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By the Committee on Transportation; and Senator Brandes
596-02696-16
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A bill to be entitled An act relating to transportation; amending s. 316.003, F.S.; defining and revising the definitions of terms; amending s. 316.0745, F.S.; revising the circumstances under which the Department of Transportation is authorized to direct the removal of certain traffic control devices; requiring the public agency erecting or installing such a device to bring it into compliance with certain requirements or remove it upon the direction of the department; amending s. 316.0895, F.S.; providing that provisions prohibiting a driver from following certain vehicles within a specified distance do not apply to truck tractorsemitrailer combinations under certain circumstances; amending s. 316.303, F.S.; providing exceptions to the prohibition against certain television-type receiving equipment in vehicles; amending s. 316.85, F.S.; revising the circumstances under which a licensed driver is authorized to operate an autonomous vehicle in autonomous mode; amending s. 316.86, F.S.; deleting a provision authorizing the operation of vehicles equipped with autonomous technology on roads in this state for testing purposes by certain persons or research organizations; deleting a requirement that a human operator be present in an autonomous vehicle for testing purposes; deleting certain financial responsibility requirements for entities performing such testing; amending s. 319.145, F.S.; revising provisions relating to required equipment and operation of autonomous vehicles; amending s. 332.08, F.S.; extending the authorized term of certain airport-related leases; amending s. 338.155, F.S.;

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requiring a toll facility to ensure the presence of signage notifying drivers if cash payment is not an option; amending s. 338.165, F.S.; deleting an authorization to issue certain bonds secured by toll revenues collected on the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway; authorizing the department's Pinellas Bayway System to be transferred by the department and become part of the turnpike system under the Florida Turnpike Enterprise Law; providing applicability; requiring the department to transfer certain funds to the Florida Turnpike Enterprise for certain purposes; repealing chapter 85-364, Laws of Florida, as amended, relating to the Pinellas Bayway; amending s. 338.231, F.S.; increasing the number of years before an inactive prepaid toll account shall be presumed unclaimed; deleting provisions relating to the use of revenues from the turnpike system to pay the principal and interest of a specified series of bonds and certain expenses of the Sawgrass Expressway; amending s. 339.175, F.S.; requiring certain long-range transportation plans to include assessment of capital investment and other measures necessary to make the most efficient use of existing transportation facilities to improve safety; requiring the assessments to include consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology; amending s. 339.2818, F.S.; increasing the population ceiling in the definition of the term

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"small county" for purposes of the Small County Outreach Program; deleting an alternative definition of the term "small county" for a specified fiscal year; amending s. 339.64, F.S.; requiring the department to coordinate with certain partners and industry representatives to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology in Strategic Intermodal System facilities; requiring the Strategic Intermodal System Plan to include a needs assessment regarding such infrastructure and technological improvements; repealing s. 341.0532, F.S., relating to statewide transportation corridors; amending s. 348.565, F.S.; expanding the list of projects of the Tampa-Hillsborough County Expressway Authority which are approved to be financed or refinanced by the issuance of certain revenue bonds; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

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Section 1. Present subsections (90) through (93) of section 316.003, Florida Statutes, are redesignated as subsections (91), (93), (94), and (95), respectively, present subsection (90) of that section is amended, and new subsections (90) and (92) are added to that section, to read:

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used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context

316.003 Definitions.-The following words and phrases, when

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otherwise requires:

(90) AUTONOMOUS TECHNOLOGY.—Technology installed on a motor vehicle which has the capability to drive the vehicle on which the technology is installed without the active control of or monitoring by a human operator.

(91) (90) AUTONOMOUS VEHICLE.—Any vehicle equipped with autonomous technology. The term "autonomous technology" means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator. The term excludes a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without the active control or monitoring by a human operator.

(92) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle automation technology that integrates a sensor array, wireless communications, vehicle controls, and specialized software to synchronize the acceleration and braking between no more than two truck tractor-semitrailer combinations, while leaving each vehicle's steering control and systems command in the control of the vehicle's driver.

Section 2. Subsection (7) of section 316.0745, Florida Statutes, is amended to read:

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316.0745 Uniform signals and devices.

(7) The Department of Transportation may, upon receipt and investigation of reported noncompliance and is authorized, after hearing pursuant to 14 days' notice, to direct the removal of any purported traffic control device that fails to meet the requirements of this section, wherever the device is located and without regard to assigned responsibility under s. 316.1895 which fails to meet the requirements of this section. The public agency erecting or installing the same shall immediately bring it into compliance with the requirements of this section or remove said device or signal upon the direction of the Department of Transportation and may not, for a period of 5 years, install any replacement or new traffic control devices paid for in part or in full with revenues raised by the state unless written prior approval is received from the Department of Transportation. Any additional violation by a public body or official shall be cause for the withholding of state funds for traffic control purposes until such public body or official demonstrates to the Department of Transportation that it is complying with this section.

