

By Senator Brandes

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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  
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

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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.

35

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

37

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

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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 Senate Bill \_\_\_ 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

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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 to  
99 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 infrastructure

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117 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

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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.

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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  
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.

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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.