

By the Committee on Infrastructure and Security; and Senator Brandes

596-03288-19

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1                                   A bill to be entitled  
2       An act relating to autonomous vehicles; creating s.  
3       316.0899, F.S.; authorizing the Department of  
4       Transportation, in consultation with the Department of  
5       Highway Safety and Motor Vehicles, to conduct pilot or  
6       demonstration programs to explore the efficient  
7       implementation of innovative transportation  
8       technologies; requiring the Department of  
9       Transportation to submit a certain annual report to  
10      the Governor and the Legislature; amending s.  
11      338.2216, F.S.; authorizing the Florida Turnpike  
12      Enterprise to enter into one or more agreements to  
13      fund, construct, and operate facilities for the  
14      advancement of autonomous and connected innovative  
15      transportation technologies for certain purposes;  
16      amending s. 316.003, F.S.; revising and providing  
17      definitions; amending ss. 316.062, 316.063, 316.065,  
18      and 316.1975, F.S.; providing applicability; amending  
19      s. 316.303, F.S.; exempting a vehicle being operated  
20      with the automated driving system engaged from a  
21      prohibition on the active display of television or  
22      video; amending s. 316.305, F.S.; exempting a motor  
23      vehicle operator who is operating an autonomous  
24      vehicle from a prohibition on the use of wireless  
25      communications devices; amending s. 316.85, F.S.;  
26      providing that a licensed human operator is not  
27      required to operate a fully autonomous vehicle;  
28      authorizing a fully autonomous vehicle to operate in  
29      this state regardless of whether a human operator is

596-03288-19

2019932c1

30 physically present in the vehicle; requiring the  
31 automated driving system to be deemed to be the  
32 operator of an autonomous vehicle operating with the  
33 automated driving system engaged; providing  
34 construction; authorizing the Florida Turnpike  
35 Enterprise to fund, construct, and operate certain  
36 test facilities and undertake certain research and  
37 development projects; providing requirements for  
38 operation of on-demand autonomous vehicle networks;  
39 authorizing an autonomous vehicle or fully autonomous  
40 vehicle equipped with a teleoperation system to  
41 operate without a human operator physically present in  
42 the vehicle when the teleoperation system is engaged;  
43 providing requirements for such vehicles; providing  
44 construction; providing legislative intent;  
45 prohibiting a local government from imposing any tax,  
46 fee, for-hire vehicle requirement, or other  
47 requirement on automated driving systems or autonomous  
48 vehicles or on a person who operates an autonomous  
49 vehicle; amending s. 319.145, F.S.; revising  
50 requirements for autonomous vehicles registered in  
51 this state; creating s. 322.015, F.S.; providing  
52 applicability; amending ss. 339.175, 339.64, 339.83,  
53 and 627.0653, F.S.; conforming provisions to changes  
54 made by the act; amending s. 655.960, F.S.; conforming  
55 a cross-reference; providing an effective date.

56  
57 Be It Enacted by the Legislature of the State of Florida:  
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596-03288-19

2019932c1

59 Section 1. Section 316.0899, Florida Statutes, is created  
60 to read:

61 316.0899 Innovative transportation technology pilot or  
62 demonstration programs.—The Department of Transportation, in  
63 consultation with the department, may conduct pilot or  
64 demonstration programs to explore the efficient implementation  
65 of innovative transportation technologies, including, but not  
66 limited to, vehicle electrification, shared vehicle use,  
67 automated vehicles, and other mobility technologies that provide  
68 transportation options intended to increase personal mobility,  
69 to facilitate shorter urban trips, or to provide connections to  
70 other modes of transportation. Such pilot or demonstration  
71 programs may also include innovative transportation technologies  
72 that improve the delivery of transportation disadvantaged  
73 services. The Department of Transportation shall prepare an  
74 annual report outlining the programs undertaken pursuant to this  
75 section. The report may include any findings or recommendations  
76 the department deems necessary for future implementation. The  
77 report must be submitted to the Governor, the President of the  
78 Senate, and the Speaker of the House of Representatives.

79 Section 2. Paragraph (f) is added to subsection (1) of  
80 section 338.2216, Florida Statutes, to read:

81 338.2216 Florida Turnpike Enterprise; powers and  
82 authority.—

83 (1)

84 (f) The Florida Turnpike Enterprise may enter into one or  
85 more agreements to fund, construct, and operate facilities for  
86 the advancement of autonomous and connected innovative  
87 transportation technologies for the purposes of improving safety

596-03288-19

2019932c1

88 and decreasing congestion for the traveling public. Such  
89 agreements may include terms that authorize a private entity to  
90 sell or provide products or business opportunities at the  
91 facilities which benefit the traveling public, provide  
92 additional revenue, or otherwise advance the enterprise's  
93 objectives as provided in the Florida Transportation Code.

