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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/15/2017	.	
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	.	
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The Committee on Transportation (Brandes) recommended the following:

1 **Senate Substitute for Amendment (724448) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Present subsections (51) through (97) of section
7 316.003, Florida Statutes, are renumbered as subsections (53)
8 through (99), respectively, subsection (40) and present
9 subsections (55) and (95) of that section are amended, and new
10 subsections (51) and (52) are added to that section, to read:



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11 316.003 Definitions.—The following words and phrases, when
12 used in this chapter, shall have the meanings respectively
13 ascribed to them in this section, except where the context
14 otherwise requires:

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

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

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

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

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

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

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

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



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40 or person who requests the services of a personal delivery
41 device for the purpose of transporting property or an entity or
42 person who only arranges for and dispatches the requested
43 services of a personal delivery device.

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

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

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

55 316.008 Powers of local authorities.—

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

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



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69 2. A personal delivery device may not be operated on the
70 Florida Shared-Use Nonmotorized Trail Network created under s.
71 339.81 or components of the Florida Greenways and Trails System
72 created under chapter 260.

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

75 316.2071 Personal delivery devices.-

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

85 (2) A personal delivery device must:

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

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

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

94 (3) A personal delivery device may not:

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

97 (b) Operate on a sidewalk or crosswalk unless the personal



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98 delivery device operator is actively controlling or monitoring
99 the navigation and operation of the personal delivery device.

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

101 Section 4. Paragraph (a) of subsection (1) of section
102 320.01, Florida Statutes, is amended to read:

103 320.01 Definitions, general.—As used in the Florida
104 Statutes, except as otherwise provided, the term:

105 (1) "Motor vehicle" means:

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

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

116 320.02 Registration required; application for registration;
117 forms.—

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

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

123 324.021 Definitions; minimum insurance required.—The
124 following words and phrases when used in this chapter shall, for
125 the purpose of this chapter, have the meanings respectively
126 ascribed to them in this section, except in those instances



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127 where the context clearly indicates a different meaning:

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

142 Section 7. Paragraph (a) of subsection (2) of section
143 324.022, Florida Statutes, is amended to read:

144 324.022 Financial responsibility for property damage.—

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

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

151 1. A mobile home.

152 2. A motor vehicle that is used in mass transit and
153 designed to transport more than five passengers, exclusive of
154 the operator of the motor vehicle, and that is owned by a
155 municipality, transit authority, or political subdivision of the



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156 state.

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

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

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

162 Section 8. Subsection (1) of section 316.2128, Florida
163 Statutes, is amended to read:

164 316.2128 Operation of motorized scooters and miniature
165 motorcycles; requirements for sales.—

166 (1) A person who engages in the business of, serves in the
167 capacity of, or acts as a commercial seller of motorized
168 scooters or miniature motorcycles in this state must prominently
169 display at his or her place of business a notice that such
170 vehicles are not legal to operate on public roads, may not be
171 registered as motor vehicles, and may not be operated on
172 sidewalks unless authorized by an ordinance enacted pursuant to
173 s. 316.008(7)(a) ~~316.008(7)~~ or s. 316.212(8). The required
174 notice must also appear in all forms of advertising offering
175 motorized scooters or miniature motorcycles for sale. The notice
176 and a copy of this section must also be provided to a consumer
177 prior to the consumer's purchasing or becoming obligated to
178 purchase a motorized scooter or a miniature motorcycle.

179 Section 9. Paragraph (b) of subsection (2) of section
180 316.545, Florida Statutes, is amended to read:

181 316.545 Weight and load unlawful; special fuel and motor
182 fuel tax enforcement; inspection; penalty; review.—

183 (2)

184 (b) The officer or inspector shall inspect the license



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185 plate or registration certificate of the commercial vehicle to
186 determine whether its gross weight is in compliance with the
187 declared gross vehicle weight. If its gross weight exceeds the
188 declared weight, the penalty shall be 5 cents per pound on the
189 difference between such weights. In those cases when the
190 commercial vehicle is being operated over the highways of the
191 state with an expired registration or with no registration from
192 this or any other jurisdiction or is not registered under the
193 applicable provisions of chapter 320, the penalty herein shall
194 apply on the basis of 5 cents per pound on that scaled weight
195 which exceeds 35,000 pounds on laden truck tractor-semitrailer
196 combinations or tandem trailer truck combinations, 10,000 pounds
197 on laden straight trucks or straight truck-trailer combinations,
198 or 10,000 pounds on any unladen commercial motor vehicle. A
199 driver of a commercial motor vehicle entering the state at a
200 designated port-of-entry location, as defined in s. 316.003
201 ~~316.003(54)~~, or operating on designated routes to a port-of-
202 entry location, who obtains a temporary registration permit
203 shall be assessed a penalty limited to the difference between
204 its gross weight and the declared gross vehicle weight at 5
205 cents per pound. If the license plate or registration has not
206 been expired for more than 90 days, the penalty imposed under
207 this paragraph may not exceed \$1,000. In the case of special
208 mobile equipment, which qualifies for the license tax provided
209 for in s. 320.08(5)(b), being operated on the highways of the
210 state with an expired registration or otherwise not properly
211 registered under the applicable provisions of chapter 320, a
212 penalty of \$75 shall apply in addition to any other penalty
213 which may apply in accordance with this chapter. A vehicle found



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214 in violation of this section may be detained until the owner or
215 operator produces evidence that the vehicle has been properly
216 registered. Any costs incurred by the retention of the vehicle
217 shall be the sole responsibility of the owner. A person who has
218 been assessed a penalty pursuant to this paragraph for failure
219 to have a valid vehicle registration certificate pursuant to the
220 provisions of chapter 320 is not subject to the delinquent fee
221 authorized in s. 320.07 if such person obtains a valid
222 registration certificate within 10 working days after such
223 penalty was assessed.

