

By Senator Brandes

24-00026B-22

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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;

24-00026B-22

2022918__

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:

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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.

24-00026B-22

2022918__

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:

24-00026B-22

2022918__

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

24-00026B-22

2022918__

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

24-00026B-22

2022918__

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.

24-00026B-22

2022918__

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

24-00026B-22

2022918__

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 programmatically 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.