94 Section 3. Present subsections (48) through (86) of section  
95 316.003, Florida Statutes, are redesignated as subsections (49)  
96 through (87), respectively, present subsections (87) through  
97 (101) of section 316.003, Florida Statutes, are redesignated as  
98 subsections (89) through (103), respectively, new subsections  
99 (48) and (88) are added to that section, and subsection (3) and  
100 present subsection (59) of that section are amended, to read:

101 316.003 Definitions.—The following words and phrases, when  
102 used in this chapter, shall have the meanings respectively  
103 ascribed to them in this section, except where the context  
104 otherwise requires:

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

110 (a) "Autonomous vehicle" means any vehicle equipped with an  
111 automated driving system.

112 (b) "Dynamic driving task" means all of the real-time  
113 operational and tactical functions required to operate a vehicle  
114 in on-road traffic within its specific operational design  
115 domain, if any, excluding strategic functions such as trip  
116 scheduling and selection of destinations and waypoints.

596-03288-19

2019932c1

117 (c) "Fully autonomous vehicle" means a vehicle equipped  
118 with an automated driving system designed to function without  
119 autonomous technology. The term "autonomous technology" means  
120 technology installed on a motor vehicle that has the capability  
121 to drive the vehicle on which the technology is installed  
122 without the active control or monitoring by a human operator.  
123 The term excludes a motor vehicle enabled with active safety  
124 systems or driver assistance systems, including, without  
125 limitation, a system to provide electronic blind spot  
126 assistance, crash avoidance, emergency braking, parking  
127 assistance, adaptive cruise control, lane keep assistance, lane  
128 departure warning, or traffic jam and queuing assistant, unless  
129 any such system alone or in combination with other systems  
130 enables the vehicle on which the technology is installed to  
131 drive without active control or monitoring by a human operator.

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

137 (48) ON-DEMAND AUTONOMOUS VEHICLE NETWORK.—A passenger  
138 transportation network that uses a software application or other  
139 digital means to connect passengers to fully autonomous  
140 vehicles, exclusively or in addition to other vehicles, for  
141 transportation, including for-hire transportation and  
142 transportation for compensation.

143 (60) ~~(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
144 provided in paragraph (82) (b) ~~(81) (b)~~, any privately owned way  
145 or place used for vehicular travel by the owner and those having

596-03288-19

2019932c1

146 express or implied permission from the owner, but not by other  
147 persons.

148 (88) TELEOPERATION SYSTEM.—The hardware and software  
149 installed in a motor vehicle which allow a remote human operator  
150 to supervise or perform aspects of, or the entirety of, the  
151 dynamic driving task. The term “remote human operator” means a  
152 natural person who is not physically present in a vehicle  
153 equipped with an automated driving system who engages or  
154 monitors the vehicle from a remote location. A remote human  
155 operator may have the ability to perform aspects of, or the  
156 entirety of, the dynamic driving task for the vehicle or cause  
157 the vehicle to achieve a minimal risk condition.

158 Section 4. Subsection (5) is added to section 316.062,  
159 Florida Statutes, to read:

160 316.062 Duty to give information and render aid.—

161 (5) This section does not apply to a fully autonomous  
162 vehicle, operating with the automated driving system engaged, in  
163 the event of a crash involving the vehicle if the vehicle owner,  
164 or a person on behalf of the vehicle owner, promptly contacts a  
165 law enforcement agency to report the crash or if the fully  
166 autonomous vehicle has the capability of alerting a law  
167 enforcement agency to the crash.

168 Section 5. Subsection (4) is added to section 316.063,  
169 Florida Statutes, to read:

170 316.063 Duty upon damaging unattended vehicle or other  
171 property.—

172 (4) This section does not apply to a fully autonomous  
173 vehicle, operating with the automated driving system engaged, in  
174 the event of a crash involving the vehicle if the vehicle owner,

596-03288-19

2019932c1

175 or a person on behalf of the vehicle owner, promptly contacts a  
176 law enforcement agency to report the crash or if the fully  
177 autonomous vehicle has the capability of alerting a law  
178 enforcement agency to the crash.

