

By Senator Brandes

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1 A bill to be entitled
2 An act relating to autonomous vehicles; amending s.
3 316.003, F.S.; defining, revising, and deleting terms;
4 amending ss. 316.062, 316.063, 316.065, and 316.1975,
5 F.S.; providing applicability; amending s. 316.303,
6 F.S.; exempting an autonomous vehicle being operated
7 in autonomous mode from a certain prohibition on the
8 operation of a motor vehicle if the vehicle is
9 actively displaying certain content that is visible
10 from the driver's seat while the vehicle is in motion;
11 revising construction; amending s. 316.305, F.S.;
12 exempting a motor vehicle operator who is operating an
13 autonomous vehicle from a specified provision;
14 amending s. 316.85, F.S.; providing that a licensed
15 human operator is not required to operate a fully
16 autonomous vehicle; authorizing a fully autonomous
17 vehicle to operate in this state regardless of whether
18 a licensed human operator is physically present in the
19 vehicle; requiring the automated driving system to be
20 deemed to be the operator of an autonomous vehicle
21 operating in autonomous mode, regardless of whether a
22 person is physically present in the vehicle while the
23 vehicle is operating in autonomous mode; providing
24 construction; amending s. 319.145, F.S.; revising
25 requirements for autonomous vehicles registered in
26 this state; specifying requirements for autonomous
27 vehicles that are not fully autonomous and vehicles
28 that are fully autonomous; creating s. 322.015, F.S.;
29 providing applicability; amending s. 339.175, F.S.;

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30 requiring a long-range transportation plan to consider
31 infrastructure and technological improvements
32 necessary to accommodate advances in vehicle
33 technology, such as automated driving systems;
34 amending s. 339.64, F.S.; requiring the Department of
35 Transportation to coordinate with certain partners and
36 industry representatives to consider infrastructure
37 and technological improvements necessary to
38 accommodate advances in vehicle technology, such as
39 automated driving systems, in Strategic Intermodal
40 System facilities; conforming a provision to changes
41 made by the act; amending s. 339.83, F.S.; authorizing
42 the Secretary of Transportation to enroll the state in
43 any federal pilot program or project for the
44 collection and study of data for the review of
45 automated driving systems; amending s. 627.0653, F.S.;

46 authorizing the Office of Insurance Regulation to
47 approve a certain premium discount for the liability,
48 personal injury protection, and collision coverages of
49 a motor vehicle insurance policy if the insured
50 vehicle is equipped with an automated driving system;
51 providing an effective date.

52
53 Be It Enacted by the Legislature of the State of Florida:

54
55 Section 1. Subsection (2) of section 316.003, Florida
56 Statutes, is amended to read:

57 316.003 Definitions.—The following words and phrases, when
58 used in this chapter, shall have the meanings respectively

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59 ascribed to them in this section, except where the context
60 otherwise requires:

61 (2) AUTOMATED DRIVING SYSTEM.—The hardware and software
62 that are collectively capable of performing the entire dynamic
63 driving task of an autonomous vehicle on a sustained basis,
64 regardless of whether it is limited to a specific operational
65 design domain, as specified in SAE International Standard J3016
66 (Revised September 2016). The term “autonomous vehicle” means
67 ~~AUTONOMOUS VEHICLE.~~—any vehicle equipped with an automated
68 driving system designed to function at a level of driving
69 automation of Level 3, 4, or 5, as specified in SAE
70 International Standard J3016 (Revised September 2016). The term
71 “fully autonomous vehicle” means a vehicle equipped with an
72 automated driving system designed to function at a level of
73 driving automation of Level 4 or 5, as specified in SAE
74 International Standard J3016 (Revised September 2016) ~~autonomous~~
75 ~~technology.~~ The term “autonomous technology” means ~~technology~~
76 ~~installed on a motor vehicle that has the capability to drive~~
77 ~~the vehicle on which the technology is installed without the~~
78 ~~active control or monitoring by a human operator.~~ The term
79 ~~excludes a motor vehicle enabled with active safety systems or~~
80 ~~driver assistance systems, including, without limitation, a~~
81 ~~system to provide electronic blind spot assistance, crash~~
82 ~~avoidance, emergency braking, parking assistance, adaptive~~
83 ~~cruise control, lane keep assistance, lane departure warning, or~~
84 ~~traffic jam and queuing assistant, unless any such system alone~~
85 ~~or in combination with other systems enables the vehicle on~~
86 ~~which the technology is installed to drive without active~~
87 ~~control or monitoring by a human operator.~~

