By the Committees on Appropriations; and Infrastructure and Security

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. 338.236, F.S.; authorizing the
Department of Transportation to plan, design, and
construct staging areas as part of the turnpike system
for the intended purpose of staging supplies for
prompt provision of assistance to the public in a
declared state of emergency; requiring the department,
in consultation with the Division of Emergency
Management, to select sites for such areas; providing
factors to be considered by the department and
division in selecting sites; requiring the department
to give priority consideration to placement of such
staging areas in specified counties; authorizing the
department to acquire property necessary for such
staging areas; authorizing the department to authorize
certain other uses of staging areas; requiring staging
area projects to be included in the department’s work
program; 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

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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

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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 shall 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 under this subsection by a county or municipality having jurisdiction and control of the right-of-way of any public road must be processed and acted upon in accordance with the timeframes provided in subparagraphs (7)(d) 7., 8., and 9.

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

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

(1) In selecting a proposed site for a designated staging area under this section, the department, in consultation with
the Division of Emergency Management, must consider the extent to which such site:

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

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

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

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

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

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

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

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

(3) The department may authorize other uses of a staging area as provided in the Florida Transportation Code, including, but not limited to, for commercial motor vehicle parking to comply with federal hours-of-service off-duty requirements or sleeper berth requirements and for other vehicular parking to provide rest for drivers.
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(4) Staging area projects must be included in the work program developed by the department pursuant to s. 339.135. Section 3. 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.

9. Quantifying the loss of revenue to the State Transportation Trust Fund due to the current and projected future use of electric vehicles in this state and summarizing
efforts of other states to address such revenue loss.

(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.

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

704.06 Conservation easements; creation; acquisition; enforcement.—

(11) (a) Nothing in this section or other provisions of law may not shall 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 shall 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 5. This act shall take effect July 1, 2020.