

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 department's goals
6 relating to mobility; creating s. 339.0802, F.S.;
7 requiring that certain funds be used for specified
8 purposes relating to the Electric Vehicle
9 Infrastructure Grant Program, beginning in a specified
10 year; requiring that certain funds remain in the State
11 Transportation Trust Fund, beginning in a specified
12 year; providing for future expiration of the
13 requirements; creating s. 339.286, F.S.; requiring the
14 department to establish the Electric Vehicle
15 Infrastructure Grant Program; providing the purpose of
16 the program; providing for the distribution of grants
17 to certain entities to install electric vehicle
18 charging infrastructure; providing grant requirements;
19 providing requirements for equipment installed using
20 grant funds; requiring the department to develop and
21 publish criteria for the prioritization of grant
22 applications and to maintain a prioritized list of
23 approved applications; requiring the department to
24 continually review emerging research, policies, and
25 standards; requiring the department to publish certain

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26 information; authorizing the department to develop a
 27 model plan for local governments; requiring the
 28 department to adopt rules; amending s. 366.94, F.S.;
 29 specifying that certain rules adopted by the
 30 Department of Agriculture and Consumer Services may
 31 not require specific methods of sale for electric
 32 vehicle charging equipment used in, and services
 33 provided in, this state; providing an appropriation;
 34 providing effective dates.

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36 Be It Enacted by the Legislature of the State of Florida:

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

40 316.003 Definitions.—The following words and phrases, when
 41 used in this chapter, shall have the meanings respectively
 42 ascribed to them in this section, except where the context
 43 otherwise requires:

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

51 applicable federal motorcycle safety standards in 49 C.F.R. part
 52 571 by a manufacturer registered with the National Highway
 53 Traffic Safety Administration.

54 (56) PERSONAL DELIVERY DEVICE.—An electrically powered
 55 device that:

56 (a) Is operated on sidewalks and crosswalks and intended
 57 primarily for transporting property;

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

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

64 (d) Is equipped with technology to allow for operation of
 65 the device with or without the active control or monitoring of a
 66 natural person.

67
 68 A personal delivery device is not considered a vehicle unless
 69 expressly defined by law as a vehicle. A mobile carrier is not
 70 considered a personal delivery device. The Department of
 71 Transportation may adopt rules to implement this subsection.

72 Section 2. Paragraph (c) of subsection (4) of section
 73 334.046, Florida Statutes, is amended to read:

74 334.046 Department mission, goals, and objectives.—

75 (4) At a minimum, the department's goals shall address the

76 following prevailing principles.

77 (c) *Mobility*.—Ensuring a cost-effective, statewide,
78 interconnected transportation system. Improvement of travel
79 choices to ensure mobility includes planning and establishment
80 of infrastructure for innovative technologies, including
81 electric vehicle charging infrastructure.

82 Section 3. Effective upon HB 819 or other similar
83 legislation being enacted in the 2021 Regular Session or an
84 extension thereof and becoming a law, section 339.0802, Florida
85 Statutes, is created to read:

86 339.0802 Allocation of increased license tax revenues from
87 licensure of electric and hybrid vehicles.—Funds that result
88 from increased revenues to the State Transportation Trust Fund
89 derived under s. 320.08001(2) and (3) must be used as set forth
90 in this section, notwithstanding any other provision of law.

91 (1) Beginning in the 2021-2022 fiscal year, and annually
92 for 4 fiscal years thereafter, all increased revenues must be
93 used to fund the Electric Vehicle Infrastructure Grant Program.

94 (2) Beginning in the 2026-2027 fiscal year, all increased
95 revenues must remain in the State Transportation Trust Fund to
96 be used for authorized purposes.

97 (3) This section expires on December 31, 2030.

98 Section 4. Section 339.286, Florida Statutes, is created
99 to read:

100 339.286 Electric Vehicle Infrastructure Grant Program.—

101 (1) The department shall establish the Electric Vehicle
102 Infrastructure Grant Program. The purpose of the program is to
103 provide financial assistance to encourage the installation of
104 electric vehicle charging infrastructure.

