

By the Committee on Transportation; and Senator Brandes

596-02448-18

2018712c1

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; authorizing the Florida Turnpike
25 Enterprise to fund, construct, and operate test
26 facilities for the advancement of autonomous,
27 connected, and innovative transportation technology
28 solutions for specified purposes; amending s. 319.145,
29 F.S.; revising requirements for autonomous vehicles

596-02448-18

2018712c1

30 registered in this state; specifying requirements for
31 autonomous vehicles that are not fully autonomous and
32 vehicles that are fully autonomous; creating s.
33 322.015, F.S.; providing applicability; creating s.
34 324.033, F.S.; providing insurance requirements for
35 all fully autonomous vehicles; authorizing the owner
36 or operator of an autonomous vehicle used for certain
37 purposes to prove financial responsibility by
38 furnishing satisfactory evidence of having certain
39 automobile insurance; amending s. 339.175, F.S.;

40 requiring a long-range transportation plan to consider
41 infrastructure and technological improvements
42 necessary to accommodate advances in vehicle
43 technology, such as automated driving systems;
44 amending s. 339.64, F.S.; requiring the Department of
45 Transportation to coordinate with certain partners and
46 industry representatives to consider infrastructure
47 and technological improvements necessary to
48 accommodate advances in vehicle technology, such as
49 automated driving systems, in Strategic Intermodal
50 System facilities; conforming a provision to changes
51 made by the act; amending s. 339.83, F.S.; authorizing
52 the Secretary of Transportation to enroll the state in
53 any federal pilot program or project for the
54 collection and study of data for the review of
55 automated driving systems; amending s. 627.0653, F.S.;

56 authorizing the Office of Insurance Regulation to
57 approve a certain premium discount for the liability,
58 personal injury protection, and collision coverages of

596-02448-18

2018712c1

59 a motor vehicle insurance policy if the insured
60 vehicle is equipped with an automated driving system;
61 amending s. 627.748, F.S.; deleting an obsolete
62 provision; beginning on a specified date, providing
63 that specified insurance requirements apply to all
64 autonomous vehicles used by a transportation network
65 company (TNC) during prearranged rides while the
66 vehicles are being driven by an automated driving
67 system; providing an effective date.

68
69 Be It Enacted by the Legislature of the State of Florida:

70
71 Section 1. Subsection (2) of section 316.003, Florida
72 Statutes, is amended to read:

73 316.003 Definitions.—The following words and phrases, when
74 used in this chapter, shall have the meanings respectively
75 ascribed to them in this section, except where the context
76 otherwise requires:

77 (2) AUTOMATED DRIVING SYSTEM.—The hardware and software
78 that are collectively capable of performing the entire dynamic
79 driving task of an autonomous vehicle on a sustained basis,
80 regardless of whether it is limited to a specific operational
81 design domain, as specified in SAE International Standard J3016
82 (Revised September 2016). The term “autonomous vehicle” means
83 AUTONOMOUS VEHICLE.—any vehicle equipped with an automated
84 driving system designed to function at a level of driving
85 automation of Level 3, 4, or 5, as specified in SAE
86 International Standard J3016 (Revised September 2016). The term
87 “fully autonomous vehicle” means a vehicle equipped with an

596-02448-18

2018712c1

88 automated driving system designed to function at a level of
89 driving automation of Level 4 or 5, as specified in SAE
90 International Standard J3016 (Revised September 2016) autonomous
91 ~~technology. The term "autonomous technology" means technology~~
92 ~~installed on a motor vehicle that has the capability to drive~~
93 ~~the vehicle on which the technology is installed without the~~
94 ~~active control or monitoring by a human operator. The term~~
95 ~~excludes a motor vehicle enabled with active safety systems or~~
96 ~~driver assistance systems, including, without limitation, a~~
97 ~~system to provide electronic blind spot assistance, crash~~
98 ~~avoidance, emergency braking, parking assistance, adaptive~~
99 ~~cruise control, lane keep assistance, lane departure warning, or~~
100 ~~traffic jam and queuing assistant, unless any such system alone~~
101 ~~or in combination with other systems enables the vehicle on~~
102 ~~which the technology is installed to drive without active~~
103 ~~control or monitoring by a human operator.~~

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

106 316.062 Duty to give information and render aid.—

107 (5) This section does not apply to a fully autonomous
108 vehicle operating in autonomous mode in the event of a crash
109 involving the vehicle if the vehicle owner, or a person on
110 behalf of the vehicle owner, promptly contacts a law enforcement
111 agency to report the crash or if the autonomous vehicle has the
112 capability of alerting a law enforcement agency to the crash.

