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CS/CS/HB 1289, Engrossed 1

2021 Legislature

1  
2 An act relating to autonomous vehicles; amending s.  
3 316.003, F.S.; revising the definition of the term  
4 "autocycle"; defining the term "low-speed autonomous  
5 delivery vehicle"; revising the definition of the term  
6 "personal delivery device"; authorizing the Department  
7 of Transportation to adopt rules; amending s.  
8 316.2122, F.S.; authorizing the operation of a low-  
9 speed autonomous delivery vehicle on certain streets  
10 and roads; providing construction; authorizing the  
11 operation of a low-speed autonomous delivery vehicle  
12 on streets or roads with a posted speed limit of up to  
13 45 miles per hour under specified conditions;  
14 providing requirements for low-speed autonomous  
15 delivery vehicles; amending s. 316.215, F.S.;  
16 providing that certain fully autonomous vehicles are  
17 not subject to certain provisions of law or  
18 regulations; amending s. 316.2126, F.S.; providing  
19 that statutory provisions regarding the authorized use  
20 of golf carts, low-speed vehicles, and utility  
21 vehicles are not applicable to low-speed autonomous  
22 delivery vehicles; amending ss. 316.306 and 655.960,  
23 F.S.; conforming cross-references; providing an  
24 effective date.  
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26 | Be It Enacted by the Legislature of the State of Florida:

27 |  
 28 |       Section 1. Subsections (38) through (105) of section  
 29 | 316.003, Florida Statutes, are renumbered as subsections (39)  
 30 | through (106), respectively, subsection (2) and present  
 31 | subsections (56) and (62) are amended, and a new subsection (38)  
 32 | is added to that section, to read:

33 |       316.003 Definitions.—The following words and phrases, when  
 34 | used in this chapter, shall have the meanings respectively  
 35 | ascribed to them in this section, except where the context  
 36 | otherwise requires:

37 |       (2) AUTOCYCLE.—A three-wheeled motorcycle that has two  
 38 | wheels in the front and one wheel in the back; is equipped with  
 39 | a roll cage or roll hoops, a seat belt for each occupant,  
 40 | ~~antilock~~ brakes that meet the requirements of Federal Motor  
 41 | Vehicle Safety Standard No. 122, a steering mechanism ~~wheel~~, and  
 42 | seating that does not require the operator to straddle or sit  
 43 | astride it; and is manufactured in accordance with the  
 44 | applicable federal motorcycle safety standards in 49 C.F.R. part  
 45 | 571 by a manufacturer registered with the National Highway  
 46 | Traffic Safety Administration.

47 |       (38) LOW-SPEED AUTONOMOUS DELIVERY VEHICLE.—A fully  
 48 | autonomous vehicle that meets the definition of a low-speed  
 49 | vehicle in 49 C.F.R. s. 571.3 and is not designed for, or  
 50 | capable of, human occupancy.

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51 (57) ~~(56)~~ PERSONAL DELIVERY DEVICE.—An electrically powered  
52 device that:

53 (a) Is operated on sidewalks and crosswalks and intended  
54 primarily for transporting property;

55 (b) Has a weight that does not exceed the maximum weight  
56 established by Department of Transportation rule ~~Weighs less~~  
57 ~~than 80 pounds, excluding cargo;~~

58 (c) Has a maximum speed of 10 miles per hour; and

59 (d) Is equipped with technology to allow for operation of  
60 the device with or without the active control or monitoring of a  
61 natural person.

62  
63 A personal delivery device is not considered a vehicle unless  
64 expressly defined by law as a vehicle. A mobile carrier is not  
65 considered a personal delivery device. The Department of  
66 Transportation may adopt rules to implement this subsection.

67 (63) ~~(62)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
68 provided in paragraph (85) (b) ~~(84) (b)~~, any privately owned way  
69 or place used for vehicular travel by the owner and those having  
70 express or implied permission from the owner, but not by other  
71 persons.

72 Section 2. Section 316.2122, Florida Statutes, is amended  
73 to read:

74 316.2122 Operation of a low-speed vehicle, ~~or mini truck,~~  
75 or low-speed autonomous delivery vehicle on certain roadways.—

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76        (1) The operation of a low-speed vehicle as defined in s.  
 77        320.01 or a mini truck as defined in s. 320.01 on any road is  
 78        authorized with the following restrictions:

79        (a)~~(1)~~ A low-speed vehicle or mini truck may be operated  
 80        only on streets where the posted speed limit is 35 miles per  
 81        hour or less. This does not prohibit a low-speed vehicle or mini  
 82        truck from crossing a road or street at an intersection where  
 83        the road or street has a posted speed limit of more than 35  
 84        miles per hour.

85        (b)~~(2)~~ A low-speed vehicle must be equipped with  
 86        headlamps, stop lamps, turn signal lamps, taillamps, reflex  
 87        reflectors, parking brakes, rearview mirrors, windshields, seat  
 88        belts, and vehicle identification numbers.

89        (c)~~(3)~~ A low-speed vehicle or mini truck must be  
 90        registered and insured in accordance with s. 320.02 and titled  
 91        pursuant to chapter 319.

92        (d)~~(4)~~ Any person operating a low-speed vehicle or mini  
 93        truck must have in his or her possession a valid driver license.

94        (2) The operation of a low-speed autonomous delivery  
 95        vehicle on any road is authorized with the following  
 96        restrictions:

97        (a) A low-speed autonomous delivery vehicle may operate  
 98        only on streets or roads where the posted speed limit is 35  
 99        miles per hour or less. This paragraph does not prohibit a low-  
 100        speed autonomous delivery vehicle from crossing a road or street

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101 at an intersection where the road or street has a posted speed  
 102 limit of more than 35 miles per hour.

