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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
05/03/2017 02:42 PM	.	05/05/2017 07:45 PM
	.	

Senator Young moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (51) through (97) of section 316.003, Florida Statutes, are renumbered as subsections (53) through (99), respectively, present subsections (40), (55), and (95) are amended, and new subsections (51) and (52) are added to that section, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively



12 ascribed to them in this section, except where the context
13 otherwise requires:

14 (40) MOTOR VEHICLE.—Except when used in s. 316.1001, a
15 self-propelled vehicle not operated upon rails or guideway, but
16 not including any bicycle, motorized scooter, electric personal
17 assistive mobility device, personal delivery device, swamp
18 buggy, or moped. For purposes of s. 316.1001, “motor vehicle”
19 has the same meaning as provided in s. 320.01(1)(a).

20 (51) PERSONAL DELIVERY DEVICE.—An electrically powered
21 device that:

22 (a) Is operated on sidewalks and crosswalks and intended
23 primarily for transporting property;

24 (b) Weighs less than 80 pounds, excluding cargo;

25 (c) Has a maximum speed of 10 miles per hour; and

26 (d) Is equipped with technology to allow for operation of
27 the device with or without the active control or monitoring of a
28 natural person.

29
30 A personal delivery device is not considered a vehicle unless
31 expressly defined by law as a vehicle.

32 (52) PERSONAL DELIVERY DEVICE OPERATOR.—An entity or its
33 agent that exercises direct physical control over or monitoring
34 of the navigation system and operation of a personal delivery
35 device. For the purposes of this subsection, the term “agent”
36 means a person charged by the entity with the responsibility of
37 navigating and operating the personal delivery device. The term
38 “personal delivery device operator” does not include an entity
39 or person who requests the services of a personal delivery
40 device for the purpose of transporting property or an entity or



41 person who only arranges for and dispatches the requested
42 services of a personal delivery device.

43 (57)~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
44 provided in paragraph (79) (b) ~~(77) (b)~~, any privately owned way
45 or place used for vehicular travel by the owner and those having
46 express or implied permission from the owner, but not by other
47 persons.

48 (97)~~(95)~~ VEHICLE.—Every device in, upon, or by which any
49 person or property is or may be transported or drawn upon a
50 highway, except personal delivery devices and devices used
51 exclusively upon stationary rails or tracks.

52 Section 2. Subsection (7) of section 316.008, Florida
53 Statutes, is amended to read:

54 316.008 Powers of local authorities.—

55 (7) (a) A county or municipality may enact an ordinance to
56 permit, control, or regulate the operation of vehicles, golf
57 carts, mopeds, motorized scooters, and electric personal
58 assistive mobility devices on sidewalks or sidewalk areas when
59 such use is permissible under federal law. The ordinance must
60 restrict such vehicles or devices to a maximum speed of 15 miles
61 per hour in such areas.

62 (b)1. Except as provided in subparagraph 2., a personal
63 delivery device may be operated on sidewalks and crosswalks
64 within a county or municipality when such use is permissible
65 under federal law. This paragraph does not restrict a county or
66 municipality from otherwise adopting regulations for the safe
67 operation of personal delivery devices.

68 2. A personal delivery device may not be operated on the
69 Florida Shared-Use Nonmotorized Trail Network created under s.



70 339.81 or components of the Florida Greenways and Trails System
71 created under chapter 260.

72 Section 3. Section 316.2071, Florida Statutes, is created
73 to read:

74 316.2071 Personal delivery devices.—

75 (1) Notwithstanding any provision of law to the contrary, a
76 personal delivery device may operate on sidewalks and
77 crosswalks, subject to s. 316.008(7)(b). A personal delivery
78 device operating on a sidewalk or crosswalk has all the rights
79 and duties applicable to a pedestrian under the same
80 circumstances, except that the personal delivery device must not
81 unreasonably interfere with pedestrians or traffic and must
82 yield the right-of-way to pedestrians on the sidewalk or
83 crosswalk.

84 (2) A personal delivery device must:

85 (a) Obey all official traffic and pedestrian control
86 signals and devices.

