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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2021	.	
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	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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



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

21 (56) PERSONAL DELIVERY DEVICE.—An electrically powered
22 device that:

23 (a) Is operated on sidewalks and crosswalks and intended
24 primarily for transporting property;

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

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

31 (d) Is equipped with technology to allow for operation of
32 the device with or without the active control or monitoring of a
33 natural person.

34
35 A personal delivery device is not considered a vehicle unless
36 expressly defined by law as a vehicle. A mobile carrier is not
37 considered a personal delivery device. The Department of
38 Transportation may adopt rules to implement this subsection.

39 Section 2. Paragraph (c) of subsection (4) of section



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40 334.046, Florida Statutes, is amended to read:

41 334.046 Department mission, goals, and objectives.—

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

44 (c) *Mobility*.—Ensuring a cost-effective, statewide,
45 interconnected transportation system. Improvement of travel
46 choices to ensure mobility includes planning and establishment
47 of infrastructure for innovative technologies, including
48 electric vehicle charging infrastructure.

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

53 339.0802 Allocation of increased license tax revenues from
54 licensure of electric and hybrid vehicles.—Funds that result
55 from increased revenues to the State Transportation Trust Fund
56 derived under s. 320.08001(2) and (3) must be used as set forth
57 in this section, notwithstanding any other provision of law.
58 Beginning in the 2023-2024 fiscal year, all increased revenues
59 must be used to fund the Electric Vehicle Infrastructure Grant
60 Program created by s. 339.286. This section expires on December
61 31, 2030.

62 Section 4. Section 339.286, Florida Statutes, is created to
63 read:

64 339.286 Electric Vehicle Infrastructure Grant Program.—

65 (1) The department shall establish the Electric Vehicle
66 Infrastructure Grant Program. The purpose of the program is to
67 provide financial assistance to encourage the installation of
68 electric vehicle charging infrastructure.



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69 (2) State agencies, public universities, public transit
70 agencies, ports, airports, and local governments, including
71 local housing authorities and libraries, may apply to the
72 department for grants for the purpose of installing publicly
73 available electric vehicle charging infrastructure on public or
74 private property.

75 (3) A grant may be awarded for:

76 (a) Technical assistance for the development and adoption
77 of:

78 1. A local or regional plan that establishes an electric
79 vehicle charging infrastructure;

80 2. Any action plans necessary to address any infrastructure
81 gaps; and

82 3. Steps necessary to complete the infrastructure plan.

83

84 A plan must address actions to deploy the necessary
85 infrastructure in high-density housing areas and low-income to
86 moderate-income areas.

87 (b) Assistance with the purchase of related equipment and
88 the costs of installation of that equipment to provide electric
89 vehicle charging. Such equipment must be capable of collecting
90 and reporting data, use standard connectors, and be available to
91 the public.

92 (4) (a) An applicant may apply for a grant for both
93 technical assistance and equipment purchase and installation. A
94 grant for technical assistance requires a minimum match of funds
95 from the applicant of 30 percent of the grant award, but such
96 match is not required for an applicant that is located in a
97 fiscally constrained county as described in s. 218.67(1). A



98 grant for equipment purchase and installation requires a minimum
99 match of funds from the applicant in the amount of 60 percent of
100 the total project cost for alternating-current, Level 2 charging
101 infrastructure; 20 percent of the total project cost for direct-
102 current, fast-charging infrastructure; or 20 percent of the
103 total project cost for high-powered charging infrastructure for
104 electric aircraft, including, but not limited to, electric
105 vertical takeoff and landing aircraft, and semi-trucks. The
106 matching funds must be from nonstate resources, but may include
107 private funds provided through a partnership with a private
108 entity or in-kind contributions such as the donation of
109 equipment, services, or land or use of land for establishment of
110 the electric vehicle charging infrastructure. Grant funds may
111 not subsidize the cost for the use of electricity. Twenty
112 percent of the funds available under the grant program must be
113 reserved for applicants or projects in fiscally constrained
114 counties as described in s. 218.67(1). An applicant may partner
115 with a private sector entity to install charging infrastructure
116 on private property in the same county or local jurisdiction as
117 the applicant.