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88 Section 2. Subsection (5) is added to section 316.062,
89 Florida Statutes, to read:

90 316.062 Duty to give information and render aid.—

91 (5) This section does not apply to a fully autonomous
92 vehicle operating in autonomous mode in the event of a crash
93 involving the vehicle if the vehicle owner, or a person on
94 behalf of the vehicle owner, promptly contacts a law enforcement
95 agency to report the crash or if the autonomous vehicle has the
96 capability of alerting a law enforcement agency to the crash.

97 Section 3. Subsection (4) is added to section 316.063,
98 Florida Statutes, to read:

99 316.063 Duty upon damaging unattended vehicle or other
100 property.—

101 (4) This section does not apply to a fully autonomous
102 vehicle operating in autonomous mode in the event of a crash
103 involving the vehicle if the vehicle owner, or a person on
104 behalf of the vehicle owner, promptly contacts a law enforcement
105 agency to report the crash or if the autonomous vehicle has the
106 capability of alerting a law enforcement agency to the crash.

107 Section 4. Subsection (5) is added to section 316.065,
108 Florida Statutes, to read:

109 316.065 Crashes; reports; penalties.—

110 (5) Subsection (1) does not apply to a fully autonomous
111 vehicle operating in autonomous mode in the event of a crash
112 involving the vehicle if the vehicle owner, or a person on
113 behalf of the vehicle owner, promptly contacts a law enforcement
114 agency to report the crash or if the autonomous vehicle has the
115 capability of alerting a law enforcement agency to the crash.

116 Section 5. Subsection (3) is added to section 316.1975,

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117 Florida Statutes, to read:

118 316.1975 Unattended motor vehicle.—

119 (3) This section does not apply to a fully autonomous
120 vehicle operating in autonomous mode.

121 Section 6. Section 316.303, Florida Statutes, is amended to
122 read:

123 316.303 Television receivers.—

124 (1) No motor vehicle may be operated on the highways of
125 this state if the vehicle is actively displaying moving
126 television broadcast or pre-recorded video entertainment content
127 that is visible from the driver's seat while the vehicle is in
128 motion, unless the vehicle is an autonomous vehicle ~~equipped~~
129 ~~with autonomous technology~~, as defined in s. 316.003(2), and is
130 being operated in autonomous mode, ~~as provided in s. 316.85(2).~~

131 (2) This section does not prohibit the use of television-
132 type receiving equipment used exclusively for safety or law
133 enforcement purposes, provided such use is approved by the
134 department.

135 (3) This section does not prohibit the use of an electronic
136 display used in conjunction with a vehicle navigation system; an
137 electronic display used by an operator of an autonomous vehicle
138 ~~a vehicle equipped with autonomous technology~~, as defined in s.
139 316.003(2) ~~s. 316.003~~; or an electronic display used by an
140 operator of a vehicle equipped and operating with driver-
141 assistive truck platooning technology, as defined in s. 316.003.

142 (4) A violation of this section is a noncriminal traffic
143 infraction, punishable as a nonmoving violation as provided in
144 chapter 318.

145 Section 7. Paragraph (b) of subsection (3) of section

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146 316.305, Florida Statutes, is amended to read:

147 316.305 Wireless communications devices; prohibition.-

148 (3)

149 (b) Paragraph (a) does not apply to a motor vehicle
150 operator who is:

151 1. Performing official duties as an operator of an
152 authorized emergency vehicle as defined in s. 322.01, a law
153 enforcement or fire service professional, or an emergency
154 medical services professional.

155 2. Reporting an emergency or criminal or suspicious
156 activity to law enforcement authorities.

157 3. Receiving messages that are:

158 a. Related to the operation or navigation of the motor
159 vehicle;

160 b. Safety-related information, including emergency,
161 traffic, or weather alerts;

162 c. Data used primarily by the motor vehicle; or

163 d. Radio broadcasts.