87 (b) Include a plate or marker that has a unique identifying
88 device number and identifies the name and contact information of
89 the personal delivery device operator.

90 (c) Be equipped with a braking system that, when active or
91 engaged, enables the personal delivery device to come to a
92 controlled stop.

93 (3) A personal delivery device may not:

94 (a) Operate on a public highway except to the extent
95 necessary to cross a crosswalk.

96 (b) Operate on a sidewalk or crosswalk unless the personal
97 delivery device operator is actively controlling or monitoring
98 the navigation and operation of the personal delivery device.



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99 (c) Transport hazardous materials as defined in s. 316.003.

100 (4) A person who owns and operates a personal delivery
101 device in this state must maintain an insurance policy, on
102 behalf of himself or herself and his or her agents, which
103 provides general liability coverage of at least \$100,000 for
104 damages arising from the combined operations of personal
105 delivery devices under the entity's or agent's control.

106 Section 4. Paragraph (a) of subsection (1) of section
107 320.01, Florida Statutes, is amended to read:

108 320.01 Definitions, general.—As used in the Florida
109 Statutes, except as otherwise provided, the term:

110 (1) "Motor vehicle" means:

111 (a) An automobile, motorcycle, truck, trailer, semitrailer,
112 truck tractor and semitrailer combination, or any other vehicle
113 operated on the roads of this state, used to transport persons
114 or property, and propelled by power other than muscular power,
115 but the term does not include traction engines, road rollers,
116 personal delivery devices as defined in s. 316.003, special
117 mobile equipment as defined in s. 316.003, vehicles that run
118 only upon a track, bicycles, swamp buggies, or mopeds.

119 Section 5. Subsection (19) is added to section 320.02,
120 Florida Statutes, to read:

121 320.02 Registration required; application for registration;
122 forms.—

123 (19) A personal delivery device as defined in s. 316.003 is
124 not required to satisfy the registration and insurance
125 requirements of this section.

126 Section 6. Subsection (1) of section 324.021, Florida
127 Statutes, is amended to read:



128 324.021 Definitions; minimum insurance required.—The
129 following words and phrases when used in this chapter shall, for
130 the purpose of this chapter, have the meanings respectively
131 ascribed to them in this section, except in those instances
132 where the context clearly indicates a different meaning:

133 (1) MOTOR VEHICLE.—Every self-propelled vehicle that ~~which~~
134 is designed and required to be licensed for use upon a highway,
135 including trailers and semitrailers designed for use with such
136 vehicles, except traction engines, road rollers, farm tractors,
137 power shovels, and well drillers, and every vehicle that ~~which~~
138 is propelled by electric power obtained from overhead wires but
139 not operated upon rails, but not including any personal delivery
140 device as defined in s. 316.003, bicycle, or moped. However, the
141 term "motor vehicle" does ~~shall~~ not include a any motor vehicle
142 as defined in s. 627.732(3) when the owner of such vehicle has
143 complied with the requirements of ss. 627.730-627.7405,
144 inclusive, unless the provisions of s. 324.051 apply; and, in
145 such case, the applicable proof of insurance provisions of s.
146 320.02 apply.

147 Section 7. Paragraph (a) of subsection (2) of section
148 324.022, Florida Statutes, is amended to read:

149 324.022 Financial responsibility for property damage.—

150 (2) As used in this section, the term:

151 (a) "Motor vehicle" means any self-propelled vehicle that
152 has four or more wheels and that is of a type designed and
153 required to be licensed for use on the highways of this state,
154 and any trailer or semitrailer designed for use with such
155 vehicle. The term does not include:

156 1. A mobile home.



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157 2. A motor vehicle that is used in mass transit and
158 designed to transport more than five passengers, exclusive of
159 the operator of the motor vehicle, and that is owned by a
160 municipality, transit authority, or political subdivision of the
161 state.

162 3. A school bus as defined in s. 1006.25.

163 4. A vehicle providing for-hire transportation that is
164 subject to the provisions of s. 324.031. A taxicab shall
165 maintain security as required under s. 324.032(1).

166 5. A personal delivery device as defined in s. 316.003.