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

115 316.063 Duty upon damaging unattended vehicle or other
116 property.—

596-02448-18

2018712c1

117 (4) This section does not apply to a fully autonomous
118 vehicle operating in autonomous mode in the event of a crash
119 involving the vehicle if the vehicle owner, or a person on
120 behalf of the vehicle owner, promptly contacts a law enforcement
121 agency to report the crash or if the autonomous vehicle has the
122 capability of alerting a law enforcement agency to the crash.

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

125 316.065 Crashes; reports; penalties.—

126 (5) Subsection (1) does not apply to a fully autonomous
127 vehicle operating in autonomous mode in the event of a crash
128 involving the vehicle if the vehicle owner, or a person on
129 behalf of the vehicle owner, promptly contacts a law enforcement
130 agency to report the crash or if the autonomous vehicle has the
131 capability of alerting a law enforcement agency to the crash.

132 Section 5. Subsection (3) is added to section 316.1975,
133 Florida Statutes, to read:

134 316.1975 Unattended motor vehicle.—

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

137 Section 6. Section 316.303, Florida Statutes, is amended to
138 read:

139 316.303 Television receivers.—

140 (1) No motor vehicle may be operated on the highways of
141 this state if the vehicle is actively displaying moving
142 television broadcast or pre-recorded video entertainment content
143 that is visible from the driver's seat while the vehicle is in
144 motion, unless the vehicle is an autonomous vehicle ~~equipped~~
145 ~~with autonomous technology~~, as defined in s. 316.003(2), and is

596-02448-18

2018712c1

146 being operated in autonomous mode, ~~as provided in s. 316.85(2)~~.

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

151 (3) This section does not prohibit the use of an electronic
152 display used in conjunction with a vehicle navigation system; an
153 electronic display used by an operator of an autonomous vehicle
154 ~~a vehicle equipped with autonomous technology~~, as defined in s.
155 316.003(2) ~~s. 316.003~~; or an electronic display used by an
156 operator of a vehicle equipped and operating with driver-
157 assistive truck platooning technology, as defined in s. 316.003.

158 (4) A violation of this section is a noncriminal traffic
159 infraction, punishable as a nonmoving violation as provided in
160 chapter 318.

161 Section 7. Paragraph (b) of subsection (3) of section
162 316.305, Florida Statutes, is amended to read:

163 316.305 Wireless communications devices; prohibition.-

164 (3)

165 (b) Paragraph (a) does not apply to a motor vehicle
166 operator who is:

167 1. Performing official duties as an operator of an
168 authorized emergency vehicle as defined in s. 322.01, a law
169 enforcement or fire service professional, or an emergency
170 medical services professional.

171 2. Reporting an emergency or criminal or suspicious
172 activity to law enforcement authorities.

173 3. Receiving messages that are:

174 a. Related to the operation or navigation of the motor

596-02448-18

2018712c1

175 vehicle;

176 b. Safety-related information, including emergency,
177 traffic, or weather alerts;

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

179 d. Radio broadcasts.

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

181 5. Conducting wireless interpersonal communication that
182 does not require manual entry of multiple letters, numbers, or
183 symbols, except to activate, deactivate, or initiate a feature
184 or function.

185 6. Conducting wireless interpersonal communication that
186 does not require reading text messages, except to activate,
187 deactivate, or initiate a feature or function.

188 7. Operating an autonomous vehicle, as defined in s.
189 316.003(2) ~~s. 316.003~~, in autonomous mode.

190 Section 8. Section 316.85, Florida Statutes, is amended to
191 read:

192 316.85 Autonomous vehicles; operation; compliance with
193 traffic and motor vehicle laws.—

194 (1) Notwithstanding any other law, a licensed human
195 operator is not required to operate a fully autonomous vehicle ~~A~~
196 ~~person who possesses a valid driver license may operate an~~
197 ~~autonomous vehicle in autonomous mode on roads in this state if~~
198 ~~the vehicle is equipped with autonomous technology, as defined~~
199 in s. 316.003(2) ~~s. 316.003~~.

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

203 (3) (a) For purposes of this chapter, unless the context

596-02448-18

2018712c1

204 otherwise requires, the automated driving system ~~a person~~ shall
205 be deemed to be the operator of an autonomous vehicle operating
206 in autonomous mode ~~when the person causes the vehicle's~~
207 ~~autonomous technology to engage~~, regardless of whether a ~~the~~
208 person is physically present in the vehicle while the vehicle is
209 operating in autonomous mode.

