

By the Committee on Infrastructure and Security; and Senator Brandes

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1 A bill to be entitled
2 An act relating to autonomous vehicles; creating s.
3 316.0899, F.S.; authorizing the Department of
4 Transportation, in consultation with the Department of
5 Highway Safety and Motor Vehicles, to conduct pilot or
6 demonstration programs to explore the efficient
7 implementation of innovative transportation
8 technologies; requiring the Department of
9 Transportation to submit a certain annual report to
10 the Governor and the Legislature; amending s.
11 338.2216, F.S.; authorizing the Florida Turnpike
12 Enterprise to enter into one or more agreements to
13 fund, construct, and operate facilities for the
14 advancement of autonomous and connected innovative
15 transportation technologies for certain purposes;
16 amending s. 316.003, F.S.; revising and providing
17 definitions; amending ss. 316.062, 316.063, 316.065,
18 and 316.1975, F.S.; providing applicability; amending
19 s. 316.303, F.S.; exempting a vehicle being operated
20 with the automated driving system engaged from a
21 prohibition on the active display of television or
22 video; amending s. 316.305, F.S.; exempting a motor
23 vehicle operator who is operating an autonomous
24 vehicle from a prohibition on the use of wireless
25 communications devices; amending s. 316.85, F.S.;
26 providing that a licensed human operator is not
27 required to operate a fully autonomous vehicle;
28 authorizing a fully autonomous vehicle to operate in
29 this state regardless of whether a human operator is

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30 physically present in the vehicle; requiring the
31 automated driving system to be deemed to be the
32 operator of an autonomous vehicle operating with the
33 automated driving system engaged; providing
34 construction; authorizing the Florida Turnpike
35 Enterprise to fund, construct, and operate certain
36 test facilities and undertake certain research and
37 development projects; providing requirements for
38 operation of on-demand autonomous vehicle networks;
39 authorizing an autonomous vehicle or fully autonomous
40 vehicle equipped with a teleoperation system to
41 operate without a human operator physically present in
42 the vehicle when the teleoperation system is engaged;
43 providing requirements for such vehicles; providing
44 construction; providing legislative intent;
45 prohibiting a local government from imposing any tax,
46 fee, for-hire vehicle requirement, or other
47 requirement on automated driving systems or autonomous
48 vehicles or on a person who operates an autonomous
49 vehicle; amending s. 319.145, F.S.; revising
50 requirements for autonomous vehicles registered in
51 this state; creating s. 322.015, F.S.; providing
52 applicability; amending ss. 339.175, 339.64, 339.83,
53 and 627.0653, F.S.; conforming provisions to changes
54 made by the act; amending s. 655.960, F.S.; conforming
55 a cross-reference; providing an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:
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59 Section 1. Section 316.0899, Florida Statutes, is created
60 to read:

61 316.0899 Innovative transportation technology pilot or
62 demonstration programs.—The Department of Transportation, in
63 consultation with the department, may conduct pilot or
64 demonstration programs to explore the efficient implementation
65 of innovative transportation technologies, including, but not
66 limited to, vehicle electrification, shared vehicle use,
67 automated vehicles, and other mobility technologies that provide
68 transportation options intended to increase personal mobility,
69 to facilitate shorter urban trips, or to provide connections to
70 other modes of transportation. Such pilot or demonstration
71 programs may also include innovative transportation technologies
72 that improve the delivery of transportation disadvantaged
73 services. The Department of Transportation shall prepare an
74 annual report outlining the programs undertaken pursuant to this
75 section. The report may include any findings or recommendations
76 the department deems necessary for future implementation. The
77 report must be submitted to the Governor, the President of the
78 Senate, and the Speaker of the House of Representatives.

79 Section 2. Paragraph (f) is added to subsection (1) of
80 section 338.2216, Florida Statutes, to read:

81 338.2216 Florida Turnpike Enterprise; powers and
82 authority.—

83 (1)

84 (f) The Florida Turnpike Enterprise may enter into one or
85 more agreements to fund, construct, and operate facilities for
86 the advancement of autonomous and connected innovative
87 transportation technologies for the purposes of improving safety

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88 and decreasing congestion for the traveling public. Such
89 agreements may include terms that authorize a private entity to
90 sell or provide products or business opportunities at the
91 facilities which benefit the traveling public, provide
92 additional revenue, or otherwise advance the enterprise's
93 objectives as provided in the Florida Transportation Code.