164 4. Using a device or system for navigation purposes.

165 5. Conducting wireless interpersonal communication that
166 does not require manual entry of multiple letters, numbers, or
167 symbols, except to activate, deactivate, or initiate a feature
168 or function.

169 6. Conducting wireless interpersonal communication that
170 does not require reading text messages, except to activate,
171 deactivate, or initiate a feature or function.

172 7. Operating an autonomous vehicle, as defined in s.
173 316.003(2) ~~s. 316.003~~, in autonomous mode.

174 Section 8. Section 316.85, Florida Statutes, is amended to

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175 read:

176 316.85 Autonomous vehicles; operation; compliance with
177 traffic and motor vehicle laws.-

178 (1) Notwithstanding any other law, a licensed human
179 operator is not required to operate a fully autonomous vehicle A
180 ~~person who possesses a valid driver license may operate an~~
181 ~~autonomous vehicle in autonomous mode on roads in this state if~~
182 ~~the vehicle is equipped with autonomous technology, as defined~~
183 ~~in s. 316.003(2) s. 316.003.~~

184 (2) A fully autonomous vehicle may operate in this state
185 regardless of whether a licensed human operator is physically
186 present in the vehicle.

187 (3) (a) For purposes of this chapter, unless the context
188 otherwise requires, the automated driving system a person shall
189 be deemed to be the operator of an autonomous vehicle operating
190 in autonomous mode ~~when the person causes the vehicle's~~
191 ~~autonomous technology to engage, regardless of whether a the~~
192 person is physically present in the vehicle while the vehicle is
193 operating in autonomous mode.

194 (b) Unless otherwise provided by law, applicable traffic or
195 motor vehicle laws of this state may not be construed to:

196 1. Prohibit the automated driving system from being deemed
197 the operator of an autonomous vehicle operating in autonomous
198 mode.

199 2. Require a licensed human operator to operate a fully
200 autonomous vehicle.

201 Section 9. Section 319.145, Florida Statutes, is amended to
202 read:

203 319.145 Autonomous vehicles.-

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204 (1) An autonomous vehicle registered in this state must
205 meet all of the following requirements:

206 (a) Have been certified by the vehicle manufacturer as
207 meeting ~~continue to meet~~ applicable federal standards and
208 regulations for such motor vehicle at the time of its
209 manufacture.

210 (b) Be capable of being operated in compliance with the
211 applicable traffic and motor vehicle laws of this state, whether
212 or not the vehicle is operating in autonomous mode.

213 (c) Have a means, inside the vehicle, to visually indicate
214 when the vehicle is operating in autonomous mode.

215 (2) If the autonomous vehicle is not fully autonomous, the
216 vehicle must:

217 ~~(a)~~ have a system to safely alert a licensed human ~~the~~
218 operator physically present in the vehicle if an automated
219 driving system ~~autonomous technology~~ failure is detected while
220 the automated driving system ~~autonomous technology~~ is engaged.
221 When an alert is given, the system must:

222 ~~1.~~ require the licensed human operator to take control of
223 the autonomous vehicle; ~~or~~

224 ~~2. If the operator does not, or is not able to, take~~
225 ~~control of the autonomous vehicle, be capable of bringing the~~
226 ~~vehicle to a complete stop.~~

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

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

231 (3) If the vehicle is a fully autonomous vehicle, the
232 automated driving system must be capable of bringing the vehicle

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233 to a complete stop if a failure of the system occurs.

234 (4)~~(2)~~ Federal regulations promulgated by the National
235 Highway Traffic Safety Administration shall supersede this
236 section when found to be in conflict with this section.

237 Section 10. Section 322.015, Florida Statutes, is created
238 to read:

239 322.015 Exemption.—The requirements of this chapter do not
240 apply when a fully autonomous vehicle is operated in autonomous
241 mode without a licensed human operator physically present in the
242 vehicle.

