

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.; revising and providing definitions;
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 a fully autonomous vehicle being
7 operated with the automated driving system engaged
8 from a prohibition on the active display of television
9 or video; amending s. 316.305, F.S.; exempting a motor
10 vehicle operator who is operating an autonomous
11 vehicle from a prohibition on the use of wireless
12 communications devices; amending s. 316.85, F.S.;
13 providing that a licensed human operator is not
14 required to operate a fully autonomous vehicle;
15 authorizing a fully autonomous vehicle to operate in
16 this state regardless of whether a human operator is
17 physically present in the vehicle; requiring the
18 automated driving system to be deemed to be the
19 operator of an autonomous vehicle operating with the
20 automated driving system engaged; providing
21 construction; authorizing the Florida Turnpike
22 Enterprise to fund, construct, and operate certain
23 test facilities and undertake certain research and
24 development projects; providing requirements for
25 operation of on-demand autonomous vehicle networks;
26 providing legislative intent; prohibiting a local
27 government from imposing any tax, fee, for-hire
28 vehicle requirement, or other requirement on automated
29 driving systems or autonomous vehicles or on a person

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30 who operates an autonomous vehicle; amending s.
31 319.145, F.S.; revising requirements for autonomous
32 vehicles registered in this state; creating s.
33 322.015, F.S.; providing applicability; amending ss.
34 339.175, 339.64, 339.83, and 627.0653, F.S.;
35 conforming provisions to changes made by the act;
36 amending s. 655.960, F.S.; conforming a cross-
37 reference; providing an effective date.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Present subsections (48) through (101) of
42 section 316.003, Florida Statutes, are renumbered as subsections
43 (49) through (102), respectively, subsection (3) and present
44 subsection (59) are amended, and a new subsection (48) is added
45 to that section, to read:

46 316.003 Definitions.—The following words and phrases, when
47 used in this chapter, shall have the meanings respectively
48 ascribed to them in this section, except where the context
49 otherwise requires:

50 (3) AUTOMATED DRIVING SYSTEM ~~AUTONOMOUS VEHICLE~~.—The
51 hardware and software that are collectively capable of
52 performing the entire dynamic driving task of an autonomous
53 vehicle on a sustained basis, regardless of whether it is
54 limited to a specific operational design domain. The term:

55 (a) "Autonomous vehicle" means any vehicle equipped with an
56 automated driving system.

57 (b) "Dynamic driving task" means all of the real-time
58 operational and tactical functions required to operate a vehicle

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59 in on-road traffic within its specific operational design
60 domain, if any, excluding strategic functions such as trip
61 scheduling and selection of destinations and waypoints.

62 (c) "Fully autonomous vehicle" means a vehicle equipped
63 with an automated driving system designed to function without
64 autonomous technology. The term "autonomous technology" means
65 technology installed on a motor vehicle that has the capability
66 to drive the vehicle on which the technology is installed
67 without the active control or monitoring by a human operator.
68 The term excludes a motor vehicle enabled with active safety
69 systems or driver assistance systems, including, without
70 limitation, a system to provide electronic blind spot
71 assistance, crash avoidance, emergency braking, parking
72 assistance, adaptive cruise control, lane keep assistance, lane
73 departure warning, or traffic jam and queuing assistant, unless
74 any such system alone or in combination with other systems
75 enables the vehicle on which the technology is installed to
76 drive without active control or monitoring by a human operator.

77 (d) "Operational design domain" means a description of the
78 specific operating domain in which an automated driving system
79 is designed to properly operate, including, but not limited to,
80 roadway types, speed ranges, environmental conditions such as
81 weather and time of day, and other domain constraints.

82 (48) ON-DEMAND AUTONOMOUS VEHICLE NETWORK.—A passenger
83 transportation network that uses a software application or other
84 digital means to connect passengers to fully autonomous
85 vehicles, exclusively or in addition to other vehicles, for
86 transportation, including for-hire transportation and
87 transportation for compensation.

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88 ~~(60)(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
89 provided in paragraph (82)(b) ~~(81)(b)~~, any privately owned way
90 or place used for vehicular travel by the owner and those having
91 express or implied permission from the owner, but not by other
92 persons.