94 Section 3. Present subsections (48) through (86) of section
95 316.003, Florida Statutes, are redesignated as subsections (49)
96 through (87), respectively, present subsections (87) through
97 (101) of section 316.003, Florida Statutes, are redesignated as
98 subsections (89) through (103), respectively, new subsections
99 (48) and (88) are added to that section, and subsection (3) and
100 present subsection (59) of that section are amended, to read:

101 316.003 Definitions.—The following words and phrases, when
102 used in this chapter, shall have the meanings respectively
103 ascribed to them in this section, except where the context
104 otherwise requires:

105 (3) AUTOMATED DRIVING SYSTEM ~~AUTONOMOUS VEHICLE~~.—The
106 hardware and software that are collectively capable of
107 performing the entire dynamic driving task of an autonomous
108 vehicle on a sustained basis, regardless of whether it is
109 limited to a specific operational design domain. The term:

110 (a) "Autonomous vehicle" means any vehicle equipped with an
111 automated driving system.

112 (b) "Dynamic driving task" means all of the real-time
113 operational and tactical functions required to operate a vehicle
114 in on-road traffic within its specific operational design
115 domain, if any, excluding strategic functions such as trip
116 scheduling and selection of destinations and waypoints.

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117 (c) "Fully autonomous vehicle" means a vehicle equipped
118 with an automated driving system designed to function without
119 autonomous technology. The term "autonomous technology" means
120 technology installed on a motor vehicle that has the capability
121 to drive the vehicle on which the technology is installed
122 without the active control or monitoring by a human operator.
123 The term excludes a motor vehicle enabled with active safety
124 systems or driver assistance systems, including, without
125 limitation, a system to provide electronic blind spot
126 assistance, crash avoidance, emergency braking, parking
127 assistance, adaptive cruise control, lane keep assistance, lane
128 departure warning, or traffic jam and queuing assistant, unless
129 any such system alone or in combination with other systems
130 enables the vehicle on which the technology is installed to
131 drive without active control or monitoring by a human operator.

132 (d) "Operational design domain" means a description of the
133 specific operating domain in which an automated driving system
134 is designed to properly operate, including, but not limited to,
135 roadway types, speed ranges, environmental conditions such as
136 weather and time of day, and other domain constraints.

137 (48) ON-DEMAND AUTONOMOUS VEHICLE NETWORK.—A passenger
138 transportation network that uses a software application or other
139 digital means to connect passengers to fully autonomous
140 vehicles, exclusively or in addition to other vehicles, for
141 transportation, including for-hire transportation and
142 transportation for compensation.

143 (60) (59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
144 provided in paragraph (82) (b) (81) (b), any privately owned way
145 or place used for vehicular travel by the owner and those having

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146 express or implied permission from the owner, but not by other
147 persons.

148 (88) TELEOPERATION SYSTEM.—The hardware and software
149 installed in a motor vehicle which allow a remote human operator
150 to supervise or perform aspects of, or the entirety of, the
151 dynamic driving task. The term “remote human operator” means a
152 natural person who is not physically present in a vehicle
153 equipped with an automated driving system who engages or
154 monitors the vehicle from a remote location. A remote human
155 operator may have the ability to perform aspects of, or the
156 entirety of, the dynamic driving task for the vehicle or cause
157 the vehicle to achieve a minimal risk condition.

158 Section 4. Subsection (5) is added to section 316.062,
159 Florida Statutes, to read:

160 316.062 Duty to give information and render aid.—

161 (5) This section does not apply to a fully autonomous
162 vehicle, operating with the automated driving system engaged, in
163 the event of a crash involving the vehicle if the vehicle owner,
164 or a person on behalf of the vehicle owner, promptly contacts a
165 law enforcement agency to report the crash or if the fully
166 autonomous vehicle has the capability of alerting a law
167 enforcement agency to the crash.

168 Section 5. Subsection (4) is added to section 316.063,
169 Florida Statutes, to read:

170 316.063 Duty upon damaging unattended vehicle or other
171 property.—

172 (4) This section does not apply to a fully autonomous
173 vehicle, operating with the automated driving system engaged, in
174 the event of a crash involving the vehicle if the vehicle owner,

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175 or a person on behalf of the vehicle owner, promptly contacts a
176 law enforcement agency to report the crash or if the fully
177 autonomous vehicle has the capability of alerting a law
178 enforcement agency to the crash.

179 Section 6. Subsection (5) is added to section 316.065,
180 Florida Statutes, to read:

181 316.065 Crashes; reports; penalties.—

182 (5) Subsection (1) does not apply to a fully autonomous
183 vehicle, operating with the automated driving system engaged, in
184 the event of a crash involving the vehicle if the vehicle owner,
185 or a person on behalf of the vehicle owner, promptly contacts a
186 law enforcement agency to report the crash or if the fully
187 autonomous vehicle has the capability of alerting a law
188 enforcement agency to the crash.

