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LEGISLATIVE ACTION

Senate

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House

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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (2) and (56) of section 316.003,  
Florida Statutes, are amended to read:

316.003 Definitions.—The following words and phrases, when  
used in this chapter, shall have the meanings respectively  
ascribed to them in this section, except where the context  
otherwise requires:



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11 (2) AUTOCYCLE.—A three-wheeled motorcycle that has two  
12 wheels in the front and one wheel in the back; is equipped with  
13 a roll cage or roll hoops, a seat belt for each occupant,  
14 antilock brakes that meet the requirements of Federal Motor  
15 Vehicle Safety Standard No. 122, a steering mechanism ~~wheel~~, and  
16 seating that does not require the operator to straddle or sit  
17 astride it; and is manufactured in accordance with the  
18 applicable federal motorcycle safety standards in 49 C.F.R. part  
19 571 by a manufacturer registered with the National Highway  
20 Traffic Safety Administration.

21 (56) PERSONAL DELIVERY DEVICE.—An electrically powered  
22 device that:

23 (a) Is operated on sidewalks and crosswalks and intended  
24 primarily for transporting property;

25 (b) Has a weight that does not exceed the maximum weight  
26 established by Department of Transportation rule ~~weighs less~~  
27 ~~than 80 pounds, excluding cargo;~~

28 (c) Has a maximum speed of 10 miles per hour or, if the  
29 Department of Transportation establishes by rule a maximum  
30 speed, has a speed that does not exceed that maximum; and

31 (d) Is equipped with technology to allow for operation of  
32 the device with or without the active control or monitoring of a  
33 natural person.

34  
35 A personal delivery device is not considered a vehicle unless  
36 expressly defined by law as a vehicle. A mobile carrier is not  
37 considered a personal delivery device. The Department of  
38 Transportation may adopt rules to implement this subsection.

39 Section 2. Paragraph (c) of subsection (4) of section



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40 334.046, Florida Statutes, is amended to read:

41 334.046 Department mission, goals, and objectives.—

42 (4) At a minimum, the department's goals shall address the  
43 following prevailing principles.

44 (c) *Mobility*.—Ensuring a cost-effective, statewide,  
45 interconnected transportation system. Improvement of travel  
46 choices to ensure mobility includes planning and establishment  
47 of infrastructure for innovative technologies, including  
48 electric vehicle charging infrastructure.

49 Section 3. Effective upon SB 140 or other similar  
50 legislation being enacted in the 2021 Regular Session or an  
51 extension thereof and becoming a law, section 339.0802, Florida  
52 Statutes, is created to read:

53 339.0802 Allocation of increased license tax revenues from  
54 licensure of electric and hybrid vehicles.—Funds that result  
55 from increased revenues to the State Transportation Trust Fund  
56 derived under s. 320.08001(2) and (3) must be used as set forth  
57 in this section, notwithstanding any other provision of law.  
58 Beginning in the 2023-2024 fiscal year, all increased revenues  
59 must be used to fund the Electric Vehicle Infrastructure Grant  
60 Program created by s. 339.286. This section expires on December  
61 31, 2030.

62 Section 4. Section 339.286, Florida Statutes, is created to  
63 read:

64 339.286 Electric Vehicle Infrastructure Grant Program.—

65 (1) The department shall establish the Electric Vehicle  
66 Infrastructure Grant Program. The purpose of the program is to  
67 provide financial assistance to encourage the installation of  
68 electric vehicle charging infrastructure.



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69           (2) State agencies, public universities, public transit  
70 agencies, ports, airports, and local governments, including  
71 local housing authorities and libraries, may apply to the  
72 department for grants for the purpose of installing publicly  
73 available electric vehicle charging infrastructure on public or  
74 private property.

75           (3) A grant may be awarded for:

76           (a) Technical assistance for the development and adoption  
77 of:

78           1. A local or regional plan that establishes an electric  
79 vehicle charging infrastructure;

80           2. Any action plans necessary to address any infrastructure  
81 gaps; and

82           3. Steps necessary to complete the infrastructure plan.

83

84 A plan must address actions to deploy the necessary  
85 infrastructure in high-density housing areas and low-income to  
86 moderate-income areas.

87           (b) Assistance with the purchase of related equipment and  
88 the costs of installation of that equipment to provide electric  
89 vehicle charging. Such equipment must be capable of collecting  
90 and reporting data, use standard connectors, and be available to  
91 the public.