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

95 316.062 Duty to give information and render aid.—

96 (5) This section does not apply to a fully autonomous
97 vehicle, operating with the automated driving system engaged, in
98 the event of a crash involving the vehicle if the vehicle owner,
99 or a person on behalf of the vehicle owner, promptly contacts a
100 law enforcement agency to report the crash or if the fully
101 autonomous vehicle has the capability of alerting a law
102 enforcement agency to the crash.

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

105 316.063 Duty upon damaging unattended vehicle or other
106 property.—

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

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

116 316.065 Crashes; reports; penalties.—

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117 (5) Subsection (1) does not apply to a fully autonomous
118 vehicle, operating with the automated driving system engaged, in
119 the event of a crash involving the vehicle if the vehicle owner,
120 or a person on behalf of the vehicle owner, promptly contacts a
121 law enforcement agency to report the crash or if the fully
122 autonomous vehicle has the capability of alerting a law
123 enforcement agency to the crash.

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

126 316.1975 Unattended motor vehicle.—

127 (3) This section does not apply to a fully autonomous
128 vehicle operating with the automated driving system engaged.

129 Section 6. Section 316.303, Florida Statutes, is amended to
130 read:

131 316.303 Television receivers.—

132 (1) A ~~No~~ motor vehicle may not be operated on the highways
133 of this state if the vehicle is actively displaying moving
134 television broadcast or pre-recorded video entertainment content
135 that is visible from the driver's seat while the vehicle is in
136 motion, unless the vehicle is a fully equipped with autonomous
137 vehicle technology, as defined in s. 316.003(3), and is being
138 operated with the automated driving system engaged ~~in autonomous~~
139 ~~mode, as provided in s. 316.85(2).~~

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

144 (3) This section does not prohibit the use of an electronic
145 display used in conjunction with a vehicle navigation system; an

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146 electronic display used by an operator of an autonomous a
147 vehicle ~~equipped with autonomous technology~~, as defined in s.
148 316.003(3); or an electronic display used by an operator of a
149 vehicle equipped and operating with driver-assistive truck
150 platooning technology, as defined in s. 316.003.

151 (4) A violation of this section is a noncriminal traffic
152 infraction, punishable as a nonmoving violation as provided in
153 chapter 318.

154 Section 7. Paragraph (b) of subsection (3) of section
155 316.305, Florida Statutes, is amended to read:

156 316.305 Wireless communications devices; prohibition.-

157 (3)

158 (b) Paragraph (a) does not apply to a motor vehicle
159 operator who is:

160 1. Performing official duties as an operator of an
161 authorized emergency vehicle as defined in s. 322.01, a law
162 enforcement or fire service professional, or an emergency
163 medical services professional.

164 2. Reporting an emergency or criminal or suspicious
165 activity to law enforcement authorities.

166 3. Receiving messages that are:

167 a. Related to the operation or navigation of the motor
168 vehicle;

169 b. Safety-related information, including emergency,
170 traffic, or weather alerts;

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

172 d. Radio broadcasts.

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

174 5. Conducting wireless interpersonal communication that

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175 does not require manual entry of multiple letters, numbers, or
176 symbols, except to activate, deactivate, or initiate a feature
177 or function.

178 6. Conducting wireless interpersonal communication that
179 does not require reading text messages, except to activate,
180 deactivate, or initiate a feature or function.

181 7. Operating an autonomous vehicle, as defined in s.
182 316.003(3) ~~s. 316.003~~, with the automated driving system engaged
183 ~~in autonomous mode.~~

184 Section 8. Section 316.85, Florida Statutes, is amended to
185 read:

186 316.85 Autonomous vehicles; operation; compliance with
187 traffic and motor vehicle laws; testing; preemption.-

188 (1) Notwithstanding any other law, a licensed human
189 operator is not required to operate a fully autonomous vehicle ~~A~~
190 ~~person who possesses a valid driver license may operate an~~
191 ~~autonomous vehicle in autonomous mode on roads in this state if~~
192 ~~the vehicle is equipped with autonomous technology,~~ as defined
193 in s. 316.003(3) ~~s. 316.003~~.

194 (2) A fully autonomous vehicle may operate in this state
195 regardless of whether a human operator is physically present in
196 the vehicle.

