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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/20/2019	.	
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The Committee on Infrastructure and Security (Cruz) recommended the following:

1 **Senate Amendment to Amendment (571094) (with title**
2 **amendment)**

3
4 Delete lines 174 - 248
5 and insert:

6 (3) (a) ~~(2)~~ For purposes of this chapter, unless the context
7 otherwise requires, the owner of the vehicle ~~a person~~ shall be
8 deemed to be the operator of an autonomous vehicle operating in
9 autonomous mode ~~when the person causes the vehicle's autonomous~~
10 ~~technology to engage~~, regardless of whether a ~~the~~ person is



11 physically present in the vehicle while the vehicle is operating
12 with the automated driving system engaged in autonomous mode.

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

15 1. Prohibit the owner or remote operator from being deemed
16 the operator of an autonomous vehicle operating with the
17 automated driving system engaged.

18 2. Require a licensed human operator to operate a fully
19 autonomous vehicle.

20 (4) The Florida Turnpike Enterprise may fund, construct,
21 and operate test facilities for the advancement of autonomous
22 and connected innovative transportation technology solutions for
23 the purposes of improving safety and decreasing congestion for
24 the traveling public and to otherwise advance the objectives of
25 the Florida Turnpike Enterprise as set forth in the Florida
26 Transportation Code.

27 (5) An on-demand autonomous vehicle network may operate
28 pursuant to state laws governing the operation of transportation
29 network companies and transportation network company vehicles as
30 defined in s. 627.748, except that any provision of s. 627.748
31 which reasonably applies only to a human driver applies to the
32 owner of a fully autonomous vehicle with the automated driving
33 system engaged in an on-demand autonomous vehicle network.

34 (6) (a) The owner, manufacturer, and remote operator of the
35 autonomous vehicle are liable for damages caused by any bodily
36 injury, death, or property damage resulting from an accident
37 involving the autonomous vehicle if, at the time of the
38 accident, the autonomous vehicle was operating in autonomous
39 mode and the automated driving system failed to perform like a



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40 reasonably prudent human operator would under similar
41 circumstances.

42 (b) The remedies provided in this section are in addition
43 to any other remedies provided by law.

44 (7) The data captured and stored by an autonomous vehicle,
45 including by its sensors, cameras, and similar recording
46 devices, in the 5 minutes preceding a crash must be preserved
47 for a period of 4 years following a collision with another
48 vehicle, a person, or an object while the vehicle is operating
49 in autonomous mode. The vehicle manufacturer or owner shall,
50 within 30 days of a request, provide the preserved data relating
51 to the vehicle's performance, speed, braking, steering,
52 maneuvers, and outside surroundings, including all data
53 regarding the detection of other vehicles, pedestrians,
54 wildlife, or other objects, to any law enforcement agency and
55 any person, or the authorized representative of that person, who
56 is alleged to have suffered bodily injury, death, or property
57 damage as a result of such a collision. The manufacturer and
58 owner may withhold the production of data collected from the
59 vehicle's occupant cabin from internal cameras or microphones
60 which they, in good faith, believe to be protected by applicable
61 privacy rights, but shall notify the requester in writing that
62 information is being withheld on this basis when responding to
63 the request. The manufacturer and owner must continue to
64 preserve the withheld data for the required timeframe. This
65 section does not abrogate or displace common law or federal law
66 regarding the duty to preserve data or evidence relating to a
67 motor vehicle crash or respond to properly served discovery
68 requests or court orders.



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69 (8) Each manufacturer of an autonomous vehicle is required
70 to generate incident reports for any accident that may have
71 caused bodily injury, death, or property damage, and which
72 involved an autonomous vehicle operating in autonomous mode at
73 the time of an accident. The manufacturer must provide the
74 department with the incident report within 10 days after the
75 accident. The report shall be in the form and format and contain
76 any information required by the department.

77 Section 9. Section 319.145, Florida Statutes, is amended to
78 read:

79 319.145 Autonomous vehicles.-

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

82 (a) When required by federal law:

83 1. Have been certified in accordance with federal
84 regulations in 49 C.F.R. part 567 as being in compliance with
85 applicable federal motor vehicle safety standards.

86 2. Bear the required certification label or labels
87 including reference to any exemption granted under applicable
88 federal law.

89 (b) Be capable of being operated in compliance with the
90 applicable traffic and motor vehicle laws of this state,
91 regardless of whether the vehicle is operating with the
92 automated driving system engaged.

93 (c) Have a means to clearly indicate, both to persons
94 inside and outside of the vehicle, when the vehicle is operating
95 in autonomous mode.

96 (2) If the autonomous vehicle is not fully autonomous,
97 ~~applicable federal standards and regulations for such motor~~



98 ~~vehicle.~~ the vehicle must:

99 ~~(a)~~ have a system to safely alert a licensed human ~~the~~
100 operator physically present in the vehicle if an automated
101 driving system ~~autonomous technology~~ failure is detected while
102 the automated driving system ~~autonomous technology~~ is engaged.
103 When an alert is given, the system must:

104 ~~1.~~ require the licensed human operator to take control of
105 the autonomous vehicle; ~~or~~

107 ===== T I T L E A M E N D M E N T =====

108 And the title is amended as follows:

109 Delete lines 252 - 278

110 and insert:

111 Delete lines 6 - 26

112 and insert:

113 F.S.; exempting a vehicle being operated with the
114 automated driving system engaged from a prohibition on
115 the active display of television or video; amending s.
116 316.305, F.S.; exempting a motor vehicle operator who
117 is operating an autonomous vehicle from a prohibition
118 on the use of wireless communications devices;
119 amending s. 316.85, F.S.; providing that a licensed
120 human operator is not required to operate a fully
121 autonomous vehicle; authorizing a fully autonomous
122 vehicle to operate in this state regardless of whether
123 a human operator is physically present in the vehicle;
124 requiring the owner of the vehicle to be deemed to be
125 the operator of an autonomous vehicle operating with
126 the automated driving system engaged; providing



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127 construction; authorizing the Florida Turnpike
128 Enterprise to fund, construct, and operate certain
129 test facilities and undertake certain research and
130 development projects; providing requirements for
131 operation of on-demand autonomous vehicle networks;
132 providing that the owner, manufacturer, and remote
133 operator of the autonomous vehicle are liable for
134 certain damages; providing for remedies; providing
135 requirements for certain data captured and stored by
136 an autonomous vehicle preceding a crash; requiring
137 each manufacturer of an autonomous vehicle to generate
138 incident reports for certain accidents and provide
139 such reports to the Department of Highway Safety and
140 Motor Vehicles within a specified timeframe;
141 prohibiting a local