92           (4) (a) An applicant may apply for a grant for both  
93 technical assistance and equipment purchase and installation. A  
94 grant for technical assistance requires a minimum match of funds  
95 from the applicant of 30 percent of the grant award, but such  
96 match is not required for an applicant that is located in a  
97 fiscally constrained county as described in s. 218.67(1). A



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98 grant for equipment purchase and installation requires a minimum  
99 match of funds from the applicant in the amount of 60 percent of  
100 the total project cost for alternating-current, Level 2 charging  
101 infrastructure; 20 percent of the total project cost for direct-  
102 current, fast-charging infrastructure; or 20 percent of the  
103 total project cost for high-powered charging infrastructure for  
104 electric aircraft, including, but not limited to, electric  
105 vertical takeoff and landing aircraft, and semi-trucks. The  
106 matching funds must be from nonstate resources, but may include  
107 private funds provided through a partnership with a private  
108 entity or in-kind contributions such as the donation of  
109 equipment, services, or land or use of land for establishment of  
110 the electric vehicle charging infrastructure. Grant funds may  
111 not subsidize the cost for the use of electricity. Twenty  
112 percent of the funds available under the grant program must be  
113 reserved for applicants or projects in fiscally constrained  
114 counties as described in s. 218.67(1). An applicant may partner  
115 with a private sector entity to install charging infrastructure  
116 on private property in the same county or local jurisdiction as  
117 the applicant.

118 (b) The department shall develop and publish criteria for  
119 prioritizing the grant applications and shall maintain a  
120 prioritized list of approved grant applications. The prioritized  
121 list must include recommended funding levels for each  
122 application and, if staged implementation is appropriate, must  
123 provide funding requirements for each stage. Grants must be  
124 prioritized based on the extent to which the activities of the  
125 grant will encourage growth in the use of electric vehicles and  
126 increase the availability of charging locations along evacuation



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127 routes. A grant for equipment purchase and installation that  
128 will immediately and most effectively serve those who currently  
129 own or operate electric vehicles may receive priority.

130 (5) The department shall continually review emerging  
131 research, policies, and standards related to electric vehicle  
132 infrastructure and innovations in the use of electric vehicles.  
133 Using such information, the department shall publish best  
134 practices for the establishment of electric vehicle charging  
135 infrastructure, model infrastructure plan development and  
136 components, and other significant information for the  
137 implementation and use of electric vehicle charging  
138 infrastructure. The department may develop a model plan that  
139 state agencies, public universities, public transit agencies,  
140 ports, airports, and local governments may use as a guide to  
141 establish an electric vehicle charging infrastructure plan.

142 (6) The department shall adopt rules to administer this  
143 section.

144 Section 5. Subsection (2) of section 339.287, Florida  
145 Statutes, is amended to read:

146 339.287 Electric vehicle charging stations; infrastructure  
147 plan development.—

148 (2) (a) The department shall coordinate, develop, and  
149 recommend a master plan and a supplemental master plan for  
150 current and future plans for the development of electric vehicle  
151 charging station infrastructure along the State Highway System,  
152 as defined in s. 334.03(24). The plans must include  
153 recommendations for legislation and may include other  
154 recommendations as determined by the department.

155 1. The department shall ~~develop the recommended master plan~~



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156 ~~and submit the recommended master plan ~~it~~ to the Governor, the~~  
157 ~~President of the Senate, and the Speaker of the House of~~  
158 ~~Representatives by July 1, 2021. The plan must include~~  
159 ~~recommendations for legislation and may include other~~  
160 ~~recommendations as determined by the department.~~

161 2. The department shall submit the recommended supplemental  
162 master plan to the Governor, the President of the Senate, and  
163 the Speaker of the House of Representatives by July 1, 2023. The  
164 supplemental master plan must address innovations in electric  
165 vehicle charging station infrastructure occurring since the  
166 submission of the recommended master plan and the development of  
167 high-powered charging infrastructure for electric aircraft. The  
168 supplemental master plan also must make recommendations related  
169 to charging station infrastructure along the State Highway  
170 System and at airports, seaports, and other ports in light of  
171 these innovations.

172 (b) The department, in consultation with the Public Service  
173 Commission and the Office of Energy within the Department of  
174 Agriculture and Consumer Services, and any other public or  
175 private entities as necessary or appropriate, shall be primarily  
176 responsible for the following goals and objectives in developing  
177 the plans ~~plan~~:

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

- 182 a. Accomplish the goals and objectives of this section;  
183 b. Support both short-range and long-range electric vehicle  
184 travel;



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

187           d. Adequately serve evacuation routes in this state.

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

192           3. Identifying an implementation strategy for expanding  
193 electric vehicle and charging station infrastructure use in this  
194 state.

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

199           (c) The Public Service Commission, in consultation with the  
200 department and the Office of Energy within the Department of  
201 Agriculture and Consumer Services, and any other public or  
202 private entities as necessary or appropriate, shall be primarily  
203 responsible for the following goals and objectives in developing  
204 the plans ~~plan~~:

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

210           2. Evaluating and comparing the types of electric vehicle  
211 charging stations available at present and which may become  
212 available in the future, including the technology and  
213 infrastructure incorporated in such stations, along with the





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214 circumstances within which each type of station and  
215 infrastructure is typically used, including fleet charging, for  
216 the purpose of identifying any advantages to developing  
217 particular types or uses of these stations.

