Lowndes

Insights

New Florida Law Changes Electric Vehicle Charging Station Regulations

Article
Lowndes
07.24.2024

Co-authored by: Jordan Craig*

Effective July 1, 2024, a new Florida law has significantly changed how electric vehicle (EV) charging stations are regulated across the state. Senate Bill 1084 amended Section 366.94 of the Florida Statutes, shifting the authority to regulate EV charging stations exclusively to the Florida Department of Agriculture and Consumer Services (FDACS). Additionally, local governments are now forbidden from enacting or enforcing any ordinance or regulation related to EV charging stations.

What This Means for Local Governments and Developers

This new law has far-reaching implications for various stakeholders in Florida. Local governments have lost their authority to regulate EV charging stations, potentially invalidating existing ordinances like Orlando's requirement for 10% of commercial parking spaces to be EV-ready.

Some businesses may welcome the relief from having to install EV charging equipment in prime parking locations, especially given the current low percentage of EV ownership in Florida. Developers and property owners now face a shifting landscape of regulations, highlighting the need to stay informed about state-level decisions regarding EV infrastructure.

Pursuant to Section 366.94(2)(b), the FDACS will adopt rules to provide requirements for EV charging stations. The purpose of the FDACS rules is to ensure consistency of the electric vehicle infrastructure, not to enforce the local government prohibition of regulating EV charging stations.

Upcoming Developments

The FDACS scheduled a public hearing on July 30, 2024, to discuss proposals for new statewide regulations for EV charging equipment. Some of the proposals considered will establish (a) rules allowing local

Related Attorneys

Savannah G. Horton

Daniel F. McIntosh

Related Expertise

Real Estate

Real Estate Development

governments to enter into contractual agreements and offering incentives to businesses that provide EV infrastructure; (b) zoning and permitting requirements; and (c) statewide safety standards.

What This Means for You

If you're a developer or business owner in Florida, it's important to stay informed about the evolving regulations for EV charging stations. What was mandatory yesterday may not be required today.

Given the complexity and ongoing changes in this area of law, we recommend consulting with legal counsel to ensure you're complying with the most up-to-date regulations.

**Jordan Craig, a summer law clerk, assisted with this article.*