167 Section 8. Section 330.41, Florida Statutes, is created to
168 read:

169 330.41 Unmanned Aircraft Systems Act.-

170 (1) SHORT TITLE.-This act may be cited as the "Unmanned
171 Aircraft Systems Act."

172 (2) DEFINITIONS.-As used in this act, the term:

173 (a) "Critical infrastructure facility" means any of the
174 following, if completely enclosed by a fence or other physical
175 barrier that is obviously designed to exclude intruders, or if
176 clearly marked with a sign or signs which indicate that entry is
177 forbidden and which are posted on the property in a manner
178 reasonably likely to come to the attention of intruders:

179 1. An electrical power generation or transmission facility,
180 substation, switching station, or electrical control center.

181 2. A chemical or rubber manufacturing or storage facility.

182 3. A mining facility.

183 4. A natural gas or compressed gas compressor station,
184 storage facility, or natural gas or compressed gas pipeline.

185 5. A liquid natural gas or propane gas terminal or storage



186 facility with a capacity of 4,000 gallons or more.

187 6. Any portion of an aboveground oil or gas pipeline.

188 7. A wireless communications facility, including the tower,
189 antennae, support structures, and all associated ground-based
190 equipment.

191 (b) "Drone" has the same meaning as s. 934.50(2).

192 (c) "Unmanned aircraft system" means a drone and its
193 associated elements, including communication links and the
194 components used to control the drone which are required for the
195 pilot in command to operate the drone safely and efficiently.

196 (3) REGULATION.—

197 (a) The authority to regulate the operation of unmanned
198 aircraft systems is vested in the state except as provided in
199 federal regulations, authorizations, or exemptions.

200 (b) Except as otherwise expressly provided, a political
201 subdivision may not enact or enforce an ordinance or resolution
202 relating to the design, manufacture, testing, maintenance,
203 licensing, registration, certification, or operation of an
204 unmanned aircraft system, including airspace, altitude, flight
205 paths, equipment or technology requirements; the purpose of
206 operations; and pilot, operator, or observer qualifications,
207 training, and certification.

208 (c) This subsection does not limit the authority of a local
209 government to enact or enforce local ordinances relating to
210 nuisances, voyeurism, harassment, reckless endangerment,
211 property damage, or other illegal acts arising from the use of
212 unmanned aircraft systems if such laws or ordinances are not
213 specifically related to the use of an unmanned aircraft system
214 for those illegal acts.



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215 (d) A person or governmental entity seeking to restrict or
216 limit the operation of drones in close proximity to
217 infrastructure or facilities that the person or governmental
218 entity owns or operates must apply to the Federal Aviation
219 Administration for such designation pursuant to section 2209 of
220 the FAA Extension, Safety, and Security Act of 2016.

221 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

222 (a) A person may not knowingly or willfully:

223 1. Operate a drone over a critical infrastructure facility;

224 2. Allow a drone to make contact with a critical
225 infrastructure facility, including any person or object on the
226 premises of or within the facility; or

227 3. Allow a drone to come within a distance of a critical
228 infrastructure facility that is close enough to interfere with
229 the operations of or cause a disturbance to the facility.

230 (b) A person who violates paragraph (a) commits a
231 misdemeanor of the second degree, punishable as provided in s.
232 775.082 or s. 775.083. A person who commits a second or
233 subsequent violation commits a misdemeanor of the first degree,
234 punishable as provided in s. 775.082 or s. 775.083.

235 (c) This subsection does not apply to actions identified in
236 paragraph (a) which are committed by:

237 1. A federal, state, or other governmental entity, or a
238 person under contract or otherwise acting under the direction of
239 a federal, state, or other governmental entity.

240 2. A law enforcement agency that is in compliance with s.
241 934.50, or a person under contract with or otherwise acting
242 under the direction of such law enforcement agency.

243 3. An owner, operator, or occupant of the critical



244 infrastructure facility, or a person who has prior written
245 consent of such owner, operator, or occupant.

246 (d) Subparagraph (a)1. does not apply to a drone operating
247 in transit for commercial purposes in compliance with Federal
248 Aviation Administration regulations, authorizations, or
249 exemptions.

