

By the Committee on Transportation; and Senators Brandes and Rodriguez

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1 A bill to be entitled
2 An act relating to electric vehicles; amending s.
3 316.003, F.S.; revising definitions; authorizing the
4 Department of Transportation to adopt rules; amending
5 s. 334.046, F.S.; revising the principles relating to
6 mobility which the department's goals are required to
7 address; creating s. 339.0802, F.S.; requiring that
8 certain funds be used for specified purposes relating
9 to the Electric Vehicle Infrastructure Grant Program,
10 beginning in a specified year; providing for future
11 expiration; creating s. 339.286, F.S.; requiring the
12 department to establish the Electric Vehicle
13 Infrastructure Grant Program; providing the purpose of
14 the program; providing for the distribution of grants
15 to certain entities to install electric vehicle
16 charging infrastructure; providing grant requirements;
17 providing requirements for equipment installed using
18 grant funds; requiring the department to develop and
19 publish criteria for the prioritization of grant
20 applications and to maintain a prioritized list of
21 approved applications; requiring the department to
22 continually review emerging research, policies, and
23 standards; requiring the department to publish certain
24 information; authorizing the department to develop a
25 model plan for specified entities; requiring the
26 department to adopt rules; amending s. 339.287, F.S.;
27 requiring the department to coordinate, develop, and
28 recommend a supplemental master plan to address
29 innovations in electric vehicle charging station

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30 infrastructure and the development of high-powered
31 charging infrastructure for electric aircraft;
32 requiring the department to submit the plan to the
33 Governor and the Legislature by a specified date;
34 conforming provisions to changes made by the act;
35 requiring the department to file a second status
36 report with the Governor and the Legislature by a
37 specified date; amending s. 366.94, F.S.; prohibiting
38 certain rules adopted by the Department of Agriculture
39 and Consumer Services from requiring specific methods
40 of sale for electric vehicle charging equipment used
41 and services provided in this state; providing
42 effective dates.

43
44 Be It Enacted by the Legislature of the State of Florida:

45
46 Section 1. Subsections (2) and (56) of section 316.003,
47 Florida Statutes, are amended to read:

48 316.003 Definitions.—The following words and phrases, when
49 used in this chapter, shall have the meanings respectively
50 ascribed to them in this section, except where the context
51 otherwise requires:

52 (2) AUTOCYCLE.—A three-wheeled motorcycle that has two
53 wheels in the front and one wheel in the back; is equipped with
54 a roll cage or roll hoops, a seat belt for each occupant,
55 antilock brakes that meet the requirements of Federal Motor
56 Vehicle Safety Standard No. 122, a steering mechanism ~~wheel~~, and
57 seating that does not require the operator to straddle or sit
58 astride it; and is manufactured in accordance with the

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59 applicable federal motorcycle safety standards in 49 C.F.R. part
60 571 by a manufacturer registered with the National Highway
61 Traffic Safety Administration.

62 (56) PERSONAL DELIVERY DEVICE.—An electrically powered
63 device that:

64 (a) Is operated on sidewalks and crosswalks and intended
65 primarily for transporting property;

66 (b) Has a weight that does not exceed the maximum weight
67 established by Department of Transportation rule ~~Weighs less~~
68 ~~than 80 pounds, excluding cargo;~~

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

72 (d) Is equipped with technology to allow for operation of
73 the device with or without the active control or monitoring of a
74 natural person.

75
76 A personal delivery device is not considered a vehicle unless
77 expressly defined by law as a vehicle. A mobile carrier is not
78 considered a personal delivery device. The Department of
79 Transportation may adopt rules to implement this subsection.

80 Section 2. Paragraph (c) of subsection (4) of section
81 334.046, Florida Statutes, is amended to read:

82 334.046 Department mission, goals, and objectives.—

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

85 (c) *Mobility*.—Ensuring a cost-effective, statewide,
86 interconnected transportation system. Improvement of travel
87 choices to ensure mobility includes planning and establishment

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88 of infrastructure for innovative technologies, including
89 electric vehicle charging infrastructure.

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

94 339.0802 Allocation of increased license tax revenues from
95 licensure of electric and hybrid vehicles.—Funds that result
96 from increased revenues to the State Transportation Trust Fund
97 derived under s. 320.08001(2) and (3) must be used as set forth
98 in this section, notwithstanding any other provision of law.
99 Beginning in the 2023-2024 fiscal year, all increased revenues
100 must be used to fund the Electric Vehicle Infrastructure Grant
101 Program created by s. 339.286. This section expires on December
102 31, 2030.

