

By the Committees on Appropriations; and Infrastructure and Security

576-04311-20

20207018c1

1 A bill to be entitled
2 An act relating to essential state infrastructure;
3 amending s. 337.401, F.S.; specifying permit
4 application timeframes required for the installation,
5 location, or relocation of utilities within rights-of-
6 way; creating s. 338.236, F.S.; authorizing the
7 Department of Transportation to plan, design, and
8 construct staging areas as part of the turnpike system
9 for the intended purpose of staging supplies for
10 prompt provision of assistance to the public in a
11 declared state of emergency; requiring the department,
12 in consultation with the Division of Emergency
13 Management, to select sites for such areas; providing
14 factors to be considered by the department and
15 division in selecting sites; requiring the department
16 to give priority consideration to placement of such
17 staging areas in specified counties; authorizing the
18 department to acquire property necessary for such
19 staging areas; authorizing the department to authorize
20 certain other uses of staging areas; requiring staging
21 area projects to be included in the department's work
22 program; creating s. 366.945, F.S.; providing
23 legislative findings; requiring the Public Service
24 Commission, in consultation with the Department of
25 Transportation and the Office of Energy within the
26 Department of Agriculture and Consumer Services, to
27 develop and recommend, by a specified date, to the
28 Governor, the President of the Senate, and the Speaker
29 of the House of Representatives a plan for the

576-04311-20

20207018c1

30 development of electric vehicle charging station
31 infrastructure along the State Highway System;
32 authorizing the commission to consult with other
33 agencies as the commission deems appropriate;
34 requiring the plan to include recommendations for
35 legislation; authorizing the plan to include other
36 recommendations as determined by the commission;
37 providing the goals and objectives of the plan;
38 requiring the commission to file a status report with
39 the Governor and the Legislature by a specified date
40 containing any preliminary recommendations, including
41 recommendations for legislation; amending s. 704.06,
42 F.S.; providing construction relating to the rights of
43 an owner of land that has been traditionally used for
44 agriculture and is subject to a conservation easement;
45 providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Subsection (2) of section 337.401, Florida
50 Statutes, is amended to read:

51 337.401 Use of right-of-way for utilities subject to
52 regulation; permit; fees.—

53 (2) The authority may grant to any person who is a resident
54 of this state, or to any corporation which is organized under
55 the laws of this state or licensed to do business within this
56 state, the use of a right-of-way for the utility in accordance
57 with such rules or regulations as the authority may adopt. A ~~No~~
58 utility may not ~~shall~~ be installed, located, or relocated unless

576-04311-20

20207018c1

59 authorized by a written permit issued by the authority. However,
60 for public roads or publicly owned rail corridors under the
61 jurisdiction of the department, a utility relocation schedule
62 and relocation agreement may be executed in lieu of a written
63 permit. The permit must ~~shall~~ require the permitholder to be
64 responsible for any damage resulting from the issuance of such
65 permit. The authority may initiate injunctive proceedings as
66 provided in s. 120.69 to enforce provisions of this subsection
67 or any rule or order issued or entered into pursuant thereto. A
68 permit application required under this subsection by a county or
69 municipality having jurisdiction and control of the right-of-way
70 of any public road must be processed and acted upon in
71 accordance with the timeframes provided in subparagraphs
72 (7) (d) 7., 8., and 9.

73 Section 2. Section 338.236, Florida Statutes, is created to
74 read:

75 338.236 Staging areas for emergencies.—The Department of
76 Transportation may plan, design, and construct staging areas to
77 be activated during a declared state of emergency at key
78 geographic locations on the turnpike system. Such staging areas
79 must be used for the staging of emergency supplies, such as
80 water, fuel, generators, vehicles, equipment, and other related
81 materials, to facilitate the prompt provision of emergency
82 assistance to the public, and to otherwise facilitate emergency
83 response and assistance, including evacuations, deployment of
84 emergency-related supplies and personnel, and restoration of
85 essential services.

86 (1) In selecting a proposed site for a designated staging
87 area under this section, the department, in consultation with

576-04311-20

20207018c1

88 the Division of Emergency Management, must consider the extent
89 to which such site:

90 (a) Is located in a geographic area that best facilitates
91 the wide dissemination of emergency-related supplies and
92 equipment;

93 (b) Provides ease of access to major highways and other
94 transportation facilities;

95 (c) Is sufficiently large to accommodate the staging of a
96 significant amount of emergency-related supplies and equipment;

97 (d) Provides space in support of emergency preparedness and
98 evacuation activities, such as fuel reserve capacity;

99 (e) Could be used during nonemergency periods for
100 commercial motor vehicle parking and for other uses; and

101 (f) Is consistent with other state and local emergency
102 management considerations.

103
104 The department must give priority consideration to placement of
105 such staging areas in counties with a population of 200,000 or
106 fewer, as determined by the most recent official estimate
107 pursuant to s. 186.901, in which a multiuse corridor of regional
108 economic significance, as provided in s. 338.2278, is located.

109 (2) The department may acquire property and property rights
110 necessary for such staging areas as provided in s. 338.04.