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

212 1. Prohibit the automated driving system from being deemed
213 the operator of an autonomous vehicle operating in autonomous
214 mode.

215 2. Require a licensed human operator to operate a fully
216 autonomous vehicle.

217 (4) The Florida Turnpike Enterprise may fund, construct,
218 and operate test facilities for the advancement of autonomous,
219 connected, and innovative transportation technology solutions
220 for the purposes of improving safety and decreasing congestion
221 for the travelling public and to otherwise advance the
222 enterprise's objectives under chapter 338.

223 Section 9. Section 319.145, Florida Statutes, is amended to
224 read:

225 319.145 Autonomous vehicles.—

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

228 (a) Have been certified by the vehicle manufacturer as
229 meeting ~~continue to meet~~ applicable federal standards and
230 regulations for such motor vehicle at the time of its
231 manufacture.

232 (b) Be capable of being operated in compliance with the

596-02448-18

2018712c1

233 applicable traffic and motor vehicle laws of this state, whether
234 or not the vehicle is operating in autonomous mode.

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

237 (2) If the autonomous vehicle is not fully autonomous, the
238 vehicle must:

239 ~~(a)~~ have a system to safely alert a licensed human ~~the~~
240 operator physically present in the vehicle if an automated
241 driving system ~~autonomous technology~~ failure is detected while
242 the automated driving system ~~autonomous technology~~ is engaged.
243 When an alert is given, the system must:

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

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

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

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

253 (3) If the vehicle is a fully autonomous vehicle, the
254 automated driving system must be capable of bringing the vehicle
255 to a complete stop if a failure of the system occurs.

256 (4) ~~(2)~~ Federal regulations promulgated by the National
257 Highway Traffic Safety Administration shall supersede this
258 section when found to be in conflict with this section.

259 Section 10. Section 322.015, Florida Statutes, is created
260 to read:

261 322.015 Exemption.—The requirements of this chapter do not

596-02448-18

2018712c1

262 apply when a fully autonomous vehicle is operated in autonomous
263 mode without a licensed human operator physically present in the
264 vehicle.

265 Section 11. Section 324.033, Florida Statutes, is created
266 to read:

267 324.033 Manner of proving financial responsibility;
268 autonomous vehicles.-

269 (1) All fully autonomous vehicles must have uninsured and
270 underinsured vehicle coverage as required by s. 627.727,
271 personal injury protection coverage as required by s. 627.736,
272 and liability coverage in the amount of at least \$500,000 for
273 combined bodily injury liability and property damage liability
274 or at least:

275 (a) One hundred thousand for bodily injury to, or the death
276 of, one person in any one accident;

277 (b) Subject to such limits for one person, \$300,000 for
278 bodily injury to, or the death of, two or more persons in any
279 one accident; and

280 (c) Fifty thousand for damage to, or destruction of, the
281 property of others in any one accident.

282 (2) Notwithstanding subsection (1), the owner or operator
283 of an autonomous vehicle, as defined in s. 316.003(2), used
284 commercially for the pickup or delivery of passengers or goods
285 or for providing other services for compensation, except in the
286 circumstance of a digital network connecting a user to a driver
287 or an autonomous vehicle, may prove financial responsibility by
288 furnishing satisfactory evidence of having automobile insurance
289 that provides all of the following:

290 (a) Primary automobile liability coverage of at least \$2

596-02448-18

2018712c1

291 million for death, bodily injury, and property damage.

292 (b) Personal injury protection benefits that meet the
293 minimum coverage required under ss. 627.730-627.7405.

294 (c) Uninsured and underinsured vehicle coverage as required
295 by s. 627.727.