250 (e) This subsection shall sunset 60 days after the date
251 that a process pursuant to Section 2209 of the FAA Extension,
252 Safety and Security Act of 2016 becomes effective.

253 (5) CONSTRUCTION.—This section shall be construed in
254 accordance with standards imposed by federal statutes,
255 regulations, and Federal Aviation Administration guidance on
256 unmanned aircraft systems.

257 Section 9. Section 330.411, Florida Statutes, is created to
258 read:

259 330.411 Prohibited possession or operation of unmanned
260 aircraft.—A person may not possess or operate an unmanned
261 aircraft or unmanned aircraft system as defined in s. 330.41
262 with an attached weapon, firearm, explosive, destructive device,
263 or ammunition as defined in s. 790.001.

264 Section 10. Paragraph (j) is added to subsection (4) of
265 section 934.50, Florida Statutes, to read:

266 934.50 Searches and seizure using a drone.—

267 (4) EXCEPTIONS.—This section does not prohibit the use of a
268 drone:

269 (j) By a communications service provider or a contractor
270 for a communications service provider for routing, siting,
271 installation, maintenance, or inspection of facilities used to
272 provide communications services.



273 Section 11. Subsection (1) of section 316.2128, Florida
274 Statutes, is amended to read:

275 316.2128 Operation of motorized scooters and miniature
276 motorcycles; requirements for sales.—

277 (1) A person who engages in the business of, serves in the
278 capacity of, or acts as a commercial seller of motorized
279 scooters or miniature motorcycles in this state must prominently
280 display at his or her place of business a notice that such
281 vehicles are not legal to operate on public roads, may not be
282 registered as motor vehicles, and may not be operated on
283 sidewalks unless authorized by an ordinance enacted pursuant to
284 s. 316.008(7)(a) ~~316.008(7)~~ or s. 316.212(8). The required
285 notice must also appear in all forms of advertising offering
286 motorized scooters or miniature motorcycles for sale. The notice
287 and a copy of this section must also be provided to a consumer
288 prior to the consumer's purchasing or becoming obligated to
289 purchase a motorized scooter or a miniature motorcycle.

290 Section 12. Paragraph (b) of subsection (2) of section
291 316.545, Florida Statutes, is amended to read:

292 316.545 Weight and load unlawful; special fuel and motor
293 fuel tax enforcement; inspection; penalty; review.—

294 (2)

295 (b) The officer or inspector shall inspect the license
296 plate or registration certificate of the commercial vehicle to
297 determine whether its gross weight is in compliance with the
298 declared gross vehicle weight. If its gross weight exceeds the
299 declared weight, the penalty shall be 5 cents per pound on the
300 difference between such weights. In those cases when the
301 commercial vehicle is being operated over the highways of the



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302 state with an expired registration or with no registration from
303 this or any other jurisdiction or is not registered under the
304 applicable provisions of chapter 320, the penalty herein shall
305 apply on the basis of 5 cents per pound on that scaled weight
306 which exceeds 35,000 pounds on laden truck tractor-semitrailer
307 combinations or tandem trailer truck combinations, 10,000 pounds
308 on laden straight trucks or straight truck-trailer combinations,
309 or 10,000 pounds on any unladen commercial motor vehicle. A
310 driver of a commercial motor vehicle entering the state at a
311 designated port-of-entry location, as defined in s. 316.003
312 ~~316.003(54)~~, or operating on designated routes to a port-of-
313 entry location, who obtains a temporary registration permit
314 shall be assessed a penalty limited to the difference between
315 its gross weight and the declared gross vehicle weight at 5
316 cents per pound. If the license plate or registration has not
317 been expired for more than 90 days, the penalty imposed under
318 this paragraph may not exceed \$1,000. In the case of special
319 mobile equipment, which qualifies for the license tax provided
320 for in s. 320.08(5)(b), being operated on the highways of the
321 state with an expired registration or otherwise not properly
322 registered under the applicable provisions of chapter 320, a
323 penalty of \$75 shall apply in addition to any other penalty
324 which may apply in accordance with this chapter. A vehicle found
325 in violation of this section may be detained until the owner or
326 operator produces evidence that the vehicle has been properly
327 registered. Any costs incurred by the retention of the vehicle
328 shall be the sole responsibility of the owner. A person who has
329 been assessed a penalty pursuant to this paragraph for failure
330 to have a valid vehicle registration certificate pursuant to the



331 provisions of chapter 320 is not subject to the delinquent fee
332 authorized in s. 320.07 if such person obtains a valid
333 registration certificate within 10 working days after such
334 penalty was assessed.