197 (3) (a) ~~(2)~~ For purposes of this chapter, unless the context
198 otherwise requires, the automated driving system, when engaged,
199 ~~a person~~ shall be deemed to be the operator of an autonomous
200 vehicle ~~operating in autonomous mode when the person causes the~~
201 ~~vehicle's autonomous technology to engage,~~ regardless of whether
202 a ~~the~~ person is physically present in the vehicle while the
203 vehicle is operating with the automated driving system engaged

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204 ~~in autonomous mode.~~

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

207 1. Prohibit the automated driving system from being deemed
208 the operator of an autonomous vehicle operating with the
209 automated driving system engaged.

210 2. Require a licensed human operator to operate a fully
211 autonomous vehicle.

212 (4) The Florida Turnpike Enterprise may fund, construct,
213 and operate test facilities and undertake research and
214 development projects for the advancement of autonomous and
215 connected innovative transportation technology solutions for the
216 purposes of improving safety and decreasing congestion for the
217 traveling public and to otherwise advance the objectives of the
218 Florida Turnpike Enterprise as set forth in the Florida
219 Transportation Code.

220 (5) An on-demand autonomous vehicle network may operate
221 pursuant to state laws governing the operation of transportation
222 network companies and transportation network company vehicles as
223 defined in s. 627.748, except that any provision of s. 627.748
224 which reasonably applies only to a human driver does not apply
225 to the operation of a fully autonomous vehicle with the
226 automated driving system engaged in an on-demand autonomous
227 vehicle network.

228 (6) It is the intent of the Legislature to provide for
229 uniformity of laws governing autonomous vehicles throughout the
230 state. A local government may not impose any tax, fee, for-hire
231 vehicle requirement, or other requirement on automated driving
232 systems or autonomous vehicles or on a person who operates an

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233 autonomous vehicle, including, but not limited to, a person who
234 operates an autonomous vehicle for purposes of providing
235 passenger transportation services.

236 Section 9. Section 319.145, Florida Statutes, is amended to
237 read:

238 319.145 Autonomous vehicles.—

239 (1) An autonomous vehicle registered in this state must
240 ~~continue to~~ meet all of the following requirements:

241 (a) When required by federal law:

242 1. Has been certified in accordance with federal
243 regulations in 49 C.F.R. part 567 as being in compliance with
244 applicable federal motor vehicle safety standards.

245 2. Bear the required certification label or labels,
246 including reference to any exemption granted under applicable
247 federal law.

248 (b) Be capable of being operated in compliance with the
249 applicable traffic and motor vehicle laws of this state,
250 regardless of whether the vehicle is operating with the
251 automated driving system engaged.

252 (2) If the autonomous vehicle is not fully autonomous,
253 ~~applicable federal standards and regulations for such motor~~
254 ~~vehicle.~~ the vehicle must:

255 ~~(a)~~ have a system to safely alert a licensed human ~~the~~
256 operator physically present in the vehicle if an automated
257 driving system ~~autonomous technology~~ failure is detected while
258 the automated driving system ~~autonomous technology~~ is engaged.
259 When an alert is given, the system must:

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

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

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

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

269 (3) If the autonomous vehicle is fully autonomous, it must
270 be able to achieve a minimal risk condition if a failure of the
271 automated driving system occurs which renders that system unable
272 to perform the entire dynamic driving task relevant to its
273 intended operational design domain. The term "minimal risk
274 condition" means a reasonably safe state, such as bringing the
275 vehicle to a complete stop and activating the vehicle's hazard
276 lamps.

277 (4)~~(2)~~ Federal regulations promulgated by the National
278 Highway Traffic Safety Administration shall supersede this
279 section when found to be in conflict with this section.

280 Section 10. Section 322.015, Florida Statutes, is created
281 to read:

282 322.015 Exemption.—This chapter does not apply when a fully
283 autonomous vehicle is operated with the automated driving system
284 engaged and without a human operator.