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

111 (3) A grant may be awarded for:

112 (a) Technical assistance for the development and adoption
113 of:

114 1. A local or regional plan that establishes an electric
115 vehicle charging infrastructure;

116 2. Any action plans necessary to address any
117 infrastructure gaps; and

118 3. Steps necessary to complete the infrastructure plan.

119

120 A plan must address actions to deploy the necessary
121 infrastructure in high-density housing areas and low-income to
122 moderate-income areas.

123 (b) Assistance with the purchase of related equipment and
124 the costs of installation of that equipment to provide electric
125 vehicle charging. Such equipment must be capable of collecting

126 and reporting data, use standard connectors, and be available to
127 the public.

128 (4) (a) An applicant may apply for a grant for both
129 technical assistance and equipment purchase and installation. A
130 grant for technical assistance requires a minimum match of funds
131 from the applicant of 30 percent of the grant award, but such
132 match is not required for an applicant that is located in a
133 fiscally constrained county as defined in s. 218.67(1). A grant
134 for equipment purchase and installation requires a minimum match
135 of funds from the applicant in the amount of 60 percent of the
136 total project cost for alternating-current, Level 2 charging
137 infrastructure, or 20 percent of the total project cost for
138 direct-current, fast charging infrastructure. The matching funds
139 must be from nonstate resources, but may include private funds
140 provided through a partnership with a private entity or in-kind
141 contributions such as the donation of equipment, services, or
142 land or use of land for establishment of the electric vehicle
143 charging infrastructure. Grant funds may not subsidize the cost
144 for the use of electricity. Twenty percent of the funds
145 available under the grant program must be reserved for
146 applicants or projects in fiscally constrained counties as
147 defined in s. 218.67(1). An applicant may partner with a
148 private-sector entity to install charging infrastructure on
149 private property in the same county or local jurisdiction as the
150 applicant.

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

163 (5) The department shall continually review emerging
164 research, policies, and standards related to electric vehicle
165 infrastructure. Using such information, the department shall
166 publish best practices for the establishment of electric vehicle
167 charging infrastructure, model infrastructure plan development
168 and components, and other significant information for the
169 implementation and use of electric vehicle charging
170 infrastructure. The department may develop a model plan that
171 local governments may use as a guide to establish an electric
172 vehicle charging infrastructure plan.

173 (6) The department shall adopt rules to administer this
174 section.

175 Section 5. Section 366.94, Florida Statutes, is amended to

176 read:

177 366.94 Electric vehicle charging stations.—

178 (1) The provision of electric vehicle charging to the
179 public by a nonutility is not the retail sale of electricity for
180 the purposes of this chapter. The rates, terms, and conditions
181 of electric vehicle charging services by a nonutility are not
182 subject to regulation under this chapter. This section does not
183 affect the ability of individuals, businesses, or governmental
184 entities to acquire, install, or use an electric vehicle charger
185 for their own vehicles.

186 (2) The Department of Agriculture and Consumer Services
187 shall adopt rules to provide definitions, methods of sale,
188 labeling requirements, and price-posting requirements for
189 electric vehicle charging stations to allow for consistency for
190 consumers and the industry. Rules implemented under this
191 subsection may not require specific methods of sale for electric
192 vehicle charging equipment used in, and services provided in,
193 this state.

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

198 (b) If a law enforcement officer or specialist finds a
199 motor vehicle in violation of this subsection, the officer or
200 specialist shall charge the operator or other person in charge

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201 of the vehicle in violation with a noncriminal traffic
202 infraction, punishable as provided in s. 316.008(4) or s.
203 318.18.

204 Section 6. For the 2021-2022 fiscal year, the sum of \$5
205 million in nonrecurring funds is appropriated from the State
206 Transportation Trust Fund to the Department of Transportation
207 for the purpose of implementing the Electric Vehicle
208 Infrastructure Grant Program created in s. 339.286, Florida
209 Statutes.

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