

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Infrastructure Strategies
 2 Committee
 3 Representative McFarland offered the following:
 4

5 **Amendment to Amendment (285713) by Representative Esposito**
 6 **(with title amendment)**

7 Remove lines 56-138 of the amendment and insert:

8 Section 3. Subsection (95) of section 316.003, Florida
 9 Statutes, is amended to read:

10 316.003 Definitions.—The following words and phrases, when
 11 used in this chapter, shall have the meanings respectively
 12 ascribed to them in this section, except where the context
 13 otherwise requires:

14 (95) TELEOPERATION SYSTEM.—The hardware and software
 15 installed in a motor vehicle which allow a remote human operator
 16 to ~~supervise or perform aspects of, or~~ the entirety of, the

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17 dynamic driving task. The system must have the ability to cause
18 the motor vehicle to achieve a reasonably safe state, such as
19 bringing the vehicle to a complete stop and activating the
20 vehicle's hazard lamps, if a failure of the hardware or software
21 occurs which renders the remote human operator unable to perform
22 an aspect of the dynamic driving task.

23 (a) The term "dynamic driving task" means all of the real-
24 time operational and tactical functions required to operate a
25 vehicle in on-road traffic, excluding strategic functions such
26 as trip scheduling and selection of destinations and waypoints.

27 (b) The term "remote human operator" means a natural
28 person who:

29 1. Is not physically present in the motor a vehicle;
30 equipped with an automated driving system who

31 2. Operates Engages or monitors the motor vehicle from a
32 remote location utilizing the teleoperation system; . A remote
33 human operator may have the ability to perform aspects of, or
34 the entirety of, the dynamic driving task for the vehicle or
35 cause the vehicle to achieve a minimal risk condition as defined
36 in s. 319.145(2). A remote human operator must be

37 3. Must be physically present in the United States; and
38 be

39 4. Must be licensed to operate a motor vehicle by a
40 United States jurisdiction; and

41 5. Must be covered under a primary policy of insurance

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42 that meets the requirements of s. 316.85.

43 Section 4. Subsection (1) of section 316.303, Florida
44 Statutes, is amended to read:

45 316.303 Television receivers.—

46 (1) A motor vehicle may not be operated on the highways
47 of this state if the vehicle is actively displaying moving
48 television broadcast or pre-recorded video entertainment
49 content that is visible from the driver's seat while the
50 vehicle is in motion, unless the vehicle is being operated with
51 the automated driving system or teleoperation system engaged.

52 Section 5. Section 316.85, Florida Statutes, is amended
53 to read:

54 316.85 Autonomous vehicles and motor vehicles equipped
55 with teleoperation systems; operation; compliance with traffic
56 and motor vehicle laws; testing.—

57 (1) Notwithstanding any other law, a licensed human
58 operator is not required to operate a fully autonomous vehicle
59 as defined in s. 316.003(3).

60 (2) A fully autonomous vehicle may operate in this state
61 regardless of whether a human operator is physically present in
62 the vehicle.

63 (3)(a) For purposes of this chapter, unless the context
64 otherwise requires, the automated driving system, when engaged,
65 shall be deemed to be the operator of an autonomous vehicle,
66 regardless of whether a person is physically present in the

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67 vehicle while the vehicle is operating with the automated
68 driving system engaged.

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

71 1. Prohibit the automated driving system from being
72 deemed the operator of an autonomous vehicle operating with the
73 automated driving system engaged.

74 2. Require a licensed human operator to operate a fully
75 autonomous vehicle.

76 (4) An on-demand autonomous vehicle network shall operate
77 pursuant to state laws governing the operation of
78 transportation network companies and transportation network
79 company vehicles as defined in s. 627.748, except that any
80 provision of s. 627.748 that reasonably applies only to a human
81 driver does not apply to the operation of a fully autonomous
82 vehicle with the automated driving system engaged while logged
83 on to an on-demand autonomous vehicle network. A fully
84 autonomous vehicle with the automated driving system engaged
85 while logged on to an on-demand autonomous vehicle network must
86 meet the insurance requirements in s. 627.749.

87 (5) (a) Notwithstanding any other provision of this
88 chapter, ~~a motor an autonomous vehicle or a fully autonomous~~
89 vehicle equipped with a teleoperation system may operate
90 without a human operator physically present in the motor
91 vehicle when the teleoperation system is engaged. When the

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92 teleoperation system is engaged, the remote human operator is
93 deemed to be the driver or operator of the motor vehicle and
94 must operate the motor vehicle in compliance with the
95 applicable traffic and motor vehicle laws of this state.