103 Section 4. Section 339.286, Florida Statutes, is created to
104 read:

105 339.286 Electric Vehicle Infrastructure Grant Program.—

106 (1) The department shall establish the Electric Vehicle
107 Infrastructure Grant Program. The purpose of the program is to
108 provide financial assistance to encourage the installation of
109 electric vehicle charging infrastructure.

110 (2) State agencies, public universities, public transit
111 agencies, ports, airports, and local governments, including
112 local housing authorities and libraries, may apply to the
113 department for grants for the purpose of installing publicly
114 available electric vehicle charging infrastructure on public or
115 private property.

116 (3) A grant may be awarded for:

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117 (a) Technical assistance for the development and adoption
118 of:

119 1. A local or regional plan that establishes an electric
120 vehicle charging infrastructure;

121 2. Any action plans necessary to address any infrastructure
122 gaps; and

123 3. Steps necessary to complete the infrastructure plan.
124

125 A plan must address actions to deploy the necessary
126 infrastructure in high-density housing areas and low-income to
127 moderate-income areas.

128 (b) Assistance with the purchase of related equipment and
129 the costs of installation of that equipment to provide electric
130 vehicle charging. Such equipment must be capable of collecting
131 and reporting data, use standard connectors, and be available to
132 the public.

133 (4) (a) An applicant may apply for a grant for both
134 technical assistance and equipment purchase and installation. A
135 grant for technical assistance requires a minimum match of funds
136 from the applicant of 30 percent of the grant award, but such
137 match is not required for an applicant that is located in a
138 fiscally constrained county as described in s. 218.67(1). A
139 grant for equipment purchase and installation requires a minimum
140 match of funds from the applicant in the amount of 60 percent of
141 the total project cost for alternating-current, Level 2 charging
142 infrastructure; 20 percent of the total project cost for direct-
143 current, fast-charging infrastructure; or 20 percent of the
144 total project cost for high-powered charging infrastructure for
145 electric aircraft, including, but not limited to, electric

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146 vertical takeoff and landing aircraft, and semi-trucks. The
147 matching funds must be from nonstate resources, but may include
148 private funds provided through a partnership with a private
149 entity or in-kind contributions such as the donation of
150 equipment, services, or land or use of land for establishment of
151 the electric vehicle charging infrastructure. Grant funds may
152 not subsidize the cost for the use of electricity. Twenty
153 percent of the funds available under the grant program must be
154 reserved for applicants or projects in fiscally constrained
155 counties as described in s. 218.67(1). An applicant may partner
156 with a private sector entity to install charging infrastructure
157 on private property in the same county or local jurisdiction as
158 the applicant.

159 (b) The department shall develop and publish criteria for
160 prioritizing the grant applications and shall maintain a
161 prioritized list of approved grant applications. The prioritized
162 list must include recommended funding levels for each
163 application and, if staged implementation is appropriate, must
164 provide funding requirements for each stage. Grants must be
165 prioritized based on the extent to which the activities of the
166 grant will encourage growth in the use of electric vehicles and
167 increase the availability of charging locations along evacuation
168 routes. A grant for equipment purchase and installation that
169 will immediately and most effectively serve those who currently
170 own or operate electric vehicles may receive priority.

171 (5) The department shall continually review emerging
172 research, policies, and standards related to electric vehicle
173 infrastructure and innovations in the use of electric vehicles.
174 Using such information, the department shall publish best

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175 practices for the establishment of electric vehicle charging
176 infrastructure, model infrastructure plan development and
177 components, and other significant information for the
178 implementation and use of electric vehicle charging
179 infrastructure. The department may develop a model plan that
180 state agencies, public universities, public transit agencies,
181 ports, airports, and local governments may use as a guide to
182 establish an electric vehicle charging infrastructure plan.

183 (6) The department shall adopt rules to administer this
184 section.

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

187 339.287 Electric vehicle charging stations; infrastructure
188 plan development.-

189 (2) (a) The department shall coordinate, develop, and
190 recommend a master plan and a supplemental master plan for
191 current and future plans for the development of electric vehicle
192 charging station infrastructure along the State Highway System,
193 as defined in s. 334.03(24). The plans must include
194 recommendations for legislation and may include other
195 recommendations as determined by the department.