243 Section 11. Paragraph (c) of subsection (7) of section
244 339.175, Florida Statutes, is amended to read:

245 339.175 Metropolitan planning organization.—

246 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
247 develop a long-range transportation plan that addresses at least
248 a 20-year planning horizon. The plan must include both long-
249 range and short-range strategies and must comply with all other
250 state and federal requirements. The prevailing principles to be
251 considered in the long-range transportation plan are: preserving
252 the existing transportation infrastructure; enhancing Florida's
253 economic competitiveness; and improving travel choices to ensure
254 mobility. The long-range transportation plan must be consistent,
255 to the maximum extent feasible, with future land use elements
256 and the goals, objectives, and policies of the approved local
257 government comprehensive plans of the units of local government
258 located within the jurisdiction of the M.P.O. Each M.P.O. is
259 encouraged to consider strategies that integrate transportation
260 and land use planning to provide for sustainable development and
261 reduce greenhouse gas emissions. The approved long-range

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262 transportation plan must be considered by local governments in
263 the development of the transportation elements in local
264 government comprehensive plans and any amendments thereto. The
265 long-range transportation plan must, at a minimum:

266 (c) Assess capital investment and other measures necessary
267 to:

268 1. Ensure the preservation of the existing metropolitan
269 transportation system including requirements for the operation,
270 resurfacing, restoration, and rehabilitation of major roadways
271 and requirements for the operation, maintenance, modernization,
272 and rehabilitation of public transportation facilities; and

273 2. Make the most efficient use of existing transportation
274 facilities to relieve vehicular congestion, improve safety, and
275 maximize the mobility of people and goods. Such efforts must
276 include, but are not limited to, consideration of infrastructure
277 and technological improvements necessary to accommodate advances
278 in vehicle technology, such as automated driving systems
279 ~~autonomous technology~~ and other developments.

280
281 In the development of its long-range transportation plan, each
282 M.P.O. must provide the public, affected public agencies,
283 representatives of transportation agency employees, freight
284 shippers, providers of freight transportation services, private
285 providers of transportation, representatives of users of public
286 transit, and other interested parties with a reasonable
287 opportunity to comment on the long-range transportation plan.
288 The long-range transportation plan must be approved by the
289 M.P.O.

290 Section 12. Paragraph (c) of subsection (3) and paragraph

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291 (a) of subsection (4) of section 339.64, Florida Statutes, are
292 amended to read:

293 339.64 Strategic Intermodal System Plan.—

294 (3)

295 (c) The department shall coordinate with federal, regional,
296 and local partners, as well as industry representatives, to
297 consider infrastructure and technological improvements necessary
298 to accommodate advances in vehicle technology, such as automated
299 driving systems ~~autonomous technology~~ and other developments, in
300 Strategic Intermodal System facilities.

301 (4) The Strategic Intermodal System Plan shall include the
302 following:

303 (a) A needs assessment that must include, but is not
304 limited to, consideration of infrastructure and technological
305 improvements necessary to accommodate advances in vehicle
306 technology, such as automated driving systems ~~autonomous~~
307 ~~technology~~ and other developments.

308 Section 13. Section 339.83, Florida Statutes, is amended to
309 read:

310 339.83 Enrollment in federal pilot programs.—The Secretary
311 of Transportation may enroll the State of Florida in any federal
312 pilot program or project for the collection and study of data
313 for the review of federal or state roadway safety,
314 infrastructure sustainability, congestion mitigation,
315 transportation system efficiency, automated driving systems
316 ~~autonomous vehicle technology~~, or capacity challenges.

317 Section 14. Subsection (6) of section 627.0653, Florida
318 Statutes, is amended to read:

319 627.0653 Insurance discounts for specified motor vehicle

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320 equipment.-

321 (6) The Office of Insurance Regulation may approve a
322 premium discount to any rates, rating schedules, or rating
323 manuals for the liability, personal injury protection, and
324 collision coverages of a motor vehicle insurance policy filed
325 with the office if the insured vehicle is equipped with an
326 automated driving system ~~autonomous driving technology~~ or
327 electronic vehicle collision avoidance technology that is
328 factory installed or a retrofitted system and that complies with
329 National Highway Traffic Safety Administration standards.

330 Section 15. This act shall take effect July 1, 2018.