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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/14/2021	.	
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The Committee on Appropriations (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 402

and insert:

Section 12. Present subsections (24) through (105) of section 316.003, Florida Statutes, are redesignated as subsections (25) through (106), respectively, a new subsection (24) is added to that section, and subsection (2) and present subsections (56) and (62) of that section are amended, to read:

316.003 Definitions.—The following words and phrases, when



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11 used in this chapter, shall have the meanings respectively  
12 ascribed to them in this section, except where the context  
13 otherwise requires:

14 (2) AUTOCYCLE.—A three-wheeled motorcycle that has two  
15 wheels in the front and one wheel in the back; is equipped with  
16 a roll cage or roll hoops, a seat belt for each occupant,  
17 antilock brakes that meet the requirements of Federal Motor  
18 Vehicle Safety Standard No. 122, a steering mechanism ~~wheel~~, and  
19 seating that does not require the operator to straddle or sit  
20 astride it; and is manufactured in accordance with the  
21 applicable federal motorcycle safety standards in 49 C.F.R. part  
22 571 by a manufacturer registered with the National Highway  
23 Traffic Safety Administration.

24 (24) ELECTRIC VERTICAL TAKEOFF AND LANDING AIRCRAFT.—A type  
25 of aircraft that uses electric power to hover, take off, and  
26 land vertically.

27 (57) ~~(56)~~ PERSONAL DELIVERY DEVICE.—An electrically powered  
28 device that:

29 (a) Is operated on sidewalks and crosswalks and intended  
30 primarily for transporting property;

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

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

37 (d) Is equipped with technology to allow for operation of  
38 the device with or without the active control or monitoring of a  
39 natural person.



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40  
41 A personal delivery device is not considered a vehicle unless  
42 expressly defined by law as a vehicle. A mobile carrier is not  
43 considered a personal delivery device. The Department of  
44 Transportation may adopt rules to implement this subsection.

45 (63) ~~(62)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
46 provided in paragraph (85) (b) ~~(84) (b)~~, any privately owned way  
47 or place used for vehicular travel by the owner and those having  
48 express or implied permission from the owner, but not by other  
49 persons.

50 Section 13. Paragraph (c) of subsection (4) of section  
51 334.046, Florida Statutes, is amended to read:

52 334.046 Department mission, goals, and objectives.—

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

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

60 Section 14. Effective upon SB 140 or other similar  
61 legislation being enacted in the 2021 Regular Session or an  
62 extension thereof and becoming a law, section 339.0802, Florida  
63 Statutes, is 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 provision of law.



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69 Beginning in the 2023-2024 fiscal year, all increased revenues  
70 must be used to fund the Electric Vehicle Infrastructure Grant  
71 Program created by s. 339.286. This section expires on December  
72 31, 2030.

73 Section 15. Section 339.286, Florida Statutes, is created  
74 to read:

75 339.286 Electric Vehicle Infrastructure Grant Program.—

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

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

86 (3) A grant may be awarded for:

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

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

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

93 3. Steps necessary to complete the infrastructure plan.

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



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

103           (4) (a) An applicant may apply for a grant for both  
104 technical assistance and equipment purchase and installation. A  
105 grant for technical assistance requires a minimum match of funds  
106 from the applicant of 30 percent of the grant award, but such  
107 match is not required for an applicant that is located in a  
108 fiscally constrained county as described in s. 218.67(1). A  
109 grant for equipment purchase and installation requires a minimum  
110 match of funds from the applicant in the amount of 60 percent of  
111 the total project cost for alternating-current, Level 2 charging  
112 infrastructure; 20 percent of the total project cost for direct-  
113 current, fast-charging infrastructure; or 20 percent of the  
114 total project cost for high-powered charging infrastructure for  
115 electric aircraft, including, but not limited to, electric  
116 vertical takeoff and landing aircraft, and semi-trucks. The  
117 matching funds must be from nonstate resources, but may include  
118 private funds provided through a partnership with a private  
119 entity or in-kind contributions such as the donation of  
120 equipment, services, or land or use of land for establishment of  
121 the electric vehicle charging infrastructure. Grant funds may  
122 not subsidize the cost for the use of electricity. Twenty  
123 percent of the funds available under the grant program must be  
124 reserved for applicants or projects in fiscally constrained  
125 counties as described in s. 218.67(1). An applicant may partner  
126 with a private sector entity to install charging infrastructure



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127 on private property in the same county or local jurisdiction as  
128 the applicant.

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

141 (5) The department shall continually review emerging  
142 research, policies, and standards related to electric vehicle  
143 infrastructure and innovations in the use of electric vehicles.  
144 Using such information, the department shall publish best  
145 practices for the establishment of electric vehicle charging  
146 infrastructure, model infrastructure plan development and  
147 components, and other significant information for the  
148 implementation and use of electric vehicle charging  
149 infrastructure. The department may develop a model plan that  
150 state agencies, public universities, public transit agencies,  
151 ports, airports, and local governments may use as a guide to  
152 establish an electric vehicle charging infrastructure plan.