179 Section 6. Subsection (5) is added to section 316.065,  
180 Florida Statutes, to read:

181 316.065 Crashes; reports; penalties.—

182 (5) Subsection (1) does not apply to a fully autonomous  
183 vehicle, operating with the automated driving system engaged, in  
184 the event of a crash involving the vehicle if the vehicle owner,  
185 or a person on behalf of the vehicle owner, promptly contacts a  
186 law enforcement agency to report the crash or if the fully  
187 autonomous vehicle has the capability of alerting a law  
188 enforcement agency to the crash.

189 Section 7. Subsection (3) is added to section 316.1975,  
190 Florida Statutes, to read:

191 316.1975 Unattended motor vehicle.—

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

194 Section 8. Section 316.303, Florida Statutes, is amended to  
195 read:

196 316.303 Television receivers.—

197 (1) A ~~Ne~~ motor vehicle may not be operated on the highways  
198 of this state if the vehicle is actively displaying moving  
199 television broadcast or pre-recorded video entertainment content  
200 that is visible from the driver's seat while the vehicle is in  
201 motion, unless the vehicle is ~~equipped with autonomous~~  
202 ~~technology, as defined in s. 316.003(3), and is being operated~~  
203 with the automated driving system engaged ~~in autonomous mode, as~~

596-03288-19

2019932c1

204 ~~provided in s. 316.85(2).~~

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

209 (3) This section does not prohibit the use of an electronic  
210 display used in conjunction with a vehicle navigation system; an  
211 electronic display used by an operator of an autonomous a  
212 vehicle ~~equipped with autonomous technology~~, as defined in s.  
213 316.003(3); or an electronic display used by an operator of a  
214 vehicle equipped and operating with driver-assistive truck  
215 platooning technology, as defined in s. 316.003.

216 (4) A violation of this section is a noncriminal traffic  
217 infraction, punishable as a nonmoving violation as provided in  
218 chapter 318.

219 Section 9. Paragraph (b) of subsection (3) of section  
220 316.305, Florida Statutes, is amended to read:

221 316.305 Wireless communications devices; prohibition.-

222 (3)

223 (b) Paragraph (a) does not apply to a motor vehicle  
224 operator who is:

225 1. Performing official duties as an operator of an  
226 authorized emergency vehicle as defined in s. 322.01, a law  
227 enforcement or fire service professional, or an emergency  
228 medical services professional.

229 2. Reporting an emergency or criminal or suspicious  
230 activity to law enforcement authorities.

231 3. Receiving messages that are:

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



596-03288-19

2019932c1

233 vehicle;

234 b. Safety-related information, including emergency,  
235 traffic, or weather alerts;

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

237 d. Radio broadcasts.

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

239 5. Conducting wireless interpersonal communication that  
240 does not require manual entry of multiple letters, numbers, or  
241 symbols, except to activate, deactivate, or initiate a feature  
242 or function.

243 6. Conducting wireless interpersonal communication that  
244 does not require reading text messages, except to activate,  
245 deactivate, or initiate a feature or function.

246 7. Operating an autonomous vehicle, as defined in s.  
247 316.003(3) s. ~~316.003~~, with the automated driving system engaged  
248 in autonomous mode.

249 Section 10. Section 316.85, Florida Statutes, is amended to  
250 read:

251 316.85 Autonomous vehicles; operation; compliance with  
252 traffic and motor vehicle laws; testing; preemption.-

253 (1) Notwithstanding any other law, a licensed human  
254 operator is not required to operate a fully autonomous vehicle A  
255 person who possesses a valid driver license may operate an  
256 autonomous vehicle in autonomous mode on roads in this state if  
257 the vehicle is equipped with autonomous technology, as defined  
258 in s. 316.003(3) s. ~~316.003~~.

259 (2) A fully autonomous vehicle may operate in this state  
260 regardless of whether a human operator is physically present in  
261 the vehicle.

596-03288-19

2019932c1

262 (3) (a) (2) For purposes of this chapter, unless the context  
263 otherwise requires, the automated driving system, when engaged,  
264 ~~a person~~ shall be deemed to be the operator of an autonomous  
265 vehicle ~~operating in autonomous mode when the person causes the~~  
266 ~~vehicle's autonomous technology to engage,~~ regardless of whether  
267 a the person is physically present in the vehicle while the  
268 vehicle is operating with the automated driving system engaged  
269 ~~in autonomous mode.~~

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

272 1. Prohibit the automated driving system from being deemed  
273 the operator of an autonomous vehicle operating with the  
274 automated driving system engaged.

275 2. Require a licensed human operator to operate a fully  
276 autonomous vehicle.