224 Section 10. Paragraph (a) of subsection (2) of section
225 316.613, Florida Statutes, is amended to read:

226 316.613 Child restraint requirements.—

227 (2) As used in this section, the term “motor vehicle” means
228 a motor vehicle as defined in s. 316.003 that is operated on the
229 roadways, streets, and highways of the state. The term does not
230 include:

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

232 Section 11. Subsection (1) of section 655.960, Florida
233 Statutes, is amended to read:

234 655.960 Definitions; ss. 655.960-655.965.—As used in this
235 section and ss. 655.961-655.965, unless the context otherwise
236 requires:

237 (1) “Access area” means any paved walkway or sidewalk which
238 is within 50 feet of any automated teller machine. The term does
239 not include any street or highway open to the use of the public,
240 as defined in s. 316.003(79)(a) or (b) ~~316.003(77)(a) or (b)~~,
241 including any adjacent sidewalk, as defined in s. 316.003.

242 Section 12. Section 316.85, Florida Statutes, is amended to



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243 read:

244 316.85 Autonomous vehicles; operation; compliance with
245 traffic and motor vehicle laws.-

246 (1) A person ~~who possesses a valid driver license~~ may
247 operate an autonomous vehicle, or may engage autonomous
248 technology to operate an autonomous vehicle, in autonomous mode
249 on roads in this state if the vehicle is equipped with
250 autonomous technology, as defined in s. 316.003.

251 (2) For purposes of this chapter, unless the context
252 otherwise requires, a person shall be deemed to be the operator
253 of an autonomous vehicle operating in autonomous mode when the
254 person causes the vehicle's autonomous technology to engage,
255 regardless of whether the person is physically present in the
256 vehicle while the vehicle is operating in autonomous mode.

257 (a) A traffic or motor vehicle law of this state does not
258 prohibit autonomous technology from being deemed the operator of
259 an autonomous vehicle operating in autonomous mode and does not
260 require a licensed human operator to operate an autonomous
261 vehicle when in autonomous mode, except as provided in s.
262 319.145(1).

263 (b) The requirements of chapter 322 do not apply if an
264 autonomous vehicle is operated in autonomous mode without a
265 human operator physically present in the vehicle.

266 (c) Sections 316.062, 316.063, and 316.065 do not apply to
267 an autonomous vehicle operating in autonomous mode in the event
268 of a crash involving the vehicle if the vehicle owner, or a
269 person on behalf of the vehicle owner, promptly contacts a law
270 enforcement agency to report the crash or if the autonomous
271 vehicle has the capability of alerting a law enforcement agency



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272 to the crash.

273 (d) Section 316.1975 does not apply to an autonomous
274 vehicle operating in autonomous mode.

275 (e) Sections 316.613 and 316.614 apply only to a human
276 person physically present in a motor vehicle.

277 Section 13. Subsection (1) of section 319.145, Florida
278 Statutes, is amended to read:

279 319.145 Autonomous vehicles.—

280 (1) An autonomous vehicle registered in this state must
281 ~~continue to~~ meet applicable federal standards and regulations
282 for such motor vehicle. Regardless of whether a human operator
283 is physically present in the vehicle, the vehicle must:

284 (a) Have a system to safely alert a human ~~the~~ operator
285 physically present in the vehicle if an autonomous technology
286 failure is detected while the autonomous technology is engaged.
287 When an alert is given, the system must:

288 1. If a human operator is physically present in the
289 vehicle, require the human operator to take control of the
290 autonomous vehicle; or

291 2. If a human ~~the~~ operator does not, or is not able to,
292 take control of the autonomous vehicle or if a human operator is
293 not physically present in the vehicle, be capable of bringing
294 the vehicle to a complete stop.

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

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

299 Section 14. This act shall take effect July 1, 2017.

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

302 And the title is amended as follows:

303 Delete everything before the enacting clause

304 and insert:

305 A bill to be entitled

306 An act relating to autonomous technology; amending s.
307 316.003, F.S.; revising and providing definitions;
308 amending s. 316.008, F.S.; authorizing operation of
309 personal delivery devices within a county or
310 municipality under certain circumstances; providing
311 construction; providing exceptions; creating s.
312 316.2071, F.S.; providing requirements for the
313 operation of such devices; amending ss. 320.01,
314 324.021, and 324.022, F.S.; excluding such devices
315 from the definition of the term "motor vehicle";
316 amending s. 320.02, F.S.; exempting such devices from
317 certain registration and insurance requirements;
318 amending ss. 316.2128, 316.545, 316.613, and 655.960,
319 F.S.; conforming cross-references; amending s. 316.85,
320 F.S.; authorizing a person to engage autonomous
321 technology to operate an autonomous vehicle in
322 autonomous mode; providing construction and
323 applicability with respect to specific statutory
324 provisions; amending s. 319.145, F.S.; conforming
325 provisions to changes made by the act; providing an
326 effective date.