296 Section 12. Paragraph (c) of subsection (7) of section
297 339.175, Florida Statutes, is amended to read:

298 339.175 Metropolitan planning organization.—

299 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
300 develop a long-range transportation plan that addresses at least
301 a 20-year planning horizon. The plan must include both long-
302 range and short-range strategies and must comply with all other
303 state and federal requirements. The prevailing principles to be
304 considered in the long-range transportation plan are: preserving
305 the existing transportation infrastructure; enhancing Florida's
306 economic competitiveness; and improving travel choices to ensure
307 mobility. The long-range transportation plan must be consistent,
308 to the maximum extent feasible, with future land use elements
309 and the goals, objectives, and policies of the approved local
310 government comprehensive plans of the units of local government
311 located within the jurisdiction of the M.P.O. Each M.P.O. is
312 encouraged to consider strategies that integrate transportation
313 and land use planning to provide for sustainable development and
314 reduce greenhouse gas emissions. The approved long-range
315 transportation plan must be considered by local governments in
316 the development of the transportation elements in local
317 government comprehensive plans and any amendments thereto. The
318 long-range transportation plan must, at a minimum:

319 (c) Assess capital investment and other measures necessary

596-02448-18

2018712c1

320 to:

321 1. Ensure the preservation of the existing metropolitan
322 transportation system including requirements for the operation,
323 resurfacing, restoration, and rehabilitation of major roadways
324 and requirements for the operation, maintenance, modernization,
325 and rehabilitation of public transportation facilities; and

326 2. Make the most efficient use of existing transportation
327 facilities to relieve vehicular congestion, improve safety, and
328 maximize the mobility of people and goods. Such efforts must
329 include, but are not limited to, consideration of infrastructure
330 and technological improvements necessary to accommodate advances
331 in vehicle technology, such as automated driving systems
332 ~~autonomous technology~~ and other developments.

333

334 In the development of its long-range transportation plan, each
335 M.P.O. must provide the public, affected public agencies,
336 representatives of transportation agency employees, freight
337 shippers, providers of freight transportation services, private
338 providers of transportation, representatives of users of public
339 transit, and other interested parties with a reasonable
340 opportunity to comment on the long-range transportation plan.
341 The long-range transportation plan must be approved by the
342 M.P.O.

343 Section 13. Paragraph (c) of subsection (3) and paragraph
344 (a) of subsection (4) of section 339.64, Florida Statutes, are
345 amended to read:

346 339.64 Strategic Intermodal System Plan.—

347 (3)

348 (c) The department shall coordinate with federal, regional,

596-02448-18

2018712c1

349 and local partners, as well as industry representatives, to
350 consider infrastructure and technological improvements necessary
351 to accommodate advances in vehicle technology, such as automated
352 driving systems ~~autonomous technology~~ and other developments, in
353 Strategic Intermodal System facilities.

354 (4) The Strategic Intermodal System Plan shall include the
355 following:

356 (a) A needs assessment that must include, but is not
357 limited to, consideration of infrastructure and technological
358 improvements necessary to accommodate advances in vehicle
359 technology, such as automated driving systems ~~autonomous~~
360 ~~technology~~ and other developments.

361 Section 14. Section 339.83, Florida Statutes, is amended to
362 read:

363 339.83 Enrollment in federal pilot programs.—The Secretary
364 of Transportation may enroll the State of Florida in any federal
365 pilot program or project for the collection and study of data
366 for the review of federal or state roadway safety,
367 infrastructure sustainability, congestion mitigation,
368 transportation system efficiency, automated driving systems
369 ~~autonomous vehicle technology~~, or capacity challenges.

370 Section 15. Subsection (6) of section 627.0653, Florida
371 Statutes, is amended to read:

372 627.0653 Insurance discounts for specified motor vehicle
373 equipment.—

374 (6) The Office of Insurance Regulation may approve a
375 premium discount to any rates, rating schedules, or rating
376 manuals for the liability, personal injury protection, and
377 collision coverages of a motor vehicle insurance policy filed

596-02448-18

2018712c1

378 with the office if the insured vehicle is equipped with an
379 automated driving system ~~autonomous driving technology~~ or
380 electronic vehicle collision avoidance technology that is
381 factory installed or a retrofitted system and that complies with
382 National Highway Traffic Safety Administration standards.

383 Section 16. Subsection (7) of section 627.748, Florida
384 Statutes, is amended to read:

385 627.748 Transportation network companies.—

386 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE
387 REQUIREMENTS.—

388 (a) ~~Beginning July 1, 2017,~~ A TNC driver or a TNC on behalf
389 of the TNC driver shall maintain primary automobile insurance
390 that:

391 1. Recognizes that the TNC driver is a TNC driver or
392 otherwise uses a vehicle to transport riders for compensation;
393 and

394 2. Covers the TNC driver while the TNC driver is logged on
395 to the digital network of the TNC or while the TNC driver is
396 engaged in a prearranged ride.

