

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 1082

INTRODUCER: Transportation Committee and Senator Simmons

SUBJECT: Electric Vehicle Charging Stations

DATE: February 13, 2018

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Fav/CS
2.			ACJ	
3.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 1082 specifies that the penalty for unlawfully stopping, standing, or parking a vehicle not capable of using an electrical recharging station in a parking space designated for charging an electric vehicle is \$30 plus court costs, which can increase the fine to \$108. This violation is a noncriminal, nonmoving violation. The bill corrects cross-references in Florida Statutes to provide a statewide penalty for the violation, including removing an incorrect reference to s. 316.008(4), F.S., related to unlawful parking in designated disabled parking spaces.

The bill takes effect July 1, 2018.

**II. Present Situation:**

Electric vehicles<sup>1</sup> are becoming increasingly popular in the United States, prompting the installation of electric vehicle charging stations throughout the state. Electric vehicle charging stations are equipped with supply equipment capable of charging an electric vehicle's battery. The time required to charge depleted batteries depends on the type of charging equipment, and the size and type of battery used in the vehicle, but generally ranges from 20 minutes to a full day.<sup>2</sup> Hosts of charging stations may provide such stations free of charge or collect revenue for

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<sup>1</sup> Section 320.01(36), F.S., defines an "electric vehicle" as "a motor vehicle that is powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current."

<sup>2</sup> U.S. Department of Energy, *Plug-In Electric Vehicle Handbook for Public Charging Station Hosts* (April 2012), available at <https://www.afdc.energy.gov/pdfs/51227.pdf> (last visited Feb. 7, 2018).

electric vehicle charging through subscription, pay-per-charge, or pay-for-parking systems.<sup>3</sup> According to the U.S. Department of Energy, there are 949 electric vehicle charging stations providing 2,130 charging outlets publicly available in Florida.<sup>4</sup>

Section 366.94, F.S., was created in 2012<sup>5</sup>, and prohibits a person from stopping, standing, or parking a motor vehicle that is not capable of using an electrical recharging station within any parking space specifically designated for charging an electric vehicle. The section provides that this violation is a noncriminal traffic infraction, punishable as provided in ss. 316.008(4) or 318.18, F.S. However, neither of these sections specify a penalty for the offense.

Specifically, s. 316.008(4), F.S., authorizes a county or municipality to enact an ordinance providing a fine<sup>6</sup> for a violation of s. 316.1955, F.S., which addresses unlawful parking in spaces designated for persons with disabilities. Section 318.18, F.S., which provides penalty amounts for traffic infractions, does not provide any penalty for a violation of s. 366.94, F.S., related to unlawful parking in spaces designated for electric vehicles.

### III. Effect of Proposed Changes:

The bill amends ss. 318.18 and 366.94, F.S., to provide a penalty for a person who stops, stands, or parks a motor vehicle that is not capable of using an electrical recharging station in a parking space specifically designated for charging an electric vehicle. This violation is punishable as a noncriminal, nonmoving traffic violation, which is a \$30 fine plus court costs. The total fine with added court costs can total up to \$108, and is distributed as provided in s. 318.21, F.S.<sup>7</sup>

The bill removes an incorrect cross-reference to s. 316.008(4), F.S., relating to fines for the unlawful parking in spaces designated for persons with disabilities.

The bill takes effect July 1, 2018.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

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<sup>3</sup> *Id.*

<sup>4</sup> U.S. Department of Energy, *Alternative Fueling Station Counts by State* (as of Feb. 7, 2018), available at [https://www.afdc.energy.gov/fuels/stations\\_counts.html](https://www.afdc.energy.gov/fuels/stations_counts.html) (last visited Feb. 7, 2018).

<sup>5</sup> Chapter 2012-205, Laws of Florida.

<sup>6</sup> Such fine may be in excess of the fine provided by s. 318.18(6), F.S., (\$100 plus court costs), but may not exceed \$250 plus court costs.

<sup>7</sup> See Florida Court Clerks & Comptrollers, *2017 Distribution Schedule...* (July 1, 2017), available at [http://www.flclerks.com/resource/resmgr/public\\_documents\\_/2017\\_Distribution\\_Schedule\\_7.pdf](http://www.flclerks.com/resource/resmgr/public_documents_/2017_Distribution_Schedule_7.pdf) at p. 20 under “Non-Moving Infraction” (last visited Feb. 7, 2018).

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals who unlawfully park in a space designated for the charging of electric vehicles may be issued a traffic infraction with a total fine amount of up to \$108.<sup>8</sup>

C. Government Sector Impact:

The bill does not appear to impact state or local government expenditures. Overall, the bill is likely to have a positive fiscal impact on state and local government who receive funds from these citations; however, if a local government has an ordinance in effect that provides an alternative penalty for this offense, that local government could potentially receive less funds due to the implementation of a statewide penalty. The number of local governments that currently fine individuals for this offense and the number of fines issued is unknown.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 318.18 and 366.94.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Transportation on February 13, 2018:**

The CS adds the term “parking enforcement specialist” to s. 366.94(3)(b), F.S., to provide consistency and clarity in the law. This statute already requires a law

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<sup>8</sup> *Id.*

enforcement officer or a “specialist” to charge a person who violates s. 366.94(3), F.S, with a noncriminal traffic infraction.<sup>9</sup>

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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<sup>9</sup> Section 316.640, F.S., authorizes an airport authority, a county sheriff’s office, or a chartered municipality or its authorized agency to employ a parking enforcement specialist to enforce all state, county, and municipal laws and ordinances governing parking within its jurisdiction. Parking enforcement specialists are required to successfully complete a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists, but do not have arrest authority and are prohibited from carrying weapons.