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

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

228 (d) The Public Service Commission, in consultation with the  
229 Office of Energy within the Department of Agriculture and  
230 Consumer Services, shall review emerging technologies in the  
231 electric and alternative vehicle market, including alternative  
232 fuel sources.

233 (e) The department, the Public Service Commission, and the  
234 Office of Energy within the Department of Agriculture and  
235 Consumer Services may agree to explore other issues deemed  
236 necessary or appropriate for purposes of the plans ~~report~~  
237 required by ~~in~~ paragraph (a).

238 (f) By December 1, 2021 ~~December 1, 2020~~, the department  
239 shall file a second status report with the Governor, the  
240 President of the Senate, and the Speaker of the House of  
241 Representatives containing any preliminary recommendations,  
242 including recommendations for legislation.



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243           Section 6. Section 366.94, Florida Statutes, is amended to  
244 read:

245           366.94 Electric vehicle charging stations.—

246           (1) The provision of electric vehicle charging to the  
247 public by a nonutility is not the retail sale of electricity for  
248 the purposes of this chapter. The rates, terms, and conditions  
249 of electric vehicle charging services by a nonutility are not  
250 subject to regulation under this chapter. This section does not  
251 affect the ability of individuals, businesses, or governmental  
252 entities to acquire, install, or use an electric vehicle charger  
253 for their own vehicles.

254           (2) The Department of Agriculture and Consumer Services  
255 shall adopt rules to provide definitions, methods of sale,  
256 labeling requirements, and price-posting requirements for  
257 electric vehicle charging stations to allow for consistency for  
258 consumers and the industry. Rules implemented under this  
259 subsection may not require specific methods of sale for electric  
260 vehicle charging equipment used in, and electrical vehicle  
261 charging services provided in, this state.

262           (3) (a) It is unlawful for a person to stop, stand, or park  
263 a vehicle that is not capable of using an electrical recharging  
264 station within any parking space specifically designated for  
265 charging an electric vehicle.

266           (b) If a law enforcement officer or parking enforcement  
267 specialist finds a motor vehicle in violation of this  
268 subsection, the officer or specialist shall charge the operator  
269 or other person in charge of the vehicle in violation with a  
270 noncriminal traffic infraction, punishable as provided in s.  
271 316.008(4) or s. 318.18.



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272 Section 7. Except as otherwise expressly provided in this  
273 act, this act shall take effect July 1, 2021.

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275 ===== T I T L E A M E N D M E N T =====

276 And the title is amended as follows:

277 Delete everything before the enacting clause  
278 and insert:

279 A bill to be entitled  
280 An act relating to electric vehicles; amending s.  
281 316.003, F.S.; revising definitions; authorizing the  
282 Department of Transportation to adopt rules; amending  
283 s. 334.046, F.S.; revising the principles relating to  
284 mobility which the department's goals are required to  
285 address; creating s. 339.0802, F.S.; requiring that  
286 certain funds be used for specified purposes relating  
287 to the Electric Vehicle Infrastructure Grant Program,  
288 beginning in a specified year; providing for future  
289 expiration; creating s. 339.286, F.S.; requiring the  
290 department to establish the Electric Vehicle  
291 Infrastructure Grant Program; providing the purpose of  
292 the program; providing for the distribution of grants  
293 to certain entities to install electric vehicle  
294 charging infrastructure; providing grant requirements;  
295 providing requirements for equipment installed using  
296 grant funds; requiring the department to develop and  
297 publish criteria for the prioritization of grant  
298 applications and to maintain a prioritized list of  
299 approved applications; requiring the department to  
300 continually review emerging research, policies, and



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301 standards; requiring the department to publish certain  
302 information; authorizing the department to develop a  
303 model plan for specified entities; requiring the  
304 department to adopt rules; amending s. 339.287, F.S.;  
305 requiring the department to coordinate, develop, and  
306 recommend a supplemental master plan to address  
307 innovations in electric vehicle charging station  
308 infrastructure and the development of high-powered  
309 charging infrastructure for electric aircraft;  
310 requiring the department to submit the plan to the  
311 Governor and the Legislature by a specified date;  
312 conforming provisions to changes made by the act;  
313 requiring the department to file a second status  
314 report with the Governor and the Legislature by a  
315 specified date; amending s. 366.94, F.S.; prohibiting  
316 certain rules adopted by the Department of Agriculture  
317 and Consumer Services from requiring specific methods  
318 of sale for electric vehicle charging equipment used  
319 and services provided in this state; providing  
320 effective dates.