Section 3. Subsection (2) of section 316.0895, Florida Statutes, is amended to read:

316.0895 Following too closely.-

(2) It is unlawful for the driver of any motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer, when traveling upon a roadway outside of a business or residence district, to follow within 300 feet of another motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer. The provisions of This

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149 subsection may shall not be construed to prevent overtaking and 150 passing, nor does it nor shall the same apply upon any lane 151 specially designated for use by motor trucks or other slow-152 moving vehicles. This subsection does not apply to two truck 153 tractor-semitrailer combinations equipped and connected with 154 driver-assistive truck platooning technology, as defined in s. 155 316.003, and operating on a multilane limited access facility, 156 if:

- (a) The owner or operator first submits to the department an instrument of insurance, a surety bond, or proof of self-insurance acceptable to the department in the amount of \$1 million;
- (b) The vehicles are equipped with an external indication, visible to surrounding motorists, that the vehicles are engaged in truck platooning; and
- (c) The vehicles are not required to be placarded pursuant to 49 C.F.R. parts 171-179.

Section 4. Subsections (1) and (3) of section 316.303, Florida Statutes, are amended to read:

316.303 Television receivers.-

- (1) A No motor vehicle may not be operated on the highways of this state if the vehicle is shall be equipped with television-type receiving equipment so located that the viewer or screen is visible from the driver's seat, unless the vehicle is equipped with autonomous technology, as defined in s. 316.003, and is being operated in autonomous mode, as provided in s. 316.85(2).
- (3) This section does not prohibit the use of an electronic display used in conjunction with a vehicle navigation system; an

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electronic display used by an operator of a vehicle equipped with autonomous technology, as defined in s. 316.003; or an electronic display used by an operator of a vehicle equipped and operating with driver-assistive truck platooning technology, as defined in s. 316.003.

Section 5. Subsection (1) of section 316.85, Florida Statutes, is amended to read:

316.85 Autonomous vehicles; operation.

(1) A person who possesses a valid driver license may operate an autonomous vehicle in autonomous mode on roads in this state if the vehicle is equipped with autonomous technology, as defined in s. 316.003.

Section 6. Section 316.86, Florida Statutes, is amended to read:

316.86 Operation of vehicles equipped with autonomous technology on roads for testing purposes; financial responsibility; Exemption from liability for manufacturer when third party converts vehicle.—

(1) Vehicles equipped with autonomous technology may be operated on roads in this state by employees, contractors, or other persons designated by manufacturers of autonomous technology, or by research organizations associated with accredited educational institutions, for the purpose of testing the technology. For testing purposes, a human operator shall be present in the autonomous vehicle such that he or she has the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course. Before the start of testing in this state, the entity performing the testing must submit to the department an

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instrument of insurance, surety bond, or proof of self-insurance acceptable to the department in the amount of \$5 million.

(2) The original manufacturer of a vehicle converted by a third party into an autonomous vehicle <u>is</u> shall not be liable in, and shall have a defense to and be dismissed from, any legal action brought against the original manufacturer by any person injured due to an alleged vehicle defect caused by the conversion of the vehicle, or by equipment installed by the converter, unless the alleged defect was present in the vehicle as originally manufactured.

Section 7. Subsection (1) of section 319.145, Florida Statutes, is amended to read:

319.145 Autonomous vehicles.-

- (1) An autonomous vehicle registered in this state must continue to meet  $\underline{applicable}$  federal standards and regulations for such  $\underline{a}$  motor vehicle. The vehicle must  $\underline{shall}$ :
- (a) Have a system to safely alert the operator if an autonomous technology failure is detected while the autonomous technology is engaged. When an alert is given, the system must:
- 1. Require the operator to take control of the autonomous vehicle; or
- 2. If the operator does not, or is not able to, take control of the autonomous vehicle, be capable of bringing the vehicle to a complete stop Have a means to engage and disengage the autonomous technology which is easily accessible to the operator.
- (b) Have a means, inside the vehicle, to visually indicate when the vehicle is operating in autonomous mode.
  - (c) Have a means to alert the operator of the vehicle if a

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technology failure affecting the ability of the vehicle to safely operate autonomously is detected while the vehicle is operating autonomously in order to indicate to the operator to take control of the vehicle.

 $\underline{\text{(c)}}$  Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state.

