

By Senator Brandes

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1                                   A bill to be entitled  
2       An act relating to electric vehicle charging  
3       infrastructure; amending s. 334.046, F.S.; revising a  
4       requirement for the Department of Transportation's  
5       goals relating to mobility; creating s. 339.0802,  
6       F.S.; requiring that certain funds be used for  
7       specified purposes relating to the Electric Vehicle  
8       Infrastructure Grant Program, beginning in a specified  
9       fiscal year; providing for future expiration; creating  
10      s. 339.286, F.S.; requiring the department to  
11      establish the Electric Vehicle Infrastructure Grant  
12      Program; providing the purpose of the program;  
13      providing for the distribution of grants to certain  
14      entities to install electric vehicle charging  
15      infrastructure; providing grant requirements;  
16      providing requirements for equipment installed using  
17      grant funds; requiring the department to develop and  
18      publish criteria for the prioritization of grant  
19      applications and to maintain a prioritized list of  
20      approved applications; requiring the department to  
21      continually review emerging research, policies, and  
22      standards; requiring the department to publish certain  
23      information; authorizing the department to develop a  
24      model plan for specified entities; requiring the  
25      department to adopt rules; amending s. 366.94, F.S.;  
26      prohibiting certain rules adopted by the Department of  
27      Agriculture and Consumer Services from requiring  
28      specific methods of sale for electric vehicle charging  
29      equipment used and services provided in this state;

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30 revising persons who may charge a certain civil  
31 penalty; requiring the Department of Transportation to  
32 seek programmatic federal approval for the issuance of  
33 permits and for the accommodation as a utility of the  
34 installation of electric vehicle charging stations in  
35 highway rights-of-way; requiring the department to  
36 conduct a certain review and, if it makes a certain  
37 determination, to provide legislative recommendations  
38 to the Legislature; requiring the department to  
39 immediately begin necessary revisions to its rules and  
40 policies in accordance with enacted legislation;  
41 requiring the department to submit a certain program  
42 for federal approval by a specified date; specifying a  
43 requirement for the request relating to electric  
44 vehicle charging station fees; providing effective  
45 dates.

46  
47 Be It Enacted by the Legislature of the State of Florida:

48  
49 Section 1. Paragraph (c) of subsection (4) of section  
50 334.046, Florida Statutes, is amended to read:

51 334.046 Department mission, goals, and objectives.—

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

54 (c) *Mobility*.—Ensuring a cost-effective, statewide,  
55 interconnected transportation system. Improvement of travel  
56 choices to ensure mobility includes planning and establishment  
57 of infrastructure for innovative technologies, including  
58 electric vehicle charging infrastructure.

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59 Section 2. Effective upon the same date that SB \_\_\_ or  
60 similar legislation takes effect, only if such legislation is  
61 adopted in the same legislative session or an extension thereof  
62 and becomes a law, section 339.0802, Florida Statutes, is  
63 created to read:

64 339.0802 Allocation of increased license tax revenues from  
65 licensure of electric and hybrid vehicles.—Funds that result  
66 from increased revenues to the State Transportation Trust Fund  
67 derived under s. 320.08001(2) and (3) must be used as set forth  
68 in this section, notwithstanding any other law. Beginning in  
69 fiscal year 2024-2025, all increased revenues must be used to  
70 fund the Electric Vehicle Infrastructure Grant Program created  
71 by s. 339.286. This section expires on December 31, 2031.

72 Section 3. Section 339.286, Florida Statutes, is created to  
73 read:

74 339.286 Electric Vehicle Infrastructure Grant Program.—

75 (1) The department shall establish the Electric Vehicle  
76 Infrastructure Grant Program. The purpose of the program is to  
77 provide financial assistance to encourage the installation of  
78 electric vehicle charging infrastructure.

79 (2) State agencies, public universities, public transit  
80 agencies, ports, airports, and local governments, including  
81 local housing authorities and libraries, may apply to the  
82 department for grants for the purpose of installing publicly  
83 available electric vehicle charging infrastructure on public or  
84 private property.

85 (3) A grant may be awarded for:

86 (a) Technical assistance for the development and adoption  
87 of:

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88 1. A local or regional plan that establishes an electric  
89 vehicle charging infrastructure;

90 2. Any action plans necessary to address any infrastructure  
91 gaps; and

92 3. Steps necessary to complete the infrastructure plan.

93  
94 A plan must address actions to deploy the necessary  
95 infrastructure in high-density housing areas and low-income to  
96 moderate-income areas.

97 (b) Assistance with the purchase of related equipment and  
98 the costs of installation of that equipment to provide electric  
99 vehicle charging. Such equipment must be capable of collecting  
100 and reporting data, use standard connectors, and be available to  
101 the public.