196 1. The department shall ~~develop the recommended master plan~~
197 and submit the recommended master plan ~~it~~ to the Governor, the
198 President of the Senate, and the Speaker of the House of
199 Representatives by July 1, 2021. ~~The plan must include~~
200 ~~recommendations for legislation and may include other~~
201 ~~recommendations as determined by the department.~~

202 2. The department shall submit the recommended supplemental
203 master plan to the Governor, the President of the Senate, and

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204 the Speaker of the House of Representatives by July 1, 2023. The
205 supplemental master plan must address innovations in electric
206 vehicle charging station infrastructure occurring since the
207 submission of the recommended master plan and the development of
208 high-powered charging infrastructure for electric aircraft. The
209 supplemental master plan also must make recommendations related
210 to charging station infrastructure along the State Highway
211 System and at airports, seaports, and other ports in light of
212 these innovations.

213 (b) The department, in consultation with the Public Service
214 Commission and the Office of Energy within the Department of
215 Agriculture and Consumer Services, and any other public or
216 private entities as necessary or appropriate, shall be primarily
217 responsible for the following goals and objectives in developing
218 the plans ~~plan~~:

219 1. Identifying the types or characteristics of possible
220 locations for electric vehicle charging station infrastructure
221 along the State Highway System to support a supply of electric
222 vehicle charging stations that will:

- 223 a. Accomplish the goals and objectives of this section;
224 b. Support both short-range and long-range electric vehicle
225 travel;
226 c. Encourage the expansion of electric vehicle use in this
227 state; and
228 d. Adequately serve evacuation routes in this state.

229 2. Identifying any barriers to the use of electric vehicles
230 and electric vehicle charging station infrastructure both for
231 short-range and long-range electric vehicle travel along the
232 State Highway System.

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233 3. Identifying an implementation strategy for expanding
234 electric vehicle and charging station infrastructure use in this
235 state.

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

240 (c) The Public Service Commission, in consultation with the
241 department and the Office of Energy within the Department of
242 Agriculture and Consumer Services, and any other public or
243 private entities as necessary or appropriate, shall be primarily
244 responsible for the following goals and objectives in developing
245 the plans ~~plan~~:

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

251 2. Evaluating and comparing the types of electric vehicle
252 charging stations available at present and which may become
253 available in the future, including the technology and
254 infrastructure incorporated in such stations, along with the
255 circumstances within which each type of station and
256 infrastructure is typically used, including fleet charging, for
257 the purpose of identifying any advantages to developing
258 particular types or uses of these stations.

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

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

264 4. Identifying the type of regulatory structure necessary
265 for the delivery of electricity to electric vehicles and
266 charging station infrastructure, including competitive neutral
267 policies and the participation of public utilities in the
268 marketplace.

269 (d) The Public Service Commission, in consultation with the
270 Office of Energy within the Department of Agriculture and
271 Consumer Services, shall review emerging technologies in the
272 electric and alternative vehicle market, including alternative
273 fuel sources.

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

279 (f) By December 1, 2021 ~~December 1, 2020~~, the department
280 shall file a second status report with the Governor, the
281 President of the Senate, and the Speaker of the House of
282 Representatives containing any preliminary recommendations,
283 including recommendations for legislation.

284 Section 6. Section 366.94, Florida Statutes, is amended to
285 read:

286 366.94 Electric vehicle charging stations.—

287 (1) The provision of electric vehicle charging to the
288 public by a nonutility is not the retail sale of electricity for
289 the purposes of this chapter. The rates, terms, and conditions
290 of electric vehicle charging services by a nonutility are not

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291 subject to regulation under this chapter. This section does not
292 affect the ability of individuals, businesses, or governmental
293 entities to acquire, install, or use an electric vehicle charger
294 for their own vehicles.

295 (2) The Department of Agriculture and Consumer Services
296 shall adopt rules to provide definitions, methods of sale,
297 labeling requirements, and price-posting requirements for
298 electric vehicle charging stations to allow for consistency for
299 consumers and the industry. Rules implemented under this
300 subsection may not require specific methods of sale for electric
301 vehicle charging equipment used in, and electrical vehicle
302 charging services provided in, this state.

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

307 (b) If a law enforcement officer or parking enforcement
308 specialist finds a motor vehicle in violation of this
309 subsection, the officer or specialist shall charge the operator
310 or other person in charge of the vehicle in violation with a
311 noncriminal traffic infraction, punishable as provided in s.
312 316.008(4) or s. 318.18.

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