118 (b) The department shall develop and publish criteria for
119 prioritizing the grant applications and shall maintain a
120 prioritized list of approved grant applications. The prioritized
121 list must include recommended funding levels for each
122 application and, if staged implementation is appropriate, must
123 provide funding requirements for each stage. Grants must be
124 prioritized based on the extent to which the activities of the
125 grant will encourage growth in the use of electric vehicles and
126 increase the availability of charging locations along evacuation



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127 routes. A grant for equipment purchase and installation that
128 will immediately and most effectively serve those who currently
129 own or operate electric vehicles may receive priority.

130 (5) The department shall continually review emerging
131 research, policies, and standards related to electric vehicle
132 infrastructure and innovations in the use of electric vehicles.
133 Using such information, the department shall publish best
134 practices for the establishment of electric vehicle charging
135 infrastructure, model infrastructure plan development and
136 components, and other significant information for the
137 implementation and use of electric vehicle charging
138 infrastructure. The department may develop a model plan that
139 state agencies, public universities, public transit agencies,
140 ports, airports, and local governments may use as a guide to
141 establish an electric vehicle charging infrastructure plan.

142 (6) The department shall adopt rules to administer this
143 section.

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

146 339.287 Electric vehicle charging stations; infrastructure
147 plan development.—

148 (2) (a) The department shall coordinate, develop, and
149 recommend a master plan and a supplemental master plan for
150 current and future plans for the development of electric vehicle
151 charging station infrastructure along the State Highway System,
152 as defined in s. 334.03(24). The plans must include
153 recommendations for legislation and may include other
154 recommendations as determined by the department.

155 1. The department shall ~~develop the recommended master plan~~



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156 ~~and submit the recommended master plan ~~it~~ to the Governor, the~~
157 ~~President of the Senate, and the Speaker of the House of~~
158 ~~Representatives by July 1, 2021. The plan must include~~
159 ~~recommendations for legislation and may include other~~
160 ~~recommendations as determined by the department.~~

161 2. The department shall submit the recommended supplemental
162 master plan to the Governor, the President of the Senate, and
163 the Speaker of the House of Representatives by July 1, 2023. The
164 supplemental master plan must address innovations in electric
165 vehicle charging station infrastructure occurring since the
166 submission of the recommended master plan and the development of
167 high-powered charging infrastructure for electric aircraft. The
168 supplemental master plan also must make recommendations related
169 to charging station infrastructure along the State Highway
170 System and at airports, seaports, and other ports in light of
171 these innovations.

172 (b) The department, in consultation with the Public Service
173 Commission and the Office of Energy within the Department of
174 Agriculture and Consumer Services, and any other public or
175 private entities as necessary or appropriate, shall be primarily
176 responsible for the following goals and objectives in developing
177 the plans ~~plan~~:

178 1. Identifying the types or characteristics of possible
179 locations for electric vehicle charging station infrastructure
180 along the State Highway System to support a supply of electric
181 vehicle charging stations that will:

- 182 a. Accomplish the goals and objectives of this section;
183 b. Support both short-range and long-range electric vehicle
184 travel;



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185 c. Encourage the expansion of electric vehicle use in this
186 state; and

187 d. Adequately serve evacuation routes in this state.

188 2. Identifying any barriers to the use of electric vehicles
189 and electric vehicle charging station infrastructure both for
190 short-range and long-range electric vehicle travel along the
191 State Highway System.

192 3. Identifying an implementation strategy for expanding
193 electric vehicle and charging station infrastructure use in this
194 state.

195 4. Quantifying the loss of revenue to the State
196 Transportation Trust Fund due to the current and projected
197 future use of electric vehicles in this state and summarizing
198 efforts of other states to address such revenue loss.

199 (c) The Public Service Commission, in consultation with the
200 department and the Office of Energy within the Department of
201 Agriculture and Consumer Services, and any other public or
202 private entities as necessary or appropriate, shall be primarily
203 responsible for the following goals and objectives in developing
204 the plans ~~plan~~:

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

210 2. Evaluating and comparing the types of electric vehicle
211 charging stations available at present and which may become
212 available in the future, including the technology and
213 infrastructure incorporated in such stations, along with the



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214 circumstances within which each type of station and
215 infrastructure is typically used, including fleet charging, for
216 the purpose of identifying any advantages to developing
217 particular types or uses of these stations.