277 (4) The Florida Turnpike Enterprise may fund, construct,  
278 and operate test facilities and undertake research and  
279 development projects for the advancement of autonomous and  
280 connected innovative transportation technology solutions for the  
281 purposes of improving safety and decreasing congestion for the  
282 traveling public and to otherwise advance the objectives of the  
283 Florida Turnpike Enterprise as set forth in the Florida  
284 Transportation Code.

285 (5) An on-demand autonomous vehicle network may operate  
286 pursuant to state laws governing the operation of transportation  
287 network companies and transportation network company vehicles as  
288 defined in s. 627.748, except that any provision of s. 627.748  
289 which reasonably applies only to a human driver does not apply  
290 to the operation of a fully autonomous vehicle with the

596-03288-19

2019932c1

291 automated driving system engaged in an on-demand autonomous  
292 vehicle network.

293 (6) Notwithstanding any other provision of this chapter, an  
294 autonomous vehicle or a fully autonomous vehicle equipped with a  
295 teleoperation system may operate without a human operator  
296 physically present in the vehicle when the teleoperation system  
297 is engaged. A vehicle that is subject to this subsection must  
298 meet the requirements of s. 319.145 and is considered a vehicle  
299 that meets the definition of s. 316.003(3)(c) for the purposes  
300 of ss. 316.062(5), 316.063(4), 316.065(5), 316.1975(3), and  
301 316.303(1).

302 (7) It is the intent of the Legislature to provide for  
303 uniformity of laws governing autonomous vehicles throughout the  
304 state. A local government may not impose any tax, fee, for-hire  
305 vehicle requirement, or other requirement on automated driving  
306 systems or autonomous vehicles or on a person who operates an  
307 autonomous vehicle, including, but not limited to, a person who  
308 operates an autonomous vehicle for purposes of providing  
309 passenger transportation services.

310 Section 11. Section 319.145, Florida Statutes, is amended  
311 to read:

312 319.145 Autonomous vehicles.—

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

315 (a) When required by federal law:

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

319 2. Bear the required certification label or labels,

596-03288-19

2019932c1

320 including reference to any exemption granted under applicable  
321 federal law.

322 (b) Be capable of being operated in compliance with the  
323 applicable traffic and motor vehicle laws of this state,  
324 regardless of whether the vehicle is operating with the  
325 automated driving system engaged.

326 (2) If the autonomous vehicle is not fully autonomous,  
327 applicable federal standards and regulations for such motor  
328 vehicle. the vehicle must:

329 (a) have a system to safely alert a licensed human the  
330 operator physically present in the vehicle if an automated  
331 driving system autonomous technology failure is detected while  
332 the automated driving system autonomous technology is engaged.  
333 When an alert is given, the system must:

334 1. require the licensed human operator to take control of  
335 the autonomous vehicle or must achieve a minimal risk condition;  
336 or

337 2. If the operator does not, or is not able to, take  
338 control of the autonomous vehicle, be capable of bringing the  
339 vehicle to a complete stop.

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

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

344 (3) If the autonomous vehicle is fully autonomous, it must  
345 be able to achieve a minimal risk condition if a failure of the  
346 automated driving system occurs which renders that system unable  
347 to perform the entire dynamic driving task relevant to its  
348 intended operational design domain. The term "minimal risk

596-03288-19

2019932c1

349 condition" means a reasonably safe state, such as bringing the  
350 vehicle to a complete stop and activating the vehicle's hazard  
351 lamps.

352 (4)-(2) Federal regulations promulgated by the National  
353 Highway Traffic Safety Administration shall supersede this  
354 section when found to be in conflict with this section.

355 Section 12. Section 322.015, Florida Statutes, is created  
356 to read:

357 322.015 Exemption.—This chapter does not apply when a fully  
358 autonomous vehicle is operated with the automated driving system  
359 engaged and without a human operator.

