



951242

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Appropriations Subcommittee on Agriculture, Environment, and
General Government (Lee) recommended the following:

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

3
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



951242

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,



951242

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



951242

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



951242

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,



951242

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



951242

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.