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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/14/2018	.	
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	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 83 - 235

and insert:

Section 1. Subsection (20) of section 316.003, Florida Statutes, is amended, present subsections (21) through (37) of that section are redesignated as subsections (20) through (36), respectively, new subsections (37) and (52) are added to that



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10 section, present subsections (52) through (99) of that section
11 are redesignated as subsections (53) through (100),
12 respectively, and subsections (40) and (51) and present
13 subsections (57) and (97) of that section are amended, to read:

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

18 ~~(20) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle~~
19 ~~automation and safety technology that integrates sensor array,~~
20 ~~wireless vehicle-to-vehicle communications, active safety~~
21 ~~systems, and specialized software to link safety systems and~~
22 ~~synchronize acceleration and braking between two vehicles while~~
23 ~~leaving each vehicle's steering control and systems command in~~
24 ~~the control of the vehicle's driver in compliance with the~~
25 ~~National Highway Traffic Safety Administration rules regarding~~
26 ~~vehicle-to-vehicle communications.~~

27 (37) MOBILE CARRIER.—An electrically powered device that:

28 (a) Is operated on sidewalks and crosswalks and is intended
29 primarily for transporting property;

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

31 (c) Has a maximum speed of 12.5 mph; and

32 (d) Is equipped with a technology to transport personal
33 property with the active monitoring of a property owner, and
34 primarily designed to remain within 25 feet of the property
35 owner.

36
37 A mobile carrier is not considered a vehicle or personal
38 delivery device unless expressly defined by law as a vehicle or



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39 personal delivery device.

40 (40) MOTOR VEHICLE.—Except when used in s. 316.1001, a
41 self-propelled vehicle not operated upon rails or guideway, but
42 not including any bicycle, motorized scooter, electric personal
43 assistive mobility device, mobile carrier, personal delivery
44 device, swamp buggy, or moped. For purposes of s. 316.1001,
45 “motor vehicle” has the same meaning as provided in s.
46 320.01(1)(a).

47 (51) PERSONAL DELIVERY DEVICE.—An electrically powered
48 device that:

49 (a) Is operated on sidewalks and crosswalks and intended
50 primarily for transporting property;

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

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

53 (d) Is equipped with technology to allow for operation of
54 the device with or without the active control or monitoring of a
55 natural person.

56
57 A personal delivery device is not considered a vehicle unless
58 expressly defined by law as a vehicle. A mobile carrier is not
59 considered a personal delivery device.

60 (52) PLATOON.—A group of individual motor vehicles
61 traveling in a unified manner at electronically coordinated
62 speeds at following distances that are closer than defined under
63 s. 316.0895(2).

64 (58)~~(57)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
65 provided in paragraph (80)(b) ~~(79)(b)~~, any privately owned way
66 or place used for vehicular travel by the owner and those having
67 express or implied permission from the owner, but not by other



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68 persons.

69 ~~(98)(97)~~ VEHICLE.—Every device in, upon, or by which any
70 person or property is or may be transported or drawn upon a
71 highway, except personal delivery devices, mobile carriers, and
72 devices used exclusively upon stationary rails or tracks.

73 Section 2. Paragraph (b) of subsection (7) of section
74 316.008, Florida Statutes, is amended to read:

75 316.008 Powers of local authorities.—

76 (7)

77 (b)1. Except as provided in subparagraph 2., a personal
78 delivery device and a mobile carrier may be operated on
79 sidewalks and crosswalks within a county or municipality when
80 such use is permissible under federal law. This paragraph does
81 not restrict a county or municipality from otherwise adopting
82 regulations for the safe operation of personal delivery devices
83 and mobile carriers.

84 2. A personal delivery device may not be operated on the
85 Florida Shared-Use Nonmotorized Trail Network created under s.
86 339.81 or components of the Florida Greenways and Trails System
87 created under chapter 260.

88 Section 3. Section 316.0896, Florida Statutes, is repealed.

89 Section 4. Section 316.0897, Florida Statutes, is created
90 to read:

91 316.0897 Platoons.—

92 (1) Section 316.0895 does not apply to the operator of a
93 nonlead vehicle in a platoon, as defined in s. 316.003.

94 (2) A platoon may be operated on a roadway in this state
95 after an operator provides notification to the Department of
96 Transportation and the Department of Highway Safety and Motor



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97 Vehicles.

