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

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

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

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

(2) The authority may grant to any person who is a resident
of this state, or to any corporation which is organized under
the laws of this state or licensed to do business within this
state, the use of a right-of-way for the utility in accordance
with such rules or regulations as the authority may adopt. A utility may not be installed, located, or relocated unless
authorized by a written permit issued by the authority. However, for public roads or publicly owned rail corridors under the
jurisdiction of the department, a utility relocation schedule
and relocation agreement may be executed in lieu of a written
permit. The permit must require the permitholder to be
responsible for any damage resulting from the issuance of such
permit. The authority may initiate injunctive proceedings as
provided in s. 120.69 to enforce provisions of this subsection
or any rule or order issued or entered into pursuant thereto. A permit application required by an authority under this section
must be processed and acted upon consistent with the timeframes
provided in subparagraphs (7)(d)7., 8., and 9.

Section 2. Section 366.945, Florida Statutes, is created to
read:
366.945 Electric vehicle charging stations; infrastructure plan development.—

(1) The Legislature finds that:
   (a) Climate change may have significant impacts to this state which will require the development of avoidance, adaptation, and mitigation strategies to address these potential impacts on future state projects, plans, and programs;
   (b) A significant portion of the carbon dioxide emissions in this state are produced by the transportation sector;
   (c) Electric vehicles can help reduce these emissions, thereby helping to reduce the impact of climate change on this state;
   (d) The use of electric vehicles for non-local driving requires adequate, reliable charging stations to address electric vehicle battery range limitations;
   (e) Having adequate, reliable charging stations along the State Highway System will also help with evacuations during hurricanes or other disasters;
   (f) Ensuring the prompt installation of adequate, reliable charging stations is in the public interest; and
   (g) A recommended plan for electric vehicle charging station infrastructure should be established to address changes in the emerging electric vehicle market and necessary charging infrastructure.

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

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

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

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

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

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

a. Accomplish the goals and objectives of this section;

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

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

d. Adequately serve evacuation routes in this state.

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

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

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

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

(c) By December 1, 2020, the commission shall file a status report with the Governor, the President of the Senate, and the Speaker of the House of Representatives containing any preliminary recommendations, including recommendations for legislation.
704.06 Conservation easements; creation; acquisition; enforcement.—

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

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

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

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