Section 8. Paragraph (c) of subsection (1) of section 332.08, Florida Statutes, is amended to read:

332.08 Additional powers.-

- (1) In addition to the general powers in ss. 332.01-332.12 conferred and without limitation thereof, a municipality that has established or may hereafter establish airports, restricted landing areas, or other air navigation facilities, or that has acquired or set apart or may hereafter acquire or set apart real property for such purposes, is authorized:
- (c) To lease for a term not exceeding 50 30 years such airports or other air navigation facilities, or real property acquired or set apart for airport purposes, to private parties, any municipal or state government or the national government, or any department of either thereof, for operation; to lease or assign for a term not exceeding 50 30 years to private parties, any municipal or state government or the national government, or any department of either thereof, for operation or use consistent with the purposes of ss. 332.01-332.12, space, area, improvements, or equipment on such airports; to sell any part of such airports, other air navigation facilities, or real property to any municipal or state government, or the United States or any department or instrumentality thereof, for aeronautical purposes or purposes incidental thereto, and to confer the

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privileges of concessions of supplying upon its airports goods, commodities, things, services, and facilities; provided, that in each case in so doing the public is not deprived of its rightful equal and uniform use thereof.

Section 9. Section 338.155, Florida Statutes, is amended to read:

338.155 Payment of toll on toll facilities required; exemptions; signage required.—

(1) A person may not use any toll facility without payment of tolls, except employees of the agency operating the toll project when using the toll facility on official state business, state military personnel while on official military business, handicapped persons as provided in this section, persons exempt from toll payment by the authorizing resolution for bonds issued to finance the facility, and persons exempt on a temporary basis where use of such toll facility is required as a detour route. Any law enforcement officer operating a marked official vehicle is exempt from toll payment when on official law enforcement business. Any person operating a fire vehicle when on official business or a rescue vehicle when on official business is exempt from toll payment. Any person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty is exempt from toll payment. The secretary or the secretary's designee may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation. The failure to pay a prescribed toll constitutes a noncriminal traffic infraction, punishable as a moving violation as provided in s. 318.18. The department may adopt rules relating to the payment, collection, and enforcement of tolls, as authorized in

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this chapter and chapters 316, 318, 320, and 322, including, but not limited to, rules for the implementation of video or other image billing and variable pricing. With respect to toll facilities managed by the department, the revenues of which are not pledged to repayment of bonds, the department may by rule allow the use of such facilities by public transit vehicles or by vehicles participating in a funeral procession for an activeduty military service member without the payment of tolls.

- (2) Any person driving an automobile or other vehicle belonging to the Department of Military Affairs used for transporting military personnel, stores, and property, when properly identified, shall, together with any such conveyance and military personnel and property of the state in his or her charge, be allowed to pass free through all tollgates and over all toll bridges and ferries in this state.
- (3) Any handicapped person who has a valid driver license, who operates a vehicle specially equipped for use by the handicapped, and who is certified by a physician licensed under chapter 458 or chapter 459 or by comparable licensing in another state or by the Adjudication Office of the United States Department of Veterans Affairs or its predecessor as being severely physically disabled and having permanent upper limb mobility or dexterity impairments which substantially impair the person's ability to deposit coins in toll baskets, shall be allowed to pass free through all tollgates and over all toll bridges and ferries in this state. A person who meets the requirements of this subsection shall, upon application, be issued a vehicle window sticker by the Department of Transportation.

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(4) A copy of this section shall be posted at each toll bridge and on each ferry.

- (5) The Department of Transportation shall provide envelopes for voluntary payments of tolls by those persons exempted from the payment of tolls pursuant to this section. The department shall accept any voluntary payments made by exempt persons.
- (6) Personal identifying information held by the Department of Transportation, a county, a municipality, or an expressway authority for the purpose of paying, prepaying, or collecting tolls and associated administrative charges due for the use of toll facilities is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such information held by the Department of Transportation, a county, a municipality, or an expressway authority before, on, or after the effective date of the exemption. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.
- (7) A toll facility must ensure the presence of signage notifying drivers if cash payment of the applicable toll at such facility is not an available option.

Section 10. Subsection (4) of section 338.165, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

338.165 Continuation of tolls.-

(4) Notwithstanding any other law to the contrary, pursuant to s. 11, Art. VII of the State Constitution, and subject to the

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requirements of subsection (2), the Department of Transportation may request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Alligator Alley and, the Sunshine Skyway Bridge, the Beeline-East Expressway, the Navarre Bridge, and the Pinellas Bayway to fund transportation projects located within the county or counties in which the project is located and contained in the adopted work program of the department.

(11) The department's Pinellas Bayway System may be transferred by the department and become part of the turnpike system under the Florida Turnpike Enterprise Law. The transfer does not affect the rights of the parties, or their successors in interest, under the settlement agreement and final judgment in Leonard Lee Ratner, Esther Ratner, and Leeco Gas and Oil Co. v. State Road Department of the State of Florida, No. 67-1081 (Fla. 2nd Cir. Ct. 1968). Upon transfer of the Pinellas Bayway System to the turnpike system, the department shall also transfer to the Florida Turnpike Enterprise the funds deposited in the reserve account established by chapter 85-364, Laws of Florida, as amended by chapters 95-382 and 2014-223, Laws of Florida, which funds shall be used by the Florida Turnpike Enterprise solely to help fund the costs of repair or replacement of the transferred facilities.