98 Section 5. Section 316.2071, Florida Statutes, is amended
99 to read:

100 316.2071 Personal delivery devices and mobile carriers.—

101 (1) Notwithstanding any provision of law to the contrary, a
102 personal delivery device or mobile carrier may operate on
103 sidewalks and crosswalks, subject to s. 316.008(7)(b). A
104 personal delivery device or mobile carrier operating on a
105 sidewalk or crosswalk has all the rights and duties applicable
106 to a pedestrian under the same circumstances, except that the
107 personal delivery device or mobile carrier must not unreasonably
108 interfere with pedestrians or traffic and must yield the right-
109 of-way to pedestrians on the sidewalk or crosswalk.

110 (2) A personal delivery device and a mobile carrier must:

111 (a) Obey all official traffic and pedestrian control
112 signals and devices.

113 (b) For personal delivery devices, include a plate or
114 marker that has a unique identifying device number and
115 identifies the name and contact information of the personal
116 delivery device operator.

117 (c) Be equipped with a braking system that, when active or
118 engaged, enables the personal delivery device or mobile carrier
119 to come to a controlled stop.

120 (3) A personal delivery device and a mobile carrier may
121 not:

122 (a) Operate on a public highway except to the extent
123 necessary to cross a crosswalk.

124 (b) Operate on a sidewalk or crosswalk unless the personal
125 delivery device operator is actively controlling or monitoring



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126 the navigation and operation of the personal delivery device or
127 a property owner remains within 25 feet of the mobile carrier.

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

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

135 Section 6. Subsection (1) and paragraphs (a), (c), (d), and
136 (f) of subsection (2) of section 316.302, Florida Statutes, are
137 amended to read:

138 316.302 Commercial motor vehicles; safety regulations;
139 transporters and shippers of hazardous materials; enforcement.-

140 (1) Except as otherwise provided in subsection (3):

141 (a) All owners and drivers of commercial motor vehicles
142 that are operated on the public highways of this state while
143 engaged in interstate commerce are subject to the rules and
144 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

145 (b) Except as otherwise provided in this section, all
146 owners or drivers of commercial motor vehicles that are engaged
147 in intrastate commerce are subject to the rules and regulations
148 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with~~
149 ~~the exception of 49 C.F.R. s. 390.5 as it relates to the~~
150 ~~definition of bus,~~ as such rules and regulations existed on
151 December 31, 2017 ~~2012~~.

152 (c) The emergency exceptions provided by 49 C.F.R. s.
153 392.82 also apply to communications by utility drivers and
154 utility contractor drivers during a Level 1 activation of the



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155 State Emergency Operations Center, as provided in the Florida
156 Comprehensive Emergency Management plan, or during a state of
157 emergency declared by executive order or proclamation of the
158 Governor.

159 (d) Except as provided in ~~s. 316.215(5)~~, and ~~except as~~
160 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
161 requirements for intrastate operations, the requirements of this
162 section supersede all other safety requirements of this chapter
163 for commercial motor vehicles.

164 (e) For motor carriers engaged in intrastate commerce who
165 are not carrying hazardous materials in amounts that require
166 placards, the requirement for electronic logging devices and
167 hours of service support documents shall take effect December
168 31, 2019.

169 (2) (a) A person who operates a commercial motor vehicle
170 solely in intrastate commerce not transporting any hazardous
171 material in amounts that require placarding pursuant to 49
172 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1)
173 and 395.3 ~~395.3(a) and (b)~~.

174 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
175 operates a commercial motor vehicle solely in intrastate
176 commerce not transporting any hazardous material in amounts that
177 require placarding pursuant to 49 C.F.R. part 172 may not drive
178 after having been on duty more than 70 hours in any period of 7
179 consecutive days or more than 80 hours in any period of 8
180 consecutive days if the motor carrier operates every day of the
181 week. Thirty-four consecutive hours off duty shall constitute
182 the end of any such period of 7 or 8 consecutive days. This
183 weekly limit does not apply to a person who operates a