189 Section 7. Subsection (3) is added to section 316.1975,
190 Florida Statutes, to read:

191 316.1975 Unattended motor vehicle.—

192 (3) This section does not apply to a fully autonomous
193 vehicle operating with the automated driving system engaged.

194 Section 8. Section 316.303, Florida Statutes, is amended to
195 read:

196 316.303 Television receivers.—

197 (1) A ~~Ne~~ motor vehicle may not be operated on the highways
198 of this state if the vehicle is actively displaying moving
199 television broadcast or pre-recorded video entertainment content
200 that is visible from the driver's seat while the vehicle is in
201 motion, unless the vehicle is ~~equipped with autonomous~~
202 ~~technology, as defined in s. 316.003(3), and is being operated~~
203 with the automated driving system engaged ~~in autonomous mode, as~~

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204 ~~provided in s. 316.85(2).~~

205 (2) This section does not prohibit the use of television-
 206 type receiving equipment used exclusively for safety or law
 207 enforcement purposes, provided such use is approved by the
 208 department.

209 (3) This section does not prohibit the use of an electronic
 210 display used in conjunction with a vehicle navigation system; an
 211 electronic display used by an operator of an autonomous a
 212 vehicle ~~equipped with autonomous technology~~, as defined in s.
 213 316.003(3); or an electronic display used by an operator of a
 214 vehicle equipped and operating with driver-assistive truck
 215 platooning technology, as defined in s. 316.003.

216 (4) A violation of this section is a noncriminal traffic
 217 infraction, punishable as a nonmoving violation as provided in
 218 chapter 318.

219 Section 9. Paragraph (b) of subsection (3) of section
 220 316.305, Florida Statutes, is amended to read:

221 316.305 Wireless communications devices; prohibition.-

222 (3)

223 (b) Paragraph (a) does not apply to a motor vehicle
 224 operator who is:

225 1. Performing official duties as an operator of an
 226 authorized emergency vehicle as defined in s. 322.01, a law
 227 enforcement or fire service professional, or an emergency
 228 medical services professional.

229 2. Reporting an emergency or criminal or suspicious
 230 activity to law enforcement authorities.

231 3. Receiving messages that are:

232 a. Related to the operation or navigation of the motor

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233 vehicle;

234 b. Safety-related information, including emergency,
235 traffic, or weather alerts;

236 c. Data used primarily by the motor vehicle; or
237 d. Radio broadcasts.

238 4. Using a device or system for navigation purposes.

239 5. Conducting wireless interpersonal communication that
240 does not require manual entry of multiple letters, numbers, or
241 symbols, except to activate, deactivate, or initiate a feature
242 or function.

243 6. Conducting wireless interpersonal communication that
244 does not require reading text messages, except to activate,
245 deactivate, or initiate a feature or function.

246 7. Operating an autonomous vehicle, as defined in s.
247 316.003(3) ~~s. 316.003~~, with the automated driving system engaged
248 ~~in autonomous mode.~~

249 Section 10. Section 316.85, Florida Statutes, is amended to
250 read:

251 316.85 Autonomous vehicles; operation; compliance with
252 traffic and motor vehicle laws; testing; preemption.-

253 (1) Notwithstanding any other law, a licensed human
254 operator is not required to operate a fully autonomous vehicle ~~A~~
255 ~~person who possesses a valid driver license may operate an~~
256 ~~autonomous vehicle in autonomous mode on roads in this state if~~
257 ~~the vehicle is equipped with autonomous technology, as defined~~
258 ~~in s. 316.003(3) s. 316.003.~~

259 (2) A fully autonomous vehicle may operate in this state
260 regardless of whether a human operator is physically present in
261 the vehicle.

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262 (3) (a) (2) For purposes of this chapter, unless the context
263 otherwise requires, the automated driving system, when engaged,
264 ~~a person~~ shall be deemed to be the operator of an autonomous
265 vehicle ~~operating in autonomous mode when the person causes the~~
266 ~~vehicle's autonomous technology to engage,~~ regardless of whether
267 a the person is physically present in the vehicle while the
268 vehicle is operating with the automated driving system engaged
269 ~~in autonomous mode.~~

270 (b) Unless otherwise provided by law, applicable traffic or
271 motor vehicle laws of this state may not be construed to:

272 1. Prohibit the automated driving system from being deemed
273 the operator of an autonomous vehicle operating with the
274 automated driving system engaged.