397 (b) The following automobile insurance requirements apply
398 while a participating TNC driver is logged on to the digital
399 network but is not engaged in a prearranged ride:

400 1. Automobile insurance that provides:

401 a. A primary automobile liability coverage of at least
402 \$50,000 for death and bodily injury per person, \$100,000 for
403 death and bodily injury per incident, and \$25,000 for property
404 damage;

405 b. Personal injury protection benefits that meet the
406 minimum coverage amounts required under ss. 627.730-627.7405;

596-02448-18

2018712c1

407 and

408 c. Uninsured and underinsured vehicle coverage as required
409 by s. 627.727.410 2. The coverage requirements of this paragraph may be
411 satisfied by any of the following:

412 a. Automobile insurance maintained by the TNC driver;

413 b. Automobile insurance maintained by the TNC; or

414 c. A combination of sub-subparagraphs a. and b.

415 (c) The following automobile insurance requirements apply
416 while a TNC driver is engaged in a prearranged ride:

417 1. Automobile insurance that provides:

418 a. A primary automobile liability coverage of at least \$1
419 million for death, bodily injury, and property damage;420 b. Personal injury protection benefits that meet the
421 minimum coverage amounts required of a limousine under ss.
422 627.730-627.7405; and423 c. Uninsured and underinsured vehicle coverage as required
424 by s. 627.727.425 2. The coverage requirements of this paragraph may be
426 satisfied by any of the following:

427 a. Automobile insurance maintained by the TNC driver;

428 b. Automobile insurance maintained by the TNC; or

429 c. A combination of sub-subparagraphs a. and b.

430 (d) Beginning July 1, 2018, the following insurance
431 requirements apply to all autonomous vehicles, as defined in s.
432 316.003(2), used by a TNC during prearranged rides while the
433 vehicles are being driven by an automated driving system:434 1. Primary automobile liability coverage of at least \$1
435 million for death, bodily injury, and property damage;

596-02448-18

2018712c1

436 2. Personal injury protection benefits that meet the
437 minimum coverage amounts required of a limousine under ss.
438 627.730-627.7405; and

439 3. Uninsured and underinsured vehicle coverage as required
440 by s. 627.727.

441 (e)~~(d)~~ If the TNC driver's insurance under paragraph (b) or
442 paragraph (c) has lapsed or does not provide the required
443 coverage, the insurance maintained by the TNC must provide the
444 coverage required under this subsection, beginning with the
445 first dollar of a claim, and have the duty to defend such claim.

446 (f)~~(e)~~ Coverage under an automobile insurance policy
447 maintained by the TNC must not be dependent on a personal
448 automobile insurer first denying a claim, and a personal
449 automobile insurance policy is not required to first deny a
450 claim.

451 (g)~~(f)~~ Insurance required under this subsection must be
452 provided by an insurer authorized to do business in this state
453 which is a member of the Florida Insurance Guaranty Association
454 or an eligible surplus lines insurer that has a superior,
455 excellent, exceptional, or equivalent financial strength rating
456 by a rating agency acceptable to the Office of Insurance
457 Regulation of the Financial Services Commission.

458 (h)~~(g)~~ Insurance satisfying the requirements under this
459 subsection is deemed to satisfy the financial responsibility
460 requirement for a motor vehicle under chapter 324 and the
461 security required under s. 627.733 for any period when the TNC
462 driver is logged onto the digital network or engaged in a
463 prearranged ride.

464 (i)~~(h)~~ A TNC driver shall carry proof of coverage

596-02448-18

2018712c1

465 satisfying paragraphs (b) and (c) with him or her at all times
466 during his or her use of a TNC vehicle in connection with a
467 digital network. In the event of an accident, a TNC driver shall
468 provide this insurance coverage information to any party
469 directly involved in the accident or the party's designated
470 representative, automobile insurers, and investigating police
471 officers. Proof of financial responsibility may be presented
472 through an electronic device, such as a digital phone
473 application, under s. 316.646. Upon request, a TNC driver shall
474 also disclose to any party directly involved in the accident or
475 the party's designated representative, automobile insurers, and
476 investigating police officers whether he or she was logged on to
477 a digital network or was engaged in a prearranged ride at the
478 time of the accident.

479 (j)~~(i)~~ If a TNC's insurer makes a payment for a claim
480 covered under comprehensive coverage or collision coverage, the
481 TNC shall cause its insurer to issue the payment directly to the
482 business repairing the vehicle or jointly to the owner of the
483 vehicle and the primary lienholder on the covered vehicle.

484 Section 17. This act shall take effect July 1, 2018.