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184 commercial motor vehicle solely within this state while
185 transporting, during harvest periods, any unprocessed
186 agricultural products or unprocessed food or fiber that is
187 subject to seasonal harvesting from place of harvest to the
188 first place of processing or storage or from place of harvest
189 directly to market or while transporting livestock, livestock
190 feed, or farm supplies directly related to growing or harvesting
191 agricultural products. Upon request of the Department of Highway
192 Safety and Motor Vehicles, motor carriers shall furnish time
193 records or other written verification to that department so that
194 the Department of Highway Safety and Motor Vehicles can
195 determine compliance with this subsection. These time records
196 must be furnished to the Department of Highway Safety and Motor
197 Vehicles within 2 days after receipt of that department's
198 request. Falsification of such information is subject to a civil
199 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
200 does ~~de~~ not apply to operators of farm labor vehicles operated
201 during a state of emergency declared by the Governor or operated
202 pursuant to s. 570.07(21)~~7~~ and does ~~de~~ not apply to drivers of
203 utility service vehicles as defined in 49 C.F.R. s. 395.2.

204 (d) A person who operates a commercial motor vehicle solely
205 in intrastate commerce not transporting any hazardous material
206 in amounts that require placarding pursuant to 49 C.F.R. part
207 172 within a 150 air-mile radius of the location where the
208 vehicle is based need not comply with 49 C.F.R. s. 395.8~~7~~ if the
209 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii)(A) and (C),
210 ~~395.1(e)(1)(iii) and (v) are met. If a driver is not released~~
211 ~~from duty within 12 hours after the driver arrives for duty, the~~
212 ~~motor carrier must maintain documentation of the driver's~~



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213 ~~driving times throughout the duty period.~~

214 (f) A person who operates a commercial motor vehicle having
215 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,
216 and gross combined weight rating of less than 26,001 pounds
217 solely in intrastate commerce and who is not transporting
218 hazardous materials in amounts that require placarding pursuant
219 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
220 ~~as defined in s. 376.301,~~ is exempt from subsection (1).

221 However, such person must comply with 49 C.F.R. parts 382, 392,
222 and 393, ~~and~~ with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

223 Section 7. Subsection (3) of section 316.303, Florida
224 Statutes, is amended to read:

225 316.303 Television receivers.—

226 (3) This section does not prohibit the use of an electronic
227 display used in conjunction with a vehicle navigation system; an
228 electronic display used by an operator of a vehicle equipped
229 with autonomous technology, as defined in s. 316.003; or an
230 electronic display used by an operator of a platoon vehicle
231 ~~equipped and operating with driver assistive truck platooning~~
232 ~~technology,~~ as defined in s. 316.003.

233 Section 8. Paragraph (a) of subsection (1) and subsection
234 (24) of section 320.01, Florida Statutes, are amended to read:

235 320.01 Definitions, general.—As used in the Florida
236 Statutes, except as otherwise provided, the term:

237 (1) "Motor vehicle" means:

238 (a) An automobile, motorcycle, truck, trailer, semitrailer,
239 truck tractor and semitrailer combination, or any other vehicle
240 operated on the roads of this state, used to transport persons
241 or property, and propelled by power other than muscular power,



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242 but the term does not include traction engines, road rollers,
243 personal delivery devices and mobile carriers as defined in s.
244 316.003, special mobile equipment as defined in s. 316.003,
245 vehicles that run only upon a track, bicycles, swamp buggies, or
246 mopeds.

247 (24) "Apportionable vehicle" means any vehicle, except
248 recreational vehicles, vehicles displaying restricted plates,
249 city pickup and delivery vehicles, ~~buses used in transportation~~
250 ~~of chartered parties,~~ and government-owned vehicles, which is
251 used or intended for use in two or more member jurisdictions
252 that allocate or proportionally register vehicles and which is
253 used for the transportation of persons for hire or is designed,
254 used, or maintained primarily for the transportation of property
255 and:

256 (a) Is a power unit having a gross vehicle weight in excess
257 of 26,000 pounds;

258 (b) Is a power unit having three or more axles, regardless
259 of weight; or

260 (c) Is used in combination, when the weight of such
261 combination exceeds 26,000 pounds gross vehicle weight.

262
263 Vehicles, or combinations thereof, having a gross vehicle weight
264 of 26,000 pounds or less and two-axle vehicles may be
265 proportionally registered.