Section 11. Chapter 85-364, Laws of Florida, as amended by chapters 95-382 and section 48 of 2014-223, Laws of Florida, is repealed.

Section 12. Paragraph (c) of subsection (3) and subsections (5) and (6) of section 338.231, Florida Statutes, are amended to read:

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338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls and amounts for the use of the turnpike system as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(3)

- (c) Notwithstanding any other provision of law to the contrary, any prepaid toll account of any kind which has remained inactive for 10 3 years shall be presumed unclaimed and its disposition shall be handled by the Department of Financial Services in accordance with all applicable provisions of chapter 717 relating to the disposition of unclaimed property, and the prepaid toll account shall be closed by the department.
- (5) In each fiscal year while any of the bonds of the Broward County Expressway Authority series 1984 and series 1986—A remain outstanding, the department is authorized to pledge revenues from the turnpike system to the payment of principal and interest of such series of bonds and the operation and maintenance expenses of the Sawgrass Expressway, to the extent gross toll revenues of the Sawgrass Expressway are insufficient to make such payments. The terms of an agreement relative to the pledge of turnpike system revenue will be negotiated with the parties of the 1984 and 1986 Broward County Expressway Authority lease—purchase agreements, and subject to the covenants of those

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Expressway is subject to the planning, management, and operating control of the department limited only by the terms of the lease-purchase agreements. The department shall provide for the payment of operation and maintenance expenses of the Sawgrass Expressway until such agreement is in effect. This pledge of turnpike system revenues is subordinate to the debt service requirements of any future issue of turnpike bonds, the payment of turnpike system operation and maintenance expenses, and subject to any subsequent resolution or trust indenture relating to the issuance of such turnpike bonds.

 $\underline{(5)}$  (6) The use and disposition of revenues pledged to bonds are subject to ss. 338.22-338.241 and such regulations as the resolution authorizing the issuance of the bonds or such trust agreement may provide.

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

339.175 Metropolitan planning organization.-

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local

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government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

- (c) Assess capital investment and other measures necessary to:
- 1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and
- 2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public

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following:

596-02696-16 20161392c1 468 transit, and other interested parties with a reasonable 469 opportunity to comment on the long-range transportation plan. 470 The long-range transportation plan must be approved by the 471 M.P.O. 472 Section 14. Subsection (2) of section 339.2818, Florida 473 Statutes, is amended to read: 474 339.2818 Small County Outreach Program.-475 (2) (a) For the purposes of this section, the term "small county" means any county that has a population of 170,000 476 477 150,000 or less as determined by the most recent official 478 estimate pursuant to s. 186.901. 479 (b) Notwithstanding paragraph (a), for the 2015-2016 fiscal year, for purposes of this section, the term "small county" 480 481 means any county that has a population of 165,000 or less as 482 determined by the most recent official estimate pursuant to s. 483 186.901. This paragraph expires July 1, 2016. 484 Section 15. Paragraph (c) is added to subsection (3) of 485 section 339.64, Florida Statutes, and paragraph (a) of 486 subsection (4) of that section is amended, to read: 487 339.64 Strategic Intermodal System Plan.-488 (3) 489 (c) The department shall coordinate with federal, regional, and local partners, as well as industry representatives, to 490 491 consider infrastructure and technological improvements necessary 492 to accommodate advances in vehicle technology, such as 493 autonomous technology and other developments, in Strategic 494 Intermodal System facilities.

(4) The Strategic Intermodal System Plan shall include the

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(a) A needs assessment that must include, but is not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments.

Section 16. <u>Section 341.0532</u>, <u>Florida Statutes</u>, is repealed.

Section 17. Subsection (3) of section 348.565, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the Tampa-Hillsborough County Expressway System are hereby approved to be refinanced by revenue bonds issued by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f), Art. VII of the State Constitution and the State Bond Act or by revenue bonds issued by the authority pursuant to s. 348.56(1)(b). In addition, the following projects of the Tampa-Hillsborough County Expressway Authority are approved to be financed or refinanced by the issuance of revenue bonds in accordance with this part and s. 11(f), Art. VII of the State Constitution:

- (3) Lee Roy Selmon Crosstown Expressway System widening, and any extensions thereof.
- (5) Capital projects that the authority is authorized to acquire, construct, reconstruct, equip, operate, and maintain pursuant to this part, including, without limitation, s.

  348.54(15), provided that any financing of such projects does not pledge the full faith and credit of the state.

Section 18. This act shall take effect July 1, 2016.