218 3. Considering strategies to develop this supply of
219 charging stations, including, but not limited to, methods of
220 building partnerships with local governments, other state and
221 federal entities, electric utilities, the business community,
222 and the public in support of electric vehicle charging stations.

223 4. Identifying the type of regulatory structure necessary
224 for the delivery of electricity to electric vehicles and
225 charging station infrastructure, including competitive neutral
226 policies and the participation of public utilities in the
227 marketplace.

228 (d) The Public Service Commission, in consultation with the
229 Office of Energy within the Department of Agriculture and
230 Consumer Services, shall review emerging technologies in the
231 electric and alternative vehicle market, including alternative
232 fuel sources.

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

238 (f) By December 1, 2021 ~~December 1, 2020~~, the department
239 shall file a second status report with the Governor, the
240 President of the Senate, and the Speaker of the House of
241 Representatives containing any preliminary recommendations,
242 including recommendations for legislation.



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243 Section 6. Section 366.94, Florida Statutes, is amended to
244 read:

245 366.94 Electric vehicle charging stations.—

246 (1) The provision of electric vehicle charging to the
247 public by a nonutility is not the retail sale of electricity for
248 the purposes of this chapter. The rates, terms, and conditions
249 of electric vehicle charging services by a nonutility are not
250 subject to regulation under this chapter. This section does not
251 affect the ability of individuals, businesses, or governmental
252 entities to acquire, install, or use an electric vehicle charger
253 for their own vehicles.

254 (2) The Department of Agriculture and Consumer Services
255 shall adopt rules to provide definitions, methods of sale,
256 labeling requirements, and price-posting requirements for
257 electric vehicle charging stations to allow for consistency for
258 consumers and the industry. Rules implemented under this
259 subsection may not require specific methods of sale for electric
260 vehicle charging equipment used in, and electrical vehicle
261 charging services provided in, this state.

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

266 (b) If a law enforcement officer or parking enforcement
267 specialist finds a motor vehicle in violation of this
268 subsection, the officer or specialist shall charge the operator
269 or other person in charge of the vehicle in violation with a
270 noncriminal traffic infraction, punishable as provided in s.
271 316.008(4) or s. 318.18.



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

274
275 ===== T I T L E A M E N D M E N T =====

276 And the title is amended as follows:

277 Delete everything before the enacting clause
278 and insert:

279 A bill to be entitled
280 An act relating to electric vehicles; amending s.
281 316.003, F.S.; revising definitions; authorizing the
282 Department of Transportation to adopt rules; amending
283 s. 334.046, F.S.; revising the principles relating to
284 mobility which the department's goals are required to
285 address; creating s. 339.0802, F.S.; requiring that
286 certain funds be used for specified purposes relating
287 to the Electric Vehicle Infrastructure Grant Program,
288 beginning in a specified year; providing for future
289 expiration; creating s. 339.286, F.S.; requiring the
290 department to establish the Electric Vehicle
291 Infrastructure Grant Program; providing the purpose of
292 the program; providing for the distribution of grants
293 to certain entities to install electric vehicle
294 charging infrastructure; providing grant requirements;
295 providing requirements for equipment installed using
296 grant funds; requiring the department to develop and
297 publish criteria for the prioritization of grant
298 applications and to maintain a prioritized list of
299 approved applications; requiring the department to
300 continually review emerging research, policies, and



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301 standards; requiring the department to publish certain
302 information; authorizing the department to develop a
303 model plan for specified entities; requiring the
304 department to adopt rules; amending s. 339.287, F.S.;
305 requiring the department to coordinate, develop, and
306 recommend a supplemental master plan to address
307 innovations in electric vehicle charging station
308 infrastructure and the development of high-powered
309 charging infrastructure for electric aircraft;
310 requiring the department to submit the plan to the
311 Governor and the Legislature by a specified date;
312 conforming provisions to changes made by the act;
313 requiring the department to file a second status
314 report with the Governor and the Legislature by a
315 specified date; amending s. 366.94, F.S.; prohibiting
316 certain rules adopted by the Department of Agriculture
317 and Consumer Services from requiring specific methods
318 of sale for electric vehicle charging equipment used
319 and services provided in this state; providing
320 effective dates.