

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. 339.287, F.S.; defining the term  
7 "master plan for electric vehicle charging stations"  
8 or "master plan"; requiring the Department of  
9 Transportation, in coordination with the Office of  
10 Energy within the Department of Agriculture and  
11 Consumer Services and the Florida Clean Cities  
12 Coalitions, or other appropriate entities, to develop  
13 and adopt by a specified date a master plan for  
14 electric vehicle charging stations on the state  
15 highway system; specifying goals and objectives of the  
16 master plan; requiring the master plan to be updated  
17 annually by a specified date; amending s. 704.06,  
18 F.S.; providing construction relating to the rights of  
19 an owner of land that has been traditionally used for  
20 agriculture and is subject to a conservation easement;  
21 providing construction relating to applicability of  
22 certain permit requirements; providing a declaration  
23 of important state interest; providing an effective  
24 date.  
25

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

27 |

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

30 |           337.401 Use of right-of-way for utilities subject to  
31 | regulation; permit; fees.—

32 |       (2) The authority may grant to any person who is a  
33 | resident of this state, or to any corporation that ~~which~~ is  
34 | organized under the laws of this state or licensed to do  
35 | business within this state, the use of a right-of-way for the  
36 | utility in accordance with such rules or regulations as the  
37 | authority may adopt. A ~~No~~ utility may not ~~shall~~ be installed,  
38 | located, or relocated unless authorized by a written permit  
39 | issued by the authority. However, for public roads or publicly  
40 | owned rail corridors under the jurisdiction of the department, a  
41 | utility relocation schedule and relocation agreement may be  
42 | executed in lieu of a written permit. The permit must ~~shall~~  
43 | require the permitholder to be responsible for any damage  
44 | resulting from the issuance of such permit. The authority may  
45 | initiate injunctive proceedings as provided in s. 120.69 to  
46 | enforce provisions of this subsection or any rule or order  
47 | issued or entered into pursuant thereto. A permit application  
48 | required under this subsection by a county or municipality  
49 | having jurisdiction and control of the right-of-way of any  
50 | public road must be processed and acted upon in accordance with

51 the timeframes provided in subparagraphs (7) (d) 7., 8., and 9.

52 Section 2. Section 339.287, Florida Statutes, is created  
53 to read:

54 339.287 Electric vehicle charging stations; master plan  
55 requirements.—

56 (1) As used in this section, the term "master plan for  
57 electric vehicle charging stations" or "master plan" means a  
58 comprehensive plan of the department which describes current and  
59 future plans for the development of electric vehicle charging  
60 stations on the state highway system.

61 (2) The department, in coordination with the Office of  
62 Energy within the Department of Agriculture and Consumer  
63 Services and the Florida Clean Cities Coalitions designated by  
64 the United States Department of Energy, or other appropriate  
65 public or private entities, shall develop and adopt a master  
66 plan for electric vehicle charging stations on the state highway  
67 system by July 1, 2021.

68 (3) The goals and objectives of the master plan include,  
69 but are not limited to, all of the following:

70 (a) Identifying optimal locations on the state highway  
71 system for the development of electric vehicle charging stations  
72 as a means of facilitating electric vehicle short-range and  
73 long-range travel and adequately serving evacuation routes in  
74 this state.

75 (b) Identifying locations that would serve existing

76 electric vehicles or encourage the expansion of electric vehicle  
77 use in this state.

78 (c) Evaluating and comparing the types of electric vehicle  
79 charging stations available at present and in the future,  
80 including the technology and infrastructure incorporated in such  
81 stations, for the purpose of identifying any advantages to  
82 developing a particular type of station.

83 (d) Evaluating the economic potential for electric vehicle  
84 charging stations in this state and considering strategies to  
85 develop that potential, including, but not limited to, methods  
86 of building partnerships with local governments, other state and  
87 federal entities, electric utilities, the business community,  
88 and the public in support of electric vehicle charging stations.

89 (e) Identifying specific projects that will accomplish the  
90 goals and objectives of this section.

91 (4) After its adoption, the master plan shall be updated  
92 annually by July 1.

93 Section 3. Subsection (11) of section 704.06, Florida  
94 Statutes, is amended to read:

95 704.06 Conservation easements; creation; acquisition;  
96 enforcement.—

97 (11) (a) ~~Nothing in~~ This section or other provisions of law  
98 ~~do not shall be construed to~~ prohibit or limit the owner of  
99 land, or the owner of a conservation easement over land, to  
100 voluntarily negotiate the sale or use ~~utilization~~ of such lands

101 or easement for the construction and operation of linear  
102 facilities, including electric transmission and distribution  
103 facilities, telecommunications transmission and distribution  
104 facilities, pipeline transmission and distribution facilities,  
105 public transportation corridors, and related appurtenances, nor  
106 does ~~shall~~ this section prohibit the use of eminent domain for  
107 said purposes as established by law. In any legal proceeding to  
108 condemn land for the purpose of construction and operation of a  
109 linear facility as described above, the court shall consider the  
110 public benefit provided by the conservation easement and linear  
111 facilities in determining which lands may be taken and the  
112 compensation paid.

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

124 (c) This section does not preclude the applicability of  
125 any environmental permitting requirements applicable to a linear

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126 | facility pursuant to chapters 369-380 or chapter 403 or any  
127 | agency rules adopted pursuant to those chapters.

128 |       Section 4. The Legislature finds and declares that this  
129 | act fulfills an important state interest.

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