

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 601 Personal Delivery Devices  
**SPONSOR(S):** Transportation & Infrastructure Subcommittee; Williamson  
**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			

### 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. A PDD is also prohibited from transporting hazardous materials.

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 state or local government.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

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, sensors, and are monitored by a remote operator. PDDs are designed to be a low cost, low-emissions method of delivery.<sup>1</sup> PDDs are currently being tested in various communities in the United States and Europe. At least on other state, Virginia, has enacted legislation authorizing the use of PDDs on their sidewalks.

Currently, Florida law does not contain any provisions regarding the operation of personal delivery devices.

#### **Definitions (Section 1)**

##### *Current Situation*

Chapter 316, F.S., is the Florida Uniform Traffic Control Law,<sup>2</sup> the purpose of which is to make uniform traffic laws apply throughout the state and its several counties and uniform traffic ordinances to apply in all municipalities.<sup>3</sup> Section 316.003, F.S., provides definitions for the Florida Uniform Traffic Control Law.

Section 316.003(40), F.S., generally defines “motor vehicle” as “a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, swamp buggy, or moped.”<sup>4</sup>

Section 316.003(97), F.S., defines “vehicle” as “every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.”

##### *Proposed Changes*

The bill defines “personal delivery devices” as an electronically powered device that:

- Is operated on sidewalks, 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 personal delivery device is not considered a vehicle unless expressly defined as such in law.

The bill defines “personal delivery device operator” as an entity or its agent that exercises direct physical control or monitoring of the navigation system and operation of a personal delivery device. The term “agent” means a person charged by the entity with the responsibility for navigating and operating the personal delivery device. The term “personal delivery device operator” does not include an entity or person who requests the services of a personal delivery device for the purpose of transporting property or an entity or person who only arranges for and dispatches the requested services of a personal delivery device.

The bill provides that the definitions of “motor vehicle” and “vehicle” do not include personal delivery devices.

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

<sup>2</sup> Section 316.001, F.S.

<sup>3</sup> Section 316.002, F.S.

<sup>4</sup> The definition for “motor vehicle” provides a separate definition as it relates to toll violations.

## **Powers of Local Authorities (Section 2)**

### *Current Situation*

In general, s. 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.

### *Proposed Changes*

The bill amends s. 316.008(7), F.S., providing that a PDD may be operated on the 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.

The bill also prohibits the use of PDDs on the Florida Shared-Use Nonmotorized Trail Network (SunTrail)<sup>5</sup> or components of the Florida Greenways and Trails System.<sup>6</sup>

## **Personal Delivery Devices (Section 3)**

The bill creates s. 316.2070, F.S., relating to personal delivery devices. Specifically, the bill provides that notwithstanding any provision of law to the contrary, a personal delivery device may operate on sidewalks and crosswalks except as provided in s. 316.008(7)(b), 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 device.
- Include a plate or marker identifying the name and contact information of the PDD operator and a unique identifying number.
- Be equipped with a braking system, when active or engaged, enables the PDD to come to a controlled stop.

The bill provides that 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.
- Transport hazardous materials.<sup>7</sup>

Finally, the bill provides that PDD operators are required to maintain an insurance policy, on behalf of itself or 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.

## **Motor Vehicle Licensing (Sections 4 and 5)**

### *Current Situation*

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<sup>5</sup> SunTrail is created in s. 339.81, F.S.

<sup>6</sup> The Florida Greenways and Trails System is created in Ch. 260, F.S.

<sup>7</sup> 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)."

Chapter 320, F.S., relates to motor vehicle licenses. For purposes of that chapter, s. 320.01(1)(a), F.S., defines “motor vehicle” as “an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, swamp buggies, or mopeds.”

Section 320.02, F.S., provides motor vehicle registration requirements and requires certain documents for motor vehicle registration including proof of certain automobile insurance.

#### *Proposed Changes*

The bill amends s. 320.01(1)(a), F.S., providing that PDDs are not motor vehicles for purposes of motor vehicle licensing.

The bill creates s. 320.02(19), F.S., providing that PDDs are not required to satisfy the motor vehicle registration and insurance requirements of s. 320.02, F.S.

### **Motor Vehicle Financial Responsibility Law (Sections 6 and 7)**

#### *Current Situation*

Chapter 324, F.S., is Florida’s Motor Vehicle Financial Responsibility Law.<sup>8</sup> Section 324.021, F.S., defines “motor vehicle” as every self-propelled vehicle which 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 which is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any bicycle or moped. However, the term “motor vehicle” shall 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.”

Section 324.022(2)(a), F.S., defines “motor vehicle” as it relates to financial responsibility for property damage. This provision defines “motor vehicle” as 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 the highways of this state, and any trailer or semitrailer designed for use with such vehicle. The term 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 as defined in s. 1006.25, F.S.
- A vehicle providing for-hire transportation that is subject to the provisions of s. 324.031, F.S. A taxicab shall maintain security as required under s. 324.032(1), F.S.

#### *Proposed Changes*

The bill amends ss. 324.021(1) and 324.022(2)(a), F.S., providing that PDDs are not motor vehicles for purposes of the Motor Vehicle Financial Responsibility Law.

#### Cross-References (Sections 1, 8 through 11)

The bill amends ss. 316.003, 316.2128, 316.545, 316.613, and 655.960, F.S., conforming cross-references.

## B. SECTION DIRECTORY:

Section 1 amends s. 316.003, F.S., providing definitions.

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<sup>8</sup> Section 324.251, F.S.  
STORAGE NAME: h0601c.LFV  
DATE: 3/15/2017

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

Section 3 creates s. 316.2070, F.S., relating to personal delivery devices.

Section 4 amends s. 320.01, F.S., providing definitions.

Section 5 amends s. 320.02, F.S., relating to registration required; application for registration.

Section 6 amends s. 324.021, F.S., relating to definitions; minimum insurance required.

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., to conform 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.

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.