entered into pursuant thereto. A  
25 permit application required by an authority under this section  
26 must be processed and acted upon consistent with the timeframes  
27 provided in subparagraphs (7)(d)7., 8., and 9.

28 Section 2. Section 366.945, Florida Statutes, is created to  
29 read:

30 366.945 Electric vehicle charging stations; infrastructure  
31 plan development.-

32 (1) The Legislature finds that:

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

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

39 (c) Electric vehicles can help reduce these emissions,



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40 thereby helping to reduce the impact of climate change on this  
41 state;

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

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

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

50 (g) A recommended plan for electric vehicle charging  
51 station infrastructure should be established to address changes  
52 in the emerging electric vehicle market and necessary charging  
53 infrastructure.

54 (2) (a) The commission, in coordination with the Department  
55 of Transportation and the Office of Energy within the Department  
56 of Agriculture and Consumer Services, shall develop and  
57 recommend a plan for current and future plans for the  
58 development of electric vehicle charging station infrastructure  
59 along the State Highway System, as defined in s. 334.03(24). The  
60 commission may consult with other agencies as the commission  
61 deems appropriate. The recommended plan must be developed and  
62 submitted to the Governor, the President of the Senate, and the  
63 Speaker of the House of Representatives by July 1, 2021. The  
64 plan must include recommendations for legislation and may  
65 include other recommendations as determined by the commission.

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

68 1. Projecting the increase in the use of electric vehicles



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69 in this state over the next 20 years and determining how to  
70 ensure an adequate supply of reliable electric vehicle charging  
71 stations to support and encourage this growth in a manner  
72 supporting a competitive market with ample consumer choice.

73 2. Evaluating and comparing the types of electric vehicle  
74 charging stations available at present and that may become  
75 available in the future, including the technology and  
76 infrastructure incorporated in such stations, along with the  
77 circumstances within which each type of station and  
78 infrastructure is typically used, including fleet charging, for  
79 the purpose of identifying any advantages to developing  
80 particular types or uses of these stations.

81 3. Considering strategies to develop this supply of  
82 charging stations, including, but not limited to, methods of  
83 building partnerships with local governments, other state and  
84 federal entities, electric utilities, the business community,  
85 and the public in support of electric vehicle charging stations.

86 4. Identifying the types or characteristics of possible  
87 locations for electric vehicle charging station infrastructure  
88 along the State Highway System to support a supply of electric  
89 vehicle charging stations that will:

- 90 a. Accomplish the goals and objectives of this section;  
91 b. Support both short-range and long-range electric vehicle  
92 travel;  
93 c. Encourage the expansion of electric vehicle use in this  
94 state; and  
95 d. Adequately serve evacuation routes in this state.

96 5. Identifying any barriers to the use of electric vehicles  
97 and electric vehicle charging station infrastructure both for



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98 short-range and long-range electric vehicle travel along the  
99 State Highway System.

100 6. Identifying an implementation strategy for expanding  
101 electric vehicle and charging station infrastructure use in this  
102 state.

103 7. Identifying the type of regulatory structure necessary  
104 for the delivery of electricity to electric vehicles and  
105 charging station infrastructure, including competitive neutral  
106 policies and the participation of public utilities in the  
107 marketplace.

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

110 (c) By December 1, 2020, the commission shall file a status  
111 report with the Governor, the President of the Senate, and the  
112 Speaker of the House of Representatives containing any  
113 preliminary recommendations, including recommendations for  
114 legislation.

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

117 704.06 Conservation easements; creation; acquisition;  
118 enforcement.—

119 (11) (a) ~~Nothing in~~ This section or other provisions of law  
120 may not shall be construed to prohibit or limit the owner of  
121 land, or the owner of a conservation easement over land, to  
122 voluntarily negotiate the sale or use ~~utilization~~ of such lands  
123 or easement for the construction and operation of linear  
124 facilities, including electric transmission and distribution  
125 facilities, telecommunications transmission and distribution  
126 facilities, pipeline transmission and distribution facilities,



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127 public transportation corridors, and related appurtenances, nor  
128 ~~does shall~~ this section prohibit the use of eminent domain for  
129 said purposes as established by law. In any legal proceeding to  
130 condemn land for the purpose of construction and operation of a  
131 linear facility as described above, the court shall consider the  
132 public benefit provided by the conservation easement and linear  
133 facilities in determining which lands may be taken and the  
134 compensation paid.

135 (b) For any land that has traditionally been used for  
136 agriculture, as that term is defined in s. 570.02, and is  
137 subject to a conservation easement entered into at any time  
138 pursuant to s. 570.71, this section or s. 570.71 may not be  
139 construed to limit the owner of the land to voluntarily  
140 negotiating the use of the land for any public or private linear  
141 facility, right of access, and related appurtenances, and  
142 reasonable compensation based on diminution in value of its  
143 interest in the conservation easement shall be the only remedy  
144 to the owner of the conservation easement for the construction  
145 and operation of any public or private linear facilities and  
146 related access and appurtenances.

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

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

152  
153 ===== T I T L E A M E N D M E N T =====

154 And the title is amended as follows:

155 Delete everything before the enacting clause



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156 and insert:

157                   A bill to be entitled  
158           An act relating to essential state infrastructure;  
159           amending s. 337.401, F.S.; specifying permit  
160           application timeframes required for the installation,  
161           location, or relocation of utilities within rights-of-  
162           way; creating s. 366.945, F.S.; providing legislative  
163           findings; requiring the Public Service Commission, in  
164           consultation with the Department of Transportation and  
165           the Office of Energy within the Department of  
166           Agriculture and Consumer Services, to develop and  
167           recommend, by a specified date, to the Governor, the  
168           President of the Senate, and the Speaker of the House  
169           of Representatives a plan for the development of  
170           electric vehicle charging station infrastructure along  
171           the State Highway System; authorizing the commission  
172           to consult with other agencies as the commission deems  
173           appropriate; requiring the plan to include  
174           recommendations for legislation; authorizing the plan  
175           to include other recommendations as determined by the  
176           commission; providing the goals and objectives of the  
177           plan; requiring the commission to file a status report  
178           with the Governor and the Legislature by a specified  
179           date containing any preliminary recommendations,  
180           including recommendations for legislation; amending s.  
181           704.06, F.S.; providing construction relating to the  
182           rights of an owner of land that has been traditionally  
183           used for agriculture and is subject to a conservation  
184           easement; providing an effective date.