153 (6) The department shall adopt rules to administer this  
154 section.

155 Section 16. Subsection (2) of section 339.287, Florida



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156 Statutes, is amended to read:

157 339.287 Electric vehicle charging stations; infrastructure  
158 plan development.—

159 (2)(a) The department shall coordinate, develop, and  
160 recommend a master plan and a supplemental master plan for  
161 current and future plans for the development of electric vehicle  
162 charging station infrastructure along the State Highway System,  
163 as defined in s. 334.03(24). The plans must include  
164 recommendations for legislation and may include other  
165 recommendations as determined by the department.

166 1. The department shall ~~develop the recommended master plan~~  
167 ~~and~~ submit the recommended master plan ~~it~~ to the Governor, the  
168 President of the Senate, and the Speaker of the House of  
169 Representatives by July 1, 2021. ~~The plan must include~~  
170 ~~recommendations for legislation and may include other~~  
171 ~~recommendations as determined by the department.~~

172 2. The department shall submit the recommended supplemental  
173 master plan to the Governor, the President of the Senate, and  
174 the Speaker of the House of Representatives by July 1, 2023. The  
175 supplemental master plan must address innovations in electric  
176 vehicle charging station infrastructure occurring since the  
177 submission of the recommended master plan and the development of  
178 high-powered charging infrastructure for electric aircraft. The  
179 supplemental master plan also must make recommendations related  
180 to charging station infrastructure along the State Highway  
181 System and at airports, seaports, and other ports in light of  
182 these innovations.

183 (b) The department, in consultation with the Public Service  
184 Commission and the Office of Energy within the Department of



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185 Agriculture and Consumer Services, and any other public or  
186 private entities as necessary or appropriate, shall be primarily  
187 responsible for the following goals and objectives in developing  
188 the plans ~~plan~~:

189 1. Identifying the types or characteristics of possible  
190 locations for electric vehicle charging station infrastructure  
191 along the State Highway System to support a supply of electric  
192 vehicle charging stations that will:

193 a. Accomplish the goals and objectives of this section;

194 b. Support both short-range and long-range electric vehicle  
195 travel;

196 c. Encourage the expansion of electric vehicle use in this  
197 state; and

198 d. Adequately serve evacuation routes in this state.

199 2. Identifying any barriers to the use of electric vehicles  
200 and electric vehicle charging station infrastructure both for  
201 short-range and long-range electric vehicle travel along the  
202 State Highway System.

203 3. Identifying an implementation strategy for expanding  
204 electric vehicle and charging station infrastructure use in this  
205 state.

206 4. Quantifying the loss of revenue to the State  
207 Transportation Trust Fund due to the current and projected  
208 future use of electric vehicles in this state and summarizing  
209 efforts of other states to address such revenue loss.

210 (c) The Public Service Commission, in consultation with the  
211 department and the Office of Energy within the Department of  
212 Agriculture and Consumer Services, and any other public or  
213 private entities as necessary or appropriate, shall be primarily





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214 responsible for the following goals and objectives in developing  
215 the plans ~~plan~~:

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

221 2. Evaluating and comparing the types of electric vehicle  
222 charging stations available at present and which may become  
223 available in the future, including the technology and  
224 infrastructure incorporated in such stations, along with the  
225 circumstances within which each type of station and  
226 infrastructure is typically used, including fleet charging, for  
227 the purpose of identifying any advantages to developing  
228 particular types or uses of these stations.

229 3. Considering strategies to develop this supply of  
230 charging stations, including, but not limited to, methods of  
231 building partnerships with local governments, other state and  
232 federal entities, electric utilities, the business community,  
233 and the public in support of electric vehicle charging stations.

234 4. Identifying the type of regulatory structure necessary  
235 for the delivery of electricity to electric vehicles and  
236 charging station infrastructure, including competitive neutral  
237 policies and the participation of public utilities in the  
238 marketplace.

239 (d) The Public Service Commission, in consultation with the  
240 Office of Energy within the Department of Agriculture and  
241 Consumer Services, shall review emerging technologies in the  
242 electric and alternative vehicle market, including alternative



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243 fuel sources.

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

249 (f) By December 1, 2021 ~~December 1, 2020~~, the department  
250 shall file a second status report with the Governor, the  
251 President of the Senate, and the Speaker of the House of  
252 Representatives containing any preliminary recommendations,  
253 including recommendations for legislation.

254 Section 17. Section 366.94, Florida Statutes, is amended to  
255 read:

256 366.94 Electric vehicle charging stations.—

257 (1) The provision of electric vehicle charging to the  
258 public by a nonutility is not the retail sale of electricity for  
259 the purposes of this chapter. The rates, terms, and conditions  
260 of electric vehicle charging services by a nonutility are not  
261 subject to regulation under this chapter. This section does not  
262 affect the ability of individuals, businesses, or governmental  
263 entities to acquire, install, or use an electric vehicle charger  
264 for their own vehicles.