360 Section 13. Paragraph (c) of subsection (7) of section  
361 339.175, Florida Statutes, is amended to read:

362 339.175 Metropolitan planning organization.—

363 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must  
364 develop a long-range transportation plan that addresses at least  
365 a 20-year planning horizon. The plan must include both long-  
366 range and short-range strategies and must comply with all other  
367 state and federal requirements. The prevailing principles to be  
368 considered in the long-range transportation plan are: preserving  
369 the existing transportation infrastructure; enhancing Florida's  
370 economic competitiveness; and improving travel choices to ensure  
371 mobility. The long-range transportation plan must be consistent,  
372 to the maximum extent feasible, with future land use elements  
373 and the goals, objectives, and policies of the approved local  
374 government comprehensive plans of the units of local government  
375 located within the jurisdiction of the M.P.O. Each M.P.O. is  
376 encouraged to consider strategies that integrate transportation  
377 and land use planning to provide for sustainable development and

596-03288-19

2019932c1

378 reduce greenhouse gas emissions. The approved long-range  
379 transportation plan must be considered by local governments in  
380 the development of the transportation elements in local  
381 government comprehensive plans and any amendments thereto. The  
382 long-range transportation plan must, at a minimum:

383 (c) Assess capital investment and other measures necessary  
384 to:

385 1. Ensure the preservation of the existing metropolitan  
386 transportation system including requirements for the operation,  
387 resurfacing, restoration, and rehabilitation of major roadways  
388 and requirements for the operation, maintenance, modernization,  
389 and rehabilitation of public transportation facilities; and

390 2. Make the most efficient use of existing transportation  
391 facilities to relieve vehicular congestion, improve safety, and  
392 maximize the mobility of people and goods. Such efforts must  
393 include, but are not limited to, consideration of infrastructure  
394 and technological improvements necessary to accommodate advances  
395 in vehicle technology, such as automated driving systems  
396 ~~autonomous technology~~ and other developments.

397

398 In the development of its long-range transportation plan, each  
399 M.P.O. must provide the public, affected public agencies,  
400 representatives of transportation agency employees, freight  
401 shippers, providers of freight transportation services, private  
402 providers of transportation, representatives of users of public  
403 transit, and other interested parties with a reasonable  
404 opportunity to comment on the long-range transportation plan.

405 The long-range transportation plan must be approved by the  
406 M.P.O.

596-03288-19

2019932c1

407 Section 14. Paragraph (c) of subsection (3) and paragraph  
408 (a) of subsection (4) of section 339.64, Florida Statutes, are  
409 amended to read:

410 339.64 Strategic Intermodal System Plan.—

411 (3)

412 (c) The department shall coordinate with federal, regional,  
413 and local partners, as well as industry representatives, to  
414 consider infrastructure and technological improvements necessary  
415 to accommodate advances in vehicle technology, such as automated  
416 driving systems ~~autonomous technology~~ and other developments, in  
417 Strategic Intermodal System facilities.

418 (4) The Strategic Intermodal System Plan shall include the  
419 following:

420 (a) A needs assessment that must include, but is not  
421 limited to, consideration of infrastructure and technological  
422 improvements necessary to accommodate advances in vehicle  
423 technology, such as automated driving systems ~~autonomous~~  
424 ~~technology~~ and other developments.

425 Section 15. Section 339.83, Florida Statutes, is amended to  
426 read:

427 339.83 Enrollment in federal pilot programs.—The Secretary  
428 of Transportation may enroll the State of Florida in any federal  
429 pilot program or project for the collection and study of data  
430 for the review of federal or state roadway safety,  
431 infrastructure sustainability, congestion mitigation,  
432 transportation system efficiency, automated driving systems  
433 ~~autonomous vehicle technology~~, or capacity challenges.

434 Section 16. Subsection (6) of section 627.0653, Florida  
435 Statutes, is amended to read:

596-03288-19

2019932c1

436           627.0653 Insurance discounts for specified motor vehicle  
437 equipment.—

438           (6) The Office of Insurance Regulation may approve a  
439 premium discount to any rates, rating schedules, or rating  
440 manuals for the liability, personal injury protection, and  
441 collision coverages of a motor vehicle insurance policy filed  
442 with the office if the insured vehicle is equipped with an  
443 automated driving system ~~autonomous driving technology~~ or  
444 electronic vehicle collision avoidance technology that is  
445 factory installed or a retrofitted system and that complies with  
446 National Highway Traffic Safety Administration standards.

447           Section 17. Subsection (1) of section 655.960, Florida  
448 Statutes, is amended to read:

449           655.960 Definitions; ss. 655.960-655.965.—As used in this  
450 section and ss. 655.961-655.965, unless the context otherwise  
451 requires:

452           (1) "Access area" means any paved walkway or sidewalk which  
453 is within 50 feet of any automated teller machine. The term does  
454 not include any street or highway open to the use of the public,  
455 as defined in s. 316.003(82)(a) ~~s. 316.003(81)(a)~~ or (b),  
456 including any adjacent sidewalk, as defined in s. 316.003.

457           Section 18. This act shall take effect July 1, 2019.