335 Section 13. Paragraph (a) of subsection (2) of section
336 316.613, Florida Statutes, is amended to read:

337 316.613 Child restraint requirements.-

338 (2) As used in this section, the term "motor vehicle" means
339 a motor vehicle as defined in s. 316.003 that is operated on the
340 roadways, streets, and highways of the state. The term does not
341 include:

342 (a) A school bus as defined in s. 316.003 ~~316.003(68)~~.

343 Section 14. Subsection (1) of section 655.960, Florida
344 Statutes, is amended to read:

345 655.960 Definitions; ss. 655.960-655.965.-As used in this
346 section and ss. 655.961-655.965, unless the context otherwise
347 requires:

348 (1) "Access area" means any paved walkway or sidewalk which
349 is within 50 feet of any automated teller machine. The term does
350 not include any street or highway open to the use of the public,
351 as defined in s. 316.003(79) (a) or (b) ~~316.003(77) (a) or (b)~~,
352 including any adjacent sidewalk, as defined in s. 316.003.

353 Section 15. This act shall take effect July 1, 2017.

354
355 ===== T I T L E A M E N D M E N T =====

356 And the title is amended as follows:

357 Delete everything before the enacting clause
358 and insert:

359 A bill to be entitled



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360 An act relating to unmanned devices; amending s.
361 316.003, F.S.; revising and providing definitions;
362 amending s. 316.008, F.S.; authorizing operation of
363 personal delivery devices within a county or
364 municipality under certain circumstances; providing
365 construction; providing exceptions; creating s.
366 316.2071, F.S.; providing requirements for the
367 operation of personal delivery devices; requiring
368 specified insurance coverage; amending s. 320.01,
369 F.S.; redefining the term "motor vehicle"; amending s.
370 320.02, F.S.; exempting personal delivery devices from
371 certain registration and insurance requirements;
372 amending ss. 324.021, and 324.022, F.S.; redefining
373 the term "motor vehicle"; creating s. 330.41, F.S.;
374 providing a short title; defining terms; providing
375 that, except as provided in federal regulations,
376 authorizations, or exemptions, the authority to
377 regulate the operation of unmanned aircraft systems is
378 vested in the state; prohibiting a political
379 subdivision from enacting or enforcing certain
380 ordinances or resolutions relating to unmanned
381 aircraft systems; providing that the authority of
382 local government to enact or enforce local ordinances
383 relating to nuisances, voyeurism, harassment, reckless
384 endangerment, property damage, or other illegal acts
385 arising from the use of unmanned aircraft systems is
386 not limited, subject to certain requirements;
387 requiring persons seeking to restrict or limit the
388 operation of drones in close proximity to certain



389 infrastructure or facilities to apply to the Federal
390 Aviation Administration; prohibiting a person from
391 knowingly and willfully operating a drone over or
392 allowing a drone to make contact with or come within a
393 certain distance of certain critical infrastructure
394 facilities; providing that such a violation is a
395 misdemeanor punishable under specified provisions of
396 ch. 775, F.S.; providing an exemption from specified
397 prohibited acts; providing for future sunset of a
398 certain requirement; providing construction; creating
399 s. 330.411, F.S.; prohibiting a person from possessing
400 or operating an unmanned aircraft or unmanned aircraft
401 system with certain attached weapons or devices;
402 amending s. 934.50, F.S.; providing that the use of a
403 drone by a communications service provider or
404 contractor is not prohibited under certain provisions
405 of ch. 934, F.S.; amending ss. 316.2128, 316.545,
406 316.613, and 655.960, F.S.; conforming cross-
407 references; providing an effective date.