96 (b) The owner of the motor vehicle must ensure that while
97 the teleoperation system is engaged, the vehicle performs the
98 dynamic driving task like a reasonably prudent human operator
99 who is physically present in the vehicle would under similar
100 circumstances. If, while the vehicle is being operated with the
101 owner's permission, the remote human operator or teleoperation
102 system fails to perform the dynamic driving task like a
103 reasonably prudent human operator who is physically present in
104 the vehicle would under similar circumstances, the owner's
105 grant of permission constitutes negligent entrustment, and the
106 owner shall be liable for any damages caused by that failure.

107 (c) A motor vehicle equipped with a teleoperation system,
108 while the teleoperation system is engaged, must be covered by a
109 policy of automobile insurance which conforms to the
110 requirements of s. 324.151 and provides:

111 1. Primary liability coverage which insures the remote
112 human operator and owner of the vehicle for any liability for
113 death, bodily injury, and property damage in the amount of at
114 least \$1 million.

115 2. Personal injury protection benefits that meet the
116 minimum coverage amounts required under ss. 627.730-627.7405.

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117 3. Uninsured and underinsured vehicle coverage for death
118 or bodily injury to any occupant of the motor vehicle in the
119 amount of at least \$1 million. ~~A vehicle that is subject to~~
120 ~~this subsection must meet the requirements of s. 319.145 and is~~
121 ~~considered a vehicle that meets the definition provided in s.~~
122 ~~316.003(3)(c) for the purposes of ss. 316.062(5), 316.063(4),~~
123 ~~316.065(5), 316.1975(3), and 316.303(1).~~

124
125 Insurance required under this subsection must be provided by an
126 insurer authorized to do business in this state which is a
127 member of the Florida Insurance Guaranty Association or an
128 eligible surplus lines insurer that has a superior, excellent,
129 exceptional, or equivalent financial strength rating by a
130 rating agency acceptable to the Office of Insurance Regulation
131 of the Financial Services Commission.

132 (d) The remedies provided in this section are in addition
133 to any other remedies provided by law.

134 (6) It is the intent of the Legislature to provide for
135 uniformity of laws governing autonomous vehicles and motor
136 vehicles equipped with teleoperation systems throughout the
137 state. A local government may not impose any tax, fee, for-hire
138 vehicle requirement, or other requirement on automated driving
139 systems or autonomous vehicles; teleoperation systems or motor
140 vehicles equipped with teleoperation systems; ~~or on~~ a person
141 who operates an autonomous vehicle, including, but not limited

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142 to, a person who operates an autonomous vehicle for purposes of
143 providing passenger transportation services; or a remote human
144 operator of a motor vehicle with a teleoperation system
145 engaged. This subsection does not prohibit an airport or a
146 seaport from charging reasonable fees consistent with any fees
147 charged to companies that provide similar services at that
148 airport or seaport for their use of the airport's or seaport's
149 facilities, nor does it prohibit the airport or seaport from
150 designating locations for staging, pickup, or other similar
151 operations at the airport or seaport.

152 Section 6. Paragraph (a) of subsection (5) of section
153 320.02, Florida Statutes, is amended to read:

154 320.02 Registration required; application for
155 registration; forms.—

156 (5) (a) Proof that personal injury protection benefits have
157 been purchased if required under s. 627.733, that property
158 damage liability coverage has been purchased as required under
159 s. 324.022, that bodily injury or death coverage has been
160 purchased if required under s. 324.023, and that combined bodily
161 liability insurance and property damage liability insurance have
162 been purchased if required under s. 316.85 or s. 627.7415 shall
163 be provided in the manner prescribed by law by the applicant at
164 the time of application for registration of any motor vehicle
165 that is subject to such requirements. The issuing agent shall
166 refuse to issue registration if such proof of purchase is not

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167 provided. Insurers shall furnish uniform proof-of-purchase cards
168 in a paper or electronic format in a form prescribed by the
169 department and include the name of the insured's insurance
170 company, the coverage identification number, and the make, year,
171 and vehicle identification number of the vehicle insured. The
172 card must contain a statement notifying the applicant of the
173 penalty specified under s. 316.646(4). The card or insurance
174 policy, insurance policy binder, or certificate of insurance or
175 a photocopy of any of these; an affidavit containing the name of
176 the insured's insurance company, the insured's policy number,
177 and the make and year of the vehicle insured; or such other
178 proof as may be prescribed by the department shall constitute
179 sufficient proof of purchase. If an affidavit is provided as
180 proof, it must be in substantially the following form:

181 Under penalty of perjury, I ...(Name of insured)... do hereby
182 certify that I have ...(Personal Injury Protection, Property
183 Damage Liability, and, if required, Bodily Injury Liability)...
184 Insurance currently in effect with ...(Name of insurance
185 company)... under ...(policy number)... covering ...(make, year,
186 and vehicle identification number of vehicle).... ...(Signature
187 of Insured)...