275 2. Require a licensed human operator to operate a fully
276 autonomous vehicle.

277 (4) The Florida Turnpike Enterprise may fund, construct,
278 and operate test facilities and undertake research and
279 development projects for the advancement of autonomous and
280 connected innovative transportation technology solutions for the
281 purposes of improving safety and decreasing congestion for the
282 traveling public and to otherwise advance the objectives of the
283 Florida Turnpike Enterprise as set forth in the Florida
284 Transportation Code.

285 (5) An on-demand autonomous vehicle network may operate
286 pursuant to state laws governing the operation of transportation
287 network companies and transportation network company vehicles as
288 defined in s. 627.748, except that any provision of s. 627.748
289 which reasonably applies only to a human driver does not apply
290 to the operation of a fully autonomous vehicle with the

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291 automated driving system engaged in an on-demand autonomous
292 vehicle network.

293 (6) Notwithstanding any other provision of this chapter, an
294 autonomous vehicle or a fully autonomous vehicle equipped with a
295 teleoperation system may operate without a human operator
296 physically present in the vehicle when the teleoperation system
297 is engaged. A vehicle that is subject to this subsection must
298 meet the requirements of s. 319.145 and is considered a vehicle
299 that meets the definition of s. 316.003(3)(c) for the purposes
300 of ss. 316.062(5), 316.063(4), 316.065(5), 316.1975(3), and
301 316.303(1).

302 (7) It is the intent of the Legislature to provide for
303 uniformity of laws governing autonomous vehicles throughout the
304 state. A local government may not impose any tax, fee, for-hire
305 vehicle requirement, or other requirement on automated driving
306 systems or autonomous vehicles or on a person who operates an
307 autonomous vehicle, including, but not limited to, a person who
308 operates an autonomous vehicle for purposes of providing
309 passenger transportation services.

310 Section 11. Section 319.145, Florida Statutes, is amended
311 to read:

312 319.145 Autonomous vehicles.—

313 (1) An autonomous vehicle registered in this state must
314 ~~continue to~~ meet all of the following requirements:

315 (a) When required by federal law:

316 1. Has been certified in accordance with federal
317 regulations in 49 C.F.R. part 567 as being in compliance with
318 applicable federal motor vehicle safety standards.

319 2. Bear the required certification label or labels,

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320 including reference to any exemption granted under applicable
321 federal law.

322 (b) Be capable of being operated in compliance with the
323 applicable traffic and motor vehicle laws of this state,
324 regardless of whether the vehicle is operating with the
325 automated driving system engaged.

326 (2) If the autonomous vehicle is not fully autonomous,
327 applicable federal standards and regulations for such motor
328 vehicle. the vehicle must:

329 (a) have a system to safely alert a licensed human the
330 operator physically present in the vehicle if an automated
331 driving system autonomous technology failure is detected while
332 the automated driving system autonomous technology is engaged.
333 When an alert is given, the system must:

334 1. require the licensed human operator to take control of
335 the autonomous vehicle or must achieve a minimal risk condition;
336 or

337 2. If the operator does not, or is not able to, take
338 control of the autonomous vehicle, be capable of bringing the
339 vehicle to a complete stop.

340 (b) Have a means, inside the vehicle, to visually indicate
341 when the vehicle is operating in autonomous mode.

342 (c) Be capable of being operated in compliance with the
343 applicable traffic and motor vehicle laws of this state.

344 (3) If the autonomous vehicle is fully autonomous, it must
345 be able to achieve a minimal risk condition if a failure of the
346 automated driving system occurs which renders that system unable
347 to perform the entire dynamic driving task relevant to its
348 intended operational design domain. The term "minimal risk

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349 condition" means a reasonably safe state, such as bringing the
350 vehicle to a complete stop and activating the vehicle's hazard
351 lamps.

352 (4)-(2) Federal regulations promulgated by the National
353 Highway Traffic Safety Administration shall supersede this
354 section when found to be in conflict with this section.

355 Section 12. Section 322.015, Florida Statutes, is created
356 to read:

357 322.015 Exemption.—This chapter does not apply when a fully
358 autonomous vehicle is operated with the automated driving system
359 engaged and without a human operator.

