

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 601 Personal Delivery Devices
SPONSOR(S): Transportation & Infrastructure Subcommittee; Williamson and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 460

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	13 Y, 0 N, As CS	Johnson	Vickers
2) Local, Federal & Veterans Affairs Subcommittee	14 Y, 0 N	Banner	Miller
3) Government Accountability Committee	19 Y, 0 N	Johnson	Williamson

SUMMARY ANALYSIS

Personal delivery devices (PDDs) are low mass, low speed, electronic devices traveling on sidewalks using mapping, navigation, and obstacle avoidance technology. These devices are equipped with cameras, sensors and other technology to allow the devices to be operated with or without the active control or monitoring of an operator. PDDs are designed to be a low cost, low emissions method of delivery for goods and property.

The bill defines “personal delivery device” and “personal delivery device operator” and provides that PDDs are not motor vehicles or vehicles for purposes of traffic control, registration, and financial responsibility.

The bill provides minimum operating requirements for PDDs including limiting their operation to sidewalks and crosswalks, identification requirements, brake requirements, operator requirements, and insurance requirements. The bill authorizes, subject to local government regulation, the operation of PDDs on municipal and county sidewalks, but prohibits them on certain state-owned trails.

The bill is not expected to have a fiscal impact on the state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Personal Delivery Devices

Personal delivery devices (PDDs) are low mass, low speed devices traveling on sidewalks using mapping, navigation, and obstacle avoidance technology. These devices are equipped with cameras and sensors and are monitored by a remote operator. PDDs are designed to be a low cost, low-emissions method of delivery.¹ PDDs are currently being tested in various communities in the United States and Europe. At least one other state, Virginia, has enacted legislation authorizing the use of PDDs on its sidewalks.

Currently, Florida law does not contain any provisions regarding the operation of PDDs.

Florida Traffic and Motor Vehicle Laws

Chapter 316, F.S., is the Florida Uniform Traffic Control Law,² the purpose of which is to make uniform traffic laws apply throughout the state and its counties and uniform traffic ordinances to apply in all municipalities.³ Section 316.008, F.S., provides the powers of local authorities relating to traffic regulation. Specifically, s. 316.008(7), F.S., authorizes a county or municipality to enact ordinances to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

Chapter 320, F.S., relates to motor vehicle licenses. It provides motor vehicle registration requirements and requires certain documents for motor vehicle registration, including proof of certain automobile insurance.⁴ For purposes of chapter 320, F.S., the term “motor vehicle” means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on Florida roads, used to transport persons or property, and propelled by power other than muscular power. It does not include traction engines, road rollers, special mobile equipment,⁵ vehicles that run only upon a track, bicycles, swamp buggies, or mopeds.⁶

Chapter 324, F.S., which is the Financial Responsibility Law of 1955,⁷ addresses motor vehicle financial responsibility. Its purpose is to recognize the existing privilege to own or operate a motor vehicle on the public streets and highways of Florida when such vehicles are used with due consideration for others and their property, and to promote safety and provide financial security requirements for such owners or operators whose responsibility it is to recompense others for injury to person or property caused by the operation of a motor vehicle. It provides that the operator of a motor

¹ Starship Technologies Frequently Asked Questions (On file with Transportation & Infrastructure Subcommittee).

² Section 316.001, F.S.

³ Section 316.002, F.S.

⁴ Section 320.02, F.S.

⁵ Section 316.003(71), F.S., defines the term “special mobile equipment” to mean any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment. It does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

⁶ Section 320.01(1)(a), F.S.

⁷ Section 324.251, F.S.

vehicle involved in a crash or convicted of certain traffic offenses must respond for such damages and show proof of financial ability to respond for damages in future accidents as a requisite to his or her future exercise of such privileges.⁸

For purposes of chapter 324, F.S., the term “motor vehicle” means every self-propelled vehicle that is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors, power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails. It does not include a bicycle or moped. In addition, the term may not include any motor vehicle as defined in s. 627.732(3), F.S., when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, F.S., inclusive, unless the provisions of s. 324.051, F.S., apply, and in such case, the applicable proof of insurance provisions of s. 320.02, F.S., apply.⁹

Section 324.022(2)(a), F.S., also defines the term “motor vehicle” as it relates to financial responsibility for property damage. It provides that a motor vehicle is any self-propelled vehicle that has four or more wheels and that is of a type designed and required to be licensed for use on Florida highways, and any trailer or semitrailer designed for use with such vehicle. It does not include a mobile home; a motor vehicle that is used in mass transit and designed to transport more than five passengers, exclusive of the operator of the motor vehicle, and that is owned by a municipality, transit authority, or political subdivision of the state; a school bus; or a vehicle providing for-hire transportation that is subject to the provisions of s. 324.031, F.S.