188 Such affidavit must include the following warning:

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189 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
190 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
191 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
192 SUBJECT TO PROSECUTION.

193 If an application is made through a licensed motor vehicle
194 dealer as required under s. 319.23, the original or a
195 photostatic copy of such card, insurance policy, insurance
196 policy binder, or certificate of insurance or the original
197 affidavit from the insured shall be forwarded by the dealer to
198 the tax collector of the county or the Department of Highway
199 Safety and Motor Vehicles for processing. By executing the
200 aforesaid affidavit, no licensed motor vehicle dealer will be
201 liable in damages for any inadequacy, insufficiency, or
202 falsification of any statement contained therein. A card must
203 also indicate the existence of any bodily injury liability
204 insurance voluntarily purchased.

205 Section 7. Subsection (7) of section 324.021, Florida
206 Statutes, is amended to read:

207 324.021 Definitions; minimum insurance required.—The
208 following words and phrases when used in this chapter shall,
209 for the purpose of this chapter, have the meanings respectively
210 ascribed to them in this section, except in those instances
211 where the context clearly indicates a different meaning:

212 (7) PROOF OF FINANCIAL RESPONSIBILITY.—That proof of

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213 ability to respond in damages for liability on account of
214 crashes arising out of the use of a motor vehicle:

215 (a) In the amount of \$10,000 because of bodily injury to,
216 or death of, one person in any one crash;

217 (b) Subject to such limits for one person, in the amount
218 of \$20,000 because of bodily injury to, or death of, two or
219 more persons in any one crash;

220 (c) In the amount of \$10,000 because of injury to, or
221 destruction of, property of others in any one crash; and

222 (d) With respect to commercial motor vehicles, ~~and~~
223 ~~nonpublic sector buses,~~ in the amounts specified in ss.
224 627.7415 and ~~627.742,~~ respectively.

225 (e) With respect to nonpublic sector buses, in the
226 amounts specified in s. 627.742.

227 (f) With respect to motor vehicles equipped with
228 teleoperation systems, in the amounts specified in s. 316.85.

229 Section 8. Section 324.031, Florida Statutes, is amended
230 to read:

231 324.031 Manner of proving financial responsibility.—The
232 owner or operator of a taxicab, limousine, jitney, or any other
233 for-hire passenger transportation vehicle may prove financial
234 responsibility by providing satisfactory evidence of holding a
235 motor vehicle liability policy as defined in s. 324.021(8) or
236 s. 324.151, which policy is issued by an insurance carrier
237 which is a member of the Florida Insurance Guaranty

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238 Association. The owner or operator of a motor vehicle equipped
239 with a teleoperation system must prove financial responsibility
240 by providing satisfactory evidence of holding a motor vehicle
241 liability policy conforming to the requirements of s. 316.85.

242 The operator or owner of any other vehicle may prove his or her
243 financial responsibility by:

244 (1) Furnishing satisfactory evidence of holding a motor
245 vehicle liability policy as defined in ss. 324.021(8) and
246 324.151;

247 (2) Furnishing a certificate of self-insurance showing a
248 deposit of cash in accordance with s. 324.161; or

249 (3) Furnishing a certificate of self-insurance issued by
250 the department in accordance with s. 324.171.

251
252 Any person, including any firm, partnership, association,
253 corporation, or other person, other than a natural person,
254 electing to use the method of proof specified in subsection (2)
255 shall furnish a certificate of deposit equal to the number of
256 vehicles owned times \$30,000, to a maximum of \$120,000; in
257 addition, any such person, other than a natural person, shall
258 maintain insurance providing coverage in excess of limits of
259 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
260 such excess insurance shall provide minimum limits of
261 \$125,000/250,000/50,000 or \$300,000 combined single limits.

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262 | These increased limits shall not affect the requirements for
263 | proving financial responsibility under s. 324.032(1).

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266 | **T I T L E A M E N D M E N T**

267 | Remove lines 710-711 of the amendment and insert:
268 | contract requirements; amending s. 324.031, F.S.;
269 | providing requirements for the owner or operator of a
270 | motor vehicle equipped with a teleoperation system to
271 | prove financial responsibility; amending ss. 288.9606,
272 | 320.02, 324.021, 339.2825, and 627.06501, F.S.;
273 | conforming