265 (2) The Department of Agriculture and Consumer Services  
266 shall adopt rules to provide definitions, methods of sale,  
267 labeling requirements, and price-posting requirements for  
268 electric vehicle charging stations to allow for consistency for  
269 consumers and the industry. Rules implemented under this  
270 subsection may not require specific methods of sale for electric  
271 vehicle charging equipment used in, and electrical vehicle



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272 charging services provided in, this state.

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

277 (b) If a law enforcement officer or parking enforcement  
278 specialist finds a motor vehicle in violation of this  
279 subsection, the officer or specialist shall charge the operator  
280 or other person in charge of the vehicle in violation with a  
281 noncriminal traffic infraction, punishable as provided in s.  
282 316.008(4) or s. 318.18.

283 Section 18. Paragraph (a) of subsection (3) of section  
284 316.306, Florida Statutes, is amended to read:

285 316.306 School and work zones; prohibition on the use of a  
286 wireless communications device in a handheld manner.—

287 (3) (a) 1. A person may not operate a motor vehicle while  
288 using a wireless communications device in a handheld manner in a  
289 designated school crossing, school zone, or work zone area as  
290 defined in s. 316.003 ~~s. 316.003(105)~~. This subparagraph shall  
291 only be applicable to work zone areas if construction personnel  
292 are present or are operating equipment on the road or  
293 immediately adjacent to the work zone area. For the purposes of  
294 this paragraph, a motor vehicle that is stationary is not being  
295 operated and is not subject to the prohibition in this  
296 paragraph.

297 2.a. During the period from October 1, 2019, through  
298 December 31, 2019, a law enforcement officer may stop motor  
299 vehicles to issue verbal or written warnings to persons who are  
300 in violation of subparagraph 1. for the purposes of informing



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301 and educating such persons of this section. This sub-  
302 subparagraph shall stand repealed on October 1, 2020.

303 b. Effective January 1, 2020, a law enforcement officer may  
304 stop motor vehicles and issue citations to persons who are  
305 driving while using a wireless communications device in a  
306 handheld manner in violation of subparagraph 1.

307 Section 19. Subsection (1) of section 655.960, Florida  
308 Statutes, is amended to read:

309 655.960 Definitions; ss. 655.960-655.965.—As used in this  
310 section and ss. 655.961-655.965, unless the context otherwise  
311 requires:

312 (1) "Access area" means any paved walkway or sidewalk which  
313 is within 50 feet of any automated teller machine. The term does  
314 not include any street or highway open to the use of the public,  
315 as defined in s. 316.003(85)(a) or (b) ~~s. 316.003(84)(a) or (b)~~,  
316 including any adjacent sidewalk, as defined in s. 316.003.

317 Section 20. Except as otherwise expressly provided in this  
318 act, this act shall take effect July 1, 2021.

319  
320 ===== T I T L E A M E N D M E N T =====

321 And the title is amended as follows:

322 Delete line 54

323 and insert:

324 programs; amending s. 316.003, F.S.; defining the term  
325 "electric vertical takeoff and landing aircraft";  
326 revising definitions; authorizing the Department of  
327 Transportation to adopt rules; amending s. 334.046,  
328 F.S.; revising the principles relating to mobility  
329 which the department's goals are required to address;



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330 creating s. 339.0802, F.S.; requiring that certain  
331 funds be used for specified purposes relating to the  
332 Electric Vehicle Infrastructure Grant Program  
333 beginning in a specified year; providing for future  
334 expiration; creating s. 339.286, F.S.; requiring the  
335 department to establish the Electric Vehicle  
336 Infrastructure Grant Program; providing the purpose of  
337 the program; providing for the distribution of grants  
338 to certain entities to install electric vehicle  
339 charging infrastructure; providing grant requirements;  
340 providing requirements for equipment installed using  
341 grant funds; requiring the department to develop and  
342 publish criteria for the prioritization of grant  
343 applications and to maintain a prioritized list of  
344 approved applications; requiring the department to  
345 continually review emerging research, policies, and  
346 standards; requiring the department to publish certain  
347 information; authorizing the department to develop a  
348 model plan for specified entities; requiring the  
349 department to adopt rules; amending s. 339.287, F.S.;  
350 requiring the department to coordinate, develop, and  
351 recommend a supplemental master plan to address  
352 innovations in electric vehicle charging station  
353 infrastructure and the development of high-powered  
354 charging infrastructure for electric aircraft;  
355 requiring the department to submit the plan to the  
356 Governor and the Legislature by a specified date;  
357 conforming provisions to changes made by the act;  
358 requiring the department to file a second status



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359 report with the Governor and the Legislature by a  
360 specified date; amending s. 366.94, F.S.; prohibiting  
361 certain rules adopted by the Department of Agriculture  
362 and Consumer Services from requiring specific methods  
363 of sale for electric vehicle charging equipment used  
364 and services provided in this state; amending ss.  
365 316.306 and 655.960, F.S.; conforming cross-  
366 references; providing effective dates.