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1
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. 339.287, F.S.; providing
23 legislative findings; requiring the department to
24 coordinate, develop, and recommend a master plan for
25 the development of electric vehicle charging station
26 infrastructure along the State Highway System;
27 requiring the department to submit the plan to the
28 Governor and the Legislature by a specified date;
29 providing responsibilities for the department and the

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30 Public Service Commission, in consultation with
31 specified entities, in developing the plan; providing
32 the goals and objectives of the plan; requiring the
33 commission, in consultation with specified entities,
34 to review certain emerging technologies; authorizing
35 the department, commission, and the Office of Energy
36 within the Department of Agriculture and Consumer
37 Services to explore other issues as necessary and
38 appropriate; requiring the department to file a status
39 report with the Governor and the Legislature by a
40 specified date containing any preliminary
41 recommendations, including recommendations for
42 legislation; amending s. 704.06, F.S.; providing
43 construction relating to the rights of an owner of
44 land that has been traditionally used for agriculture
45 and is subject to a conservation easement; providing
46 an effective date.

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

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

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

54 (2) The authority may grant to any person who is a resident
55 of this state, or to any corporation which is organized under
56 the laws of this state or licensed to do business within this
57 state, the use of a right-of-way for the utility in accordance
58 with such rules or regulations as the authority may adopt. A ~~Ne~~

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59 utility may not ~~shall~~ be installed, located, or relocated unless
60 authorized by a written permit issued by the authority. However,
61 for public roads or publicly owned rail corridors under the
62 jurisdiction of the department, a utility relocation schedule
63 and relocation agreement may be executed in lieu of a written
64 permit. The permit must ~~shall~~ require the permit holder to be
65 responsible for any damage resulting from the issuance of such
66 permit. The authority may initiate injunctive proceedings as
67 provided in s. 120.69 to enforce provisions of this subsection
68 or any rule or order issued or entered into pursuant thereto. A
69 permit application required under this subsection by a county or
70 municipality having jurisdiction and control of the right-of-way
71 of any public road must be processed and acted upon in
72 accordance with the timeframes provided in subparagraphs
73 (7) (d) 7., 8., and 9.

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

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

87 (1) In selecting a proposed site for a designated staging

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88 area under this section, the department, in consultation with
89 the Division of Emergency Management, must consider the extent
90 to which such site:

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

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

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

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

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

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

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

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

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

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117 provide rest for drivers.

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

120 Section 3. Section 339.287, Florida Statutes, is created to
121 read:

122 339.287 Electric vehicle charging stations; infrastructure
123 plan development.-

124 (1) The Legislature finds that:

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

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

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

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

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

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

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

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146 (2) (a) The department shall coordinate, develop, and
147 recommend a master plan for current and future plans for the
148 development of electric vehicle charging station infrastructure
149 along the State Highway System, as defined in s. 334.03(24). The
150 department shall develop the recommended master plan and submit
151 it to the Governor, the President of the Senate, and the Speaker
152 of the House of Representatives by July 1, 2021. The plan must
153 include recommendations for legislation and may include other
154 recommendations as determined by the department.

155 (b) The department, in consultation with the Public Service
156 Commission and the Office of Energy within the Department of
157 Agriculture and Consumer Services, and any other public or
158 private entities as necessary or appropriate, shall be primarily
159 responsible for the following goals and objectives in developing
160 the plan:

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

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

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

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

170 d. Adequately serve evacuation routes in this state.

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

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175 3. Identifying an implementation strategy for expanding
176 electric vehicle and charging station infrastructure use in this
177 state.

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

182 (c) The Public Service Commission, in consultation with the
183 department and the Office of Energy within the Department of
184 Agriculture and Consumer Services, and any other public or
185 private entities as necessary or appropriate, shall be primarily
186 responsible for the following goals and objectives in developing
187 the plan:

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

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

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

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

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

211 (d) The Public Service Commission, in consultation with the
212 Office of Energy within the Department of Agriculture and
213 Consumer Services, shall review emerging technologies in the
214 electric and alternative vehicle market, including alternative
215 fuel sources.

216 (e) The department, the Public Service Commission, and the
217 Office of Energy within the Department of Agriculture and
218 Consumer Services may agree to explore other issues deemed
219 necessary or appropriate for purposes of the report required in
220 paragraph (a).

221 (f) By December 1, 2020, the department shall file a status
222 report with the Governor, the President of the Senate, and the
223 Speaker of the House of Representatives containing any
224 preliminary recommendations, including recommendations for
225 legislation.

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

228 704.06 Conservation easements; creation; acquisition;
229 enforcement.—

230 (11) (a) ~~Nothing in~~ This section or other provisions of law
231 may not shall be construed to prohibit or limit the owner of
232 land, or the owner of a conservation easement over land, to

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233 voluntarily negotiate the sale or use ~~utilization~~ of such lands
234 or easement for the construction and operation of linear
235 facilities, including electric transmission and distribution
236 facilities, telecommunications transmission and distribution
237 facilities, pipeline transmission and distribution facilities,
238 public transportation corridors, and related appurtenances, nor
239 does ~~shall~~ this section prohibit the use of eminent domain for
240 said purposes as established by law. In any legal proceeding to
241 condemn land for the purpose of construction and operation of a
242 linear facility as described above, the court shall consider the
243 public benefit provided by the conservation easement and linear
244 facilities in determining which lands may be taken and the
245 compensation paid.

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

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

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