111 (3) The department may authorize other uses of a staging
112 area as provided in the Florida Transportation Code, including,
113 but not limited to, for commercial motor vehicle parking to
114 comply with federal hours-of-service off-duty requirements or
115 sleeper berth requirements and for other vehicular parking to
116 provide rest for drivers.

576-04311-20

20207018c1

117 (4) Staging area projects must be included in the work
118 program developed by the department pursuant to s. 339.135.

119 Section 3. Section 366.945, Florida Statutes, is created to
120 read:

121 366.945 Electric vehicle charging stations; infrastructure
122 plan development.—

123 (1) The Legislature finds that:

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

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

130 (c) Electric vehicles can help reduce these emissions,
131 thereby helping to reduce the impact of climate change on this
132 state;

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

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

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

141 (g) A recommended plan for electric vehicle charging
142 station infrastructure should be established to address changes
143 in the emerging electric vehicle market and necessary charging
144 infrastructure.

145 (2) (a) The commission, in coordination with the Department

576-04311-20

20207018c1

146 of Transportation and the Office of Energy within the Department
147 of Agriculture and Consumer Services, shall develop and
148 recommend a plan for current and future plans for the
149 development of electric vehicle charging station infrastructure
150 along the State Highway System, as defined in s. 334.03(24). The
151 commission may consult with other agencies as the commission
152 deems appropriate. The recommended plan must be developed and
153 submitted to the Governor, the President of the Senate, and the
154 Speaker of the House of Representatives by July 1, 2021. The
155 plan must include recommendations for legislation and may
156 include other recommendations as determined by the commission.

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

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

164 2. Evaluating and comparing the types of electric vehicle
165 charging stations available at present and that may become
166 available in the future, including the technology and
167 infrastructure incorporated in such stations, along with the
168 circumstances within which each type of station and
169 infrastructure is typically used, including fleet charging, for
170 the purpose of identifying any advantages to developing
171 particular types or uses of these stations.

172 3. Considering strategies to develop this supply of
173 charging stations, including, but not limited to, methods of
174 building partnerships with local governments, other state and

576-04311-20

20207018c1

175 federal entities, electric utilities, the business community,
176 and the public in support of electric vehicle charging stations.

177 4. Identifying the types or characteristics of possible
178 locations for electric vehicle charging station infrastructure
179 along the State Highway System to support a supply of electric
180 vehicle charging stations that will:

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

182 b. Support both short-range and long-range electric vehicle
183 travel;

184 c. Encourage the expansion of electric vehicle use in this
185 state; and

186 d. Adequately serve evacuation routes in this state.

187 5. Identifying any barriers to the use of electric vehicles
188 and electric vehicle charging station infrastructure both for
189 short-range and long-range electric vehicle travel along the
190 State Highway System.

191 6. Identifying an implementation strategy for expanding
192 electric vehicle and charging station infrastructure use in this
193 state.

194 7. Identifying the type of regulatory structure necessary
195 for the delivery of electricity to electric vehicles and
196 charging station infrastructure, including competitive neutral
197 policies and the participation of public utilities in the
198 marketplace.

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

201 9. Quantifying the loss of revenue to the State
202 Transportation Trust Fund due to the current and projected
203 future use of electric vehicles in this state and summarizing

576-04311-20

20207018c1

204 efforts of other states to address such revenue loss.

205 (c) By December 1, 2020, the commission shall file a status
206 report with the Governor, the President of the Senate, and the
207 Speaker of the House of Representatives containing any
208 preliminary recommendations, including recommendations for
209 legislation.

210 Section 4. Subsection (11) of section 704.06, Florida
211 Statutes, is amended to read

212 704.06 Conservation easements; creation; acquisition;
213 enforcement.-

214 (11) (a) ~~Nothing in~~ This section or other provisions of law
215 may not shall be construed to prohibit or limit the owner of
216 land, or the owner of a conservation easement over land, to
217 voluntarily negotiate the sale or use ~~utilization~~ of such lands
218 or easement for the construction and operation of linear
219 facilities, including electric transmission and distribution
220 facilities, telecommunications transmission and distribution
221 facilities, pipeline transmission and distribution facilities,
222 public transportation corridors, and related appurtenances, nor
223 does shall this section prohibit the use of eminent domain for
224 said purposes as established by law. In any legal proceeding to
225 condemn land for the purpose of construction and operation of a
226 linear facility as described above, the court shall consider the
227 public benefit provided by the conservation easement and linear
228 facilities in determining which lands may be taken and the
229 compensation paid.

230 (b) For any land that has traditionally been used for
231 agriculture, as that term is defined in s. 570.02, and is
232 subject to a conservation easement entered into at any time

576-04311-20

20207018c1

233 pursuant to s. 570.71, this section or s. 570.71 may not be
234 construed to limit the owner of the land to voluntarily
235 negotiating the use of the land for any public or private linear
236 facility, right of access, and related appurtenances, and
237 reasonable compensation based on diminution in value of its
238 interest in the conservation easement shall be the only remedy
239 to the owner of the conservation easement for the construction
240 and operation of any public or private linear facilities and
241 related access and appurtenances.

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

246 Section 5. This act shall take effect July 1, 2020.