360 Section 13. Paragraph (c) of subsection (7) of section
361 339.175, Florida Statutes, is amended to read:

362 339.175 Metropolitan planning organization.—

363 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
364 develop a long-range transportation plan that addresses at least
365 a 20-year planning horizon. The plan must include both long-
366 range and short-range strategies and must comply with all other
367 state and federal requirements. The prevailing principles to be
368 considered in the long-range transportation plan are: preserving
369 the existing transportation infrastructure; enhancing Florida's
370 economic competitiveness; and improving travel choices to ensure
371 mobility. The long-range transportation plan must be consistent,
372 to the maximum extent feasible, with future land use elements
373 and the goals, objectives, and policies of the approved local
374 government comprehensive plans of the units of local government
375 located within the jurisdiction of the M.P.O. Each M.P.O. is
376 encouraged to consider strategies that integrate transportation
377 and land use planning to provide for sustainable development and

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378 reduce greenhouse gas emissions. The approved long-range
379 transportation plan must be considered by local governments in
380 the development of the transportation elements in local
381 government comprehensive plans and any amendments thereto. The
382 long-range transportation plan must, at a minimum:

383 (c) Assess capital investment and other measures necessary
384 to:

385 1. Ensure the preservation of the existing metropolitan
386 transportation system including requirements for the operation,
387 resurfacing, restoration, and rehabilitation of major roadways
388 and requirements for the operation, maintenance, modernization,
389 and rehabilitation of public transportation facilities; and

390 2. Make the most efficient use of existing transportation
391 facilities to relieve vehicular congestion, improve safety, and
392 maximize the mobility of people and goods. Such efforts must
393 include, but are not limited to, consideration of infrastructure
394 and technological improvements necessary to accommodate advances
395 in vehicle technology, such as automated driving systems
396 ~~autonomous technology~~ and other developments.

397

398 In the development of its long-range transportation plan, each
399 M.P.O. must provide the public, affected public agencies,
400 representatives of transportation agency employees, freight
401 shippers, providers of freight transportation services, private
402 providers of transportation, representatives of users of public
403 transit, and other interested parties with a reasonable
404 opportunity to comment on the long-range transportation plan.

405 The long-range transportation plan must be approved by the
406 M.P.O.

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407 Section 14. Paragraph (c) of subsection (3) and paragraph
408 (a) of subsection (4) of section 339.64, Florida Statutes, are
409 amended to read:

410 339.64 Strategic Intermodal System Plan.—

411 (3)

412 (c) The department shall coordinate with federal, regional,
413 and local partners, as well as industry representatives, to
414 consider infrastructure and technological improvements necessary
415 to accommodate advances in vehicle technology, such as automated
416 driving systems ~~autonomous technology~~ and other developments, in
417 Strategic Intermodal System facilities.

418 (4) The Strategic Intermodal System Plan shall include the
419 following:

420 (a) A needs assessment that must include, but is not
421 limited to, consideration of infrastructure and technological
422 improvements necessary to accommodate advances in vehicle
423 technology, such as automated driving systems ~~autonomous~~
424 ~~technology~~ and other developments.

425 Section 15. Section 339.83, Florida Statutes, is amended to
426 read:

427 339.83 Enrollment in federal pilot programs.—The Secretary
428 of Transportation may enroll the State of Florida in any federal
429 pilot program or project for the collection and study of data
430 for the review of federal or state roadway safety,
431 infrastructure sustainability, congestion mitigation,
432 transportation system efficiency, automated driving systems
433 ~~autonomous vehicle technology~~, or capacity challenges.

434 Section 16. Subsection (6) of section 627.0653, Florida
435 Statutes, is amended to read:

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436 627.0653 Insurance discounts for specified motor vehicle
437 equipment.—

438 (6) The Office of Insurance Regulation may approve a
439 premium discount to any rates, rating schedules, or rating
440 manuals for the liability, personal injury protection, and
441 collision coverages of a motor vehicle insurance policy filed
442 with the office if the insured vehicle is equipped with an
443 automated driving system ~~autonomous driving technology~~ or
444 electronic vehicle collision avoidance technology that is
445 factory installed or a retrofitted system and that complies with
446 National Highway Traffic Safety Administration standards.

447 Section 17. Subsection (1) of section 655.960, Florida
448 Statutes, is amended to read:

449 655.960 Definitions; ss. 655.960-655.965.—As used in this
450 section and ss. 655.961-655.965, unless the context otherwise
451 requires:

452 (1) "Access area" means any paved walkway or sidewalk which
453 is within 50 feet of any automated teller machine. The term does
454 not include any street or highway open to the use of the public,
455 as defined in s. 316.003(82)(a) ~~s. 316.003(81)(a)~~ or (b),
456 including any adjacent sidewalk, as defined in s. 316.003.

457 Section 18. This act shall take effect July 1, 2019.