102 (4) (a) An applicant may apply for a grant for both  
103 technical assistance and equipment purchase and installation. A  
104 grant for technical assistance requires a minimum match of funds  
105 from the applicant of 30 percent of the grant award, but such  
106 match is not required for an applicant located in a fiscally  
107 constrained county as described in s. 218.67(1). A grant for  
108 equipment purchase and installation requires a minimum match of  
109 funds from the applicant in the amount of 60 percent of the  
110 total project cost for alternating-current, Level 2 charging  
111 infrastructure and 20 percent of the total project cost for  
112 direct-current, fast-charging infrastructure. The matching funds  
113 must be from nonstate resources, but may include private funds  
114 provided through a partnership with a private entity or in-kind  
115 contributions, such as the donation of equipment, services, or  
116 land or use of land for establishment of the electric vehicle

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117 charging infrastructure. Grant funds may not subsidize the cost  
118 for the use of electricity except at locations where a fee for  
119 such use is prohibited by law. Twenty percent of the funds  
120 available under the grant program must be reserved for  
121 applicants or projects in fiscally constrained counties as  
122 described in s. 218.67(1). An applicant may partner with a  
123 private sector entity to install electric vehicle charging  
124 infrastructure on private property in the same county or local  
125 jurisdiction as the applicant.

126 (b) The department shall develop and publish criteria for  
127 prioritizing the grant applications and shall maintain a  
128 prioritized list of approved grant applications. The prioritized  
129 list must include recommended funding levels for each  
130 application and, if staged implementation is appropriate, must  
131 provide funding requirements for each stage. Grants must be  
132 prioritized based on the extent to which the activities of the  
133 grant will encourage growth in the use of electric vehicles and  
134 increase the availability of charging locations along evacuation  
135 routes. A grant for equipment purchase and installation that  
136 will immediately and most effectively serve those who currently  
137 own or operate electric vehicles may receive priority.

138 (5) The department shall continually review emerging  
139 research, policies, and standards related to electric vehicle  
140 charging infrastructure and innovations in the use of electric  
141 vehicles. Using such information, the department shall publish  
142 best practices for the establishment of electric vehicle  
143 charging infrastructure, model infrastructure plan development  
144 and components, and other significant information for the  
145 implementation and use of electric vehicle charging

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146 infrastructure. The department may develop a model plan that  
147 state agencies, public universities, public transit agencies,  
148 ports, airports, and local governments may use as a guide to  
149 establish an electric vehicle charging infrastructure plan.

150 (6) The department shall adopt rules to administer this  
151 section.

152 Section 4. Section 366.94, Florida Statutes, is amended to  
153 read:

154 366.94 Electric vehicle charging stations.-

155 (1) The provision of electric vehicle charging to the  
156 public by a nonutility is not the retail sale of electricity for  
157 the purposes of this chapter. The rates, terms, and conditions  
158 of electric vehicle charging services by a nonutility are not  
159 subject to regulation under this chapter. This section does not  
160 affect the ability of individuals, businesses, or governmental  
161 entities to acquire, install, or use an electric vehicle charger  
162 for their own vehicles.

163 (2) The Department of Agriculture and Consumer Services  
164 shall adopt rules to provide definitions, methods of sale,  
165 labeling requirements, and price-posting requirements for  
166 electric vehicle charging stations to allow for consistency for  
167 consumers and the industry. Rules implemented under this  
168 subsection may not require specific methods of sale for electric  
169 vehicle charging equipment used in, and electric vehicle  
170 charging services provided in, this state.

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

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175 (b) If a law enforcement officer or parking enforcement  
176 specialist finds a motor vehicle in violation of this  
177 subsection, the officer or specialist shall charge the operator  
178 or other person in charge of the vehicle in violation with a  
179 noncriminal traffic infraction, punishable as provided in s.  
180 316.008(4) or s. 318.18.

181 Section 5. Electric vehicle charging stations as a utility  
182 in highway rights-of-way; Department of Transportation to seek  
183 programmatic approval.—

184 (1) In accordance with Federal Highway Administration  
185 guidance, "State DOTs Leveraging Alternative Uses of the Highway  
186 Right-of-Way Guidance," the Department of Transportation shall  
187 begin coordination with the appropriate Federal Highway  
188 Administration Division Office to seek programmatic approval for  
189 the issuance of Department of Transportation permits and any  
190 necessary related approvals to accommodate as a utility the  
191 installation of electric vehicle charging stations in the  
192 interstate and noninterstate highway rights-of-way in this  
193 state.

194 (2) The department shall review existing applicable state  
195 laws, rules, and policies and determine whether they are  
196 sufficiently broad under applicable federal law to accommodate  
197 electric vehicle charging stations in the highway rights-of-way  
198 as a utility, as provided in the federal guidance. If the  
199 department determines that state laws and rules are  
200 insufficient, the department must recommend for consideration by  
201 the 2023 Legislature appropriate statutory revisions necessary  
202 to accommodate such stations as a utility. If enacted, the  
203 department must immediately begin any necessary revisions to its

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204 rules and policies in accordance with the enacted legislation.

205 (3) By October 1, 2023, the department shall submit for  
206 approval from the Federal Highway Administration a program,  
207 including, if necessary, a revised utility accommodation policy,  
208 to authorize the department to issue permits for installation as  
209 a utility electric vehicle charging stations in the rights-of-  
210 way of interstate and noninterstate highways. The request for  
211 programmatic approval must include a provision for assessment of  
212 a fee to the user of electric vehicle charging stations at  
213 locations where such a fee is not prohibited by federal law.

214 Section 6. Except as otherwise expressly provided in this  
215 act, this act shall take effect July 1, 2022.