266 Section 9. Subsection (19) of section 320.02, Florida
267 Statutes, is amended to read:

268 320.02 Registration required; application for registration;
269 forms.—

270 (19) A personal delivery device and a mobile carrier as



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271 defined in s. 316.003 are ~~is~~ not required to satisfy the
272 registration and insurance requirements of this section.

273 Section 10. Subsection (1) of section 324.021, Florida
274 Statutes, is amended to read:

275 324.021 Definitions; minimum insurance required.—The
276 following words and phrases when used in this chapter shall, for
277 the purpose of this chapter, have the meanings respectively
278 ascribed to them in this section, except in those instances
279 where the context clearly indicates a different meaning:

280 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
281 designed and required to be licensed for use upon a highway,
282 including trailers and semitrailers designed for use with such
283 vehicles, except traction engines, road rollers, farm tractors,
284 power shovels, and well drillers, and every vehicle that is
285 propelled by electric power obtained from overhead wires but not
286 operated upon rails, but not including any personal delivery
287 device or mobile carrier as defined in s. 316.003, bicycle, or
288 moped. However, the term "motor vehicle" does not include a
289 motor vehicle as defined in s. 627.732(3) when the owner of such
290 vehicle has complied with the requirements of ss. 627.730-
291 627.7405, inclusive, unless the provisions of s. 324.051 apply;
292 and, in such case, the applicable proof of insurance provisions
293 of s. 320.02 apply.

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

296 655.960 Definitions; ss. 655.960-655.965.—As used in this
297 section and ss. 655.961-655.965, unless the context otherwise
298 requires:

299 (1) "Access area" means any paved walkway or sidewalk which



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300 is within 50 feet of any automated teller machine. The term does
301 not include any street or highway open to the use of the public,
302 as defined in s. 316.003(80)(a) or (b) ~~s. 316.003(79)(a) or (b)~~,
303 including any adjacent sidewalk, as defined in s. 316.003.

304

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

306 And the title is amended as follows:

307 Delete lines 2 - 30

308 and insert:

309 An act relating to transportation; amending s.
310 316.003, F.S.; adding, deleting, and revising
311 definitions; amending s. 316.008, F.S.; authorizing a
312 mobile carrier to be operated on sidewalks and
313 crosswalks within a county or municipality when such
314 use is permissible under federal law; providing
315 construction; repealing s. 316.0896, F.S., relating to
316 the assistive truck platooning technology pilot
317 project; creating s. 316.0897, F.S.; exempting the
318 operator of a nonlead vehicle in a platoon from a
319 specified provision; authorizing a platoon to be
320 operated on a roadway in this state after an operator
321 provides notification to the Department of
322 Transportation and the Department of Highway Safety
323 and Motor Vehicles; amending s. 316.2071, F.S.;
324 authorizing a mobile carrier to operate on sidewalks
325 and crosswalks; providing that a mobile carrier
326 operating on a sidewalk or crosswalk has all the
327 rights and duties applicable to a pedestrian under the
328 same circumstances, except that the mobile carrier



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329 must not unreasonably interfere with pedestrians or
330 traffic and must yield the right-of-way to pedestrians
331 on the sidewalk or crosswalk; specifying requirements
332 for a mobile carrier; prohibiting a mobile carrier
333 from taking specified actions; amending s. 316.302,
334 F.S.; revising regulations to which owners and drivers
335 of commercial motor vehicles are subject; delaying the
336 requirement for electronic logging devices and support
337 documents for certain intrastate motor carriers;
338 deleting a limitation on a civil penalty for
339 falsification of certain time records; deleting a
340 requirement that a motor carrier maintain certain
341 documentation of driving times; providing an exemption
342 from specified provisions for a person who operates a
343 commercial motor vehicle having a certain gross
344 vehicle weight, gross vehicle weight rating, and gross
345 combined weight rating; deleting the exemption from
346 such provisions for a person transporting petroleum
347 products; amending s. 316.303, F.S.; conforming a
348 provision to changes made by the act; amending s.
349 320.01, F.S.; revising definitions; amending s.
350 320.02, F.S.; providing that a mobile carrier is not
351 required to satisfy specified registration and
352 insurance requirements; amending s. 324.021, F.S.;
353 revising the definition of the term "motor vehicle";
354 amending s. 655.960, F.S.; conforming a cross-
355 reference; amending s. 320.06, F.S.;