Proposed Changes

For purposes of the Florida Uniform Traffic Control Law, the bill defines the term “personal delivery devices” and “personal delivery device operator.” A personal delivery device is an electronically powered device that:

- Is operated on sidewalks and crosswalks and intended primarily to transport property;
- Weighs less than 80 pounds, excluding cargo;
- Has a maximum speed of 10 miles per hour; and
- Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A PDD is not considered a vehicle unless expressly defined by law as such.

A personal delivery device operator is an entity or its agent¹⁰ that exercises direct physical control or monitoring of the navigation system and operation of a PDD. A PDD operator is not an entity or person who requests the services of a PDD for the purpose of transporting property or an entity or person who only arranges for and dispatches the requested services of a PDD.

The bill amends s. 316.008(7), F.S., to provide that a PDD may be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law. This does not restrict a county or municipality from otherwise adopting regulations for the safe operation of PDDs. It prohibits the use of PDDs on the Florida Shared-Use Nonmotorized Trail Network (SunTrail)¹¹ or components of the Florida Greenways and Trails System.¹²

The bill creates s. 316.2070, F.S., relating to PDDs. It provides that notwithstanding any provision of law to the contrary, a PDD may operate on sidewalks and crosswalks subject to s. 316.008(7)(b), F.S.

⁸ Section 324.011, F.S.

⁹ Section 324.021(1), F.S.

¹⁰ The term “agent” means a person charged by the entity with the responsibility for navigating and operating the personal delivery device.

¹¹ SunTrail is created in s. 339.81, F.S.

¹² The Florida Greenways and Trails System is created in Ch. 260, F.S.

PDDs operating on sidewalks and crosswalks have all the rights and duties applicable to a pedestrian under the same circumstances, except that PDDs must not unreasonably interfere with pedestrians or traffic and must yield the right-of-way to pedestrians on sidewalks and crosswalks.

The bill requires PDDs to obey all official traffic and pedestrian control signals and devices; include a plate or marker identifying the name and contact information of the PDD operator and a unique identifying number; and be equipped with a braking system that, when active or engaged, enables the PDD to come to a controlled stop. A PDD may not operate on a public highway, except to the extent necessary to cross a crosswalk; operate on a sidewalk or crosswalk unless the PDD operator is actively controlling or monitoring the navigation and operation of the PDD; or transport hazardous materials.¹³

The bill requires PDD operators to maintain an insurance policy, on behalf of itself and its agents, that provides general liability coverage of at least \$100,000 for damages arising from the combined operations of PDDs under the entity's or agent's control.

The bill amends s. 320.01(1)(a), F.S., to provide that PDDs are not motor vehicles for purposes of motor vehicle licensing. It also creates s. 320.02(19), F.S., to provide that PDDs are not required to satisfy the motor vehicle registration and insurance requirements of s. 320.02, F.S. The bill amends ss. 324.021(1) and 324.022(2)(a), F.S., to provide that PDDs are not motor vehicles for purposes of the Motor Vehicle Financial Responsibility Law.

Finally, the bill makes conforming changes.

B. SECTION DIRECTORY:

Section 1 amends s. 316.003, F.S., relating to definitions.

Section 2 amends s. 316.008, F.S., relating to powers of local authorities.

Section 3 creates s. 316.2070, F.S., relating to PDDs.

Section 4 amends s. 320.01, F.S., relating to definitions.

Section 5 amends s. 320.02, F.S., relating to registration requirements and application for registration.

Section 6 amends s. 324.021, F.S., relating to definitions and minimum insurance requirements.

Section 7 amends s. 324.022, F.S., relating to financial responsibility for property damage.

Sections 8 through 11 amend ss. 316.2128, 316.545, 316.613, and 655.960, F.S., conforming cross-references.

Section 12 provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

¹³ Section 316.003(28), F.S., defines "hazardous material" as "any substance or material which has been determined by the secretary of the United States Department of Transportation to be capable of imposing an unreasonable risk to health, safety, and property. This term includes hazardous waste as defined in s. 403.703(13)."

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private businesses may see a reduction in delivery costs associated with the use of personal delivery devices.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not appear to contain any enforcement provisions. Therefore, it is unclear what would happen if a PDD operator violates any of the provisions contained in the bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 7, 2017, the Transportation & Infrastructure Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment:

- Defined “personal delivery device” and “personal delivery device operator”.
- Provided that PDDs are not motor vehicles for the purposes of traffic control, motor vehicle licenses, and motor vehicle financial responsibility.
- Authorized the use of PDDs on sidewalks, subject to local government regulation, and prohibited their use on the SunTrail and the Florida Greenways and Trails System.
- Provided guidelines for operating PDDs.
- Provided minimum insurance requirements for PDDs.

- Provided that PDDs do not need to register as motor vehicles and meet certain motor vehicle insurance requirements.

This analysis is drafted to the committee substitute as reported favorably by the Transportation & Infrastructure Subcommittee.