285 Section 11. Paragraph (c) of subsection (7) of section
286 339.175, Florida Statutes, is amended to read:

287 339.175 Metropolitan planning organization.—

288 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
289 develop a long-range transportation plan that addresses at least
290 a 20-year planning horizon. The plan must include both long-

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291 range and short-range strategies and must comply with all other
292 state and federal requirements. The prevailing principles to be
293 considered in the long-range transportation plan are: preserving
294 the existing transportation infrastructure; enhancing Florida's
295 economic competitiveness; and improving travel choices to ensure
296 mobility. The long-range transportation plan must be consistent,
297 to the maximum extent feasible, with future land use elements
298 and the goals, objectives, and policies of the approved local
299 government comprehensive plans of the units of local government
300 located within the jurisdiction of the M.P.O. Each M.P.O. is
301 encouraged to consider strategies that integrate transportation
302 and land use planning to provide for sustainable development and
303 reduce greenhouse gas emissions. The approved long-range
304 transportation plan must be considered by local governments in
305 the development of the transportation elements in local
306 government comprehensive plans and any amendments thereto. The
307 long-range transportation plan must, at a minimum:

308 (c) Assess capital investment and other measures necessary
309 to:

- 310 1. Ensure the preservation of the existing metropolitan
311 transportation system including requirements for the operation,
312 resurfacing, restoration, and rehabilitation of major roadways
313 and requirements for the operation, maintenance, modernization,
314 and rehabilitation of public transportation facilities; and
- 315 2. Make the most efficient use of existing transportation
316 facilities to relieve vehicular congestion, improve safety, and
317 maximize the mobility of people and goods. Such efforts must
318 include, but are not limited to, consideration of infrastructure
319 and technological improvements necessary to accommodate advances

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320 in vehicle technology, such as automated driving systems
321 ~~autonomous technology~~ and other developments.

322
323 In the development of its long-range transportation plan, each
324 M.P.O. must provide the public, affected public agencies,
325 representatives of transportation agency employees, freight
326 shippers, providers of freight transportation services, private
327 providers of transportation, representatives of users of public
328 transit, and other interested parties with a reasonable
329 opportunity to comment on the long-range transportation plan.
330 The long-range transportation plan must be approved by the
331 M.P.O.

332 Section 12. Paragraph (c) of subsection (3) and paragraph
333 (a) of subsection (4) of section 339.64, Florida Statutes, are
334 amended to read:

335 339.64 Strategic Intermodal System Plan.—

336 (3)

337 (c) The department shall coordinate with federal, regional,
338 and local partners, as well as industry representatives, to
339 consider infrastructure and technological improvements necessary
340 to accommodate advances in vehicle technology, such as automated
341 driving systems ~~autonomous technology~~ and other developments, in
342 Strategic Intermodal System facilities.

343 (4) The Strategic Intermodal System Plan shall include the
344 following:

345 (a) A needs assessment that must include, but is not
346 limited to, consideration of infrastructure and technological
347 improvements necessary to accommodate advances in vehicle
348 technology, such as automated driving systems ~~autonomous~~

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349 ~~technology~~ and other developments.

350 Section 13. Section 339.83, Florida Statutes, is amended to
351 read:

352 339.83 Enrollment in federal pilot programs.—The Secretary
353 of Transportation may enroll the State of Florida in any federal
354 pilot program or project for the collection and study of data
355 for the review of federal or state roadway safety,
356 infrastructure sustainability, congestion mitigation,
357 transportation system efficiency, automated driving systems
358 ~~autonomous vehicle technology~~, or capacity challenges.

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

361 627.0653 Insurance discounts for specified motor vehicle
362 equipment.—

363 (6) The Office of Insurance Regulation may approve a
364 premium discount to any rates, rating schedules, or rating
365 manuals for the liability, personal injury protection, and
366 collision coverages of a motor vehicle insurance policy filed
367 with the office if the insured vehicle is equipped with an
368 automated driving system ~~autonomous driving technology~~ or
369 electronic vehicle collision avoidance technology that is
370 factory installed or a retrofitted system and that complies with
371 National Highway Traffic Safety Administration standards.

372 Section 15. Subsection (1) of section 655.960, Florida
373 Statutes, is amended to read:

374 655.960 Definitions; ss. 655.960-655.965.—As used in this
375 section and ss. 655.961-655.965, unless the context otherwise
376 requires:

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

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378 is within 50 feet of any automated teller machine. The term does
379 not include any street or highway open to the use of the public,
380 as defined in s. 316.003(82)(a) ~~s. 316.003(81)(a)~~ or (b),
381 including any adjacent sidewalk, as defined in s. 316.003.

382 Section 16. This act shall take effect July 1, 2019.