103 (b) A low-speed autonomous delivery vehicle may operate on  
 104 a street or road with a posted speed limit of more than 35 miles  
 105 per hour, but no more than 45 miles per hour, if:

106 1. The low-speed autonomous delivery vehicle travels no  
 107 more than 1 continuous mile on such a street or road, except  
 108 that the vehicle may travel in excess of 1 continuous mile if  
 109 authorized by the entity with jurisdiction over the street or  
 110 road;

111 2. The low-speed autonomous delivery vehicle operates  
 112 exclusively in the right lane, other than for the purpose of  
 113 completing a turn; and

114 3. On a two-lane street or road where overtaking and  
 115 passing another vehicle is unsafe because of traffic moving in  
 116 the opposite direction or because of other unsafe conditions,  
 117 and five or more vehicles are formed in a line behind the  
 118 autonomous delivery vehicle, the low-speed autonomous delivery  
 119 vehicle exits the roadway wherever a sufficient area for a safe  
 120 turn-out exists, to permit the vehicles following to proceed.

121 (c) A low-speed autonomous delivery vehicle must be  
 122 equipped with headlamps, stop lamps, turn signal lamps,  
 123 taillamps, reflex reflectors, and vehicle identification  
 124 numbers.

125 (d) Federal regulations adopted by the National Highway

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126 Traffic Safety Administration shall supersede this subsection  
 127 when found to be in conflict with this subsection.

128 (e) A low-speed autonomous delivery vehicle must be  
 129 covered by a policy of automobile insurance which provides the  
 130 coverage required by s. 627.749(2)(a)1., 2., and 3. The coverage  
 131 requirements of this paragraph may be satisfied by automobile  
 132 insurance maintained by the owner of a low-speed autonomous  
 133 delivery vehicle, the owner of the teleoperation system, the  
 134 remote human operator, or a combination thereof.

135 (3)~~(5)~~ A county or municipality may prohibit the operation  
 136 of low-speed vehicles or mini trucks on any road under its  
 137 jurisdiction if the governing body of the county or municipality  
 138 determines that such prohibition is necessary in the interest of  
 139 safety.

140 (4)~~(6)~~ The Department of Transportation may prohibit the  
 141 operation of low-speed vehicles or mini trucks on any road under  
 142 its jurisdiction if it determines that such prohibition is  
 143 necessary in the interest of safety.

144 Section 3. Subsection (6) of section 316.215, Florida  
 145 Statutes, is renumbered as subsection (7), a new subsection (6)  
 146 is added to that section, and present subsection (6) is  
 147 republished, to read:

148 316.215 Scope and effect of regulations.—

149 (6) The provisions of any motor vehicle equipment laws or  
 150 regulations of this state which relate to or support motor

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151 vehicle operation by a human driver but are not relevant for an  
 152 automated driving system shall not apply to fully autonomous  
 153 vehicles that are designed to be operated exclusively by the  
 154 automated driving system for all trips.

155 (7)~~(6)~~ A violation of this section is a noncriminal  
 156 traffic infraction, punishable as a nonmoving violation as  
 157 provided in chapter 318.

158 Section 4. Subsection (5) is added to section 316.2126,  
 159 Florida Statutes, to read:

160 316.2126 Authorized use of golf carts, low-speed vehicles,  
 161 and utility vehicles.-

162 (5) This section does not apply to the use of low-speed  
 163 autonomous delivery vehicles.

164 Section 5. Paragraph (a) of subsection (3) of section  
 165 316.306, Florida Statutes, is amended to read:

166 316.306 School and work zones; prohibition on the use of a  
 167 wireless communications device in a handheld manner.-

168 (3) (a) 1. A person may not operate a motor vehicle while  
 169 using a wireless communications device in a handheld manner in a  
 170 designated school crossing, school zone, or work zone area as  
 171 defined in s. 316.003(106) ~~s. 316.003(105)~~. This subparagraph  
 172 shall only be applicable to work zone areas if construction  
 173 personnel are present or are operating equipment on the road or  
 174 immediately adjacent to the work zone area. For the purposes of  
 175 this paragraph, a motor vehicle that is stationary is not being

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176 | operated and is not subject to the prohibition in this  
 177 | paragraph.

178 |       2.a. During the period from October 1, 2019, through  
 179 | December 31, 2019, a law enforcement officer may stop motor  
 180 | vehicles to issue verbal or written warnings to persons who are  
 181 | in violation of subparagraph 1. for the purposes of informing  
 182 | and educating such persons of this section. This sub-  
 183 | subparagraph shall stand repealed on October 1, 2020.

184 |       b. Effective January 1, 2020, a law enforcement officer  
 185 | may stop motor vehicles and issue citations to persons who are  
 186 | driving while using a wireless communications device in a  
 187 | handheld manner in violation of subparagraph 1.

188 |       Section 6. Subsection (1) of section 655.960, Florida  
 189 | Statutes, is amended to read:

190 |       655.960 Definitions; ss. 655.960-655.965.—As used in this  
 191 | section and ss. 655.961-655.965, unless the context otherwise  
 192 | requires:

193 |       (1) "Access area" means any paved walkway or sidewalk  
 194 | which is within 50 feet of any automated teller machine. The  
 195 | term does not include any street or highway open to the use of  
 196 | the public, as defined in s. 316.003(85) (a) or (b) ~~s.~~  
 197 | ~~316.003(84) (a) or (b)~~, including any adjacent sidewalk, as  
 198 | defined in s. 316.003.

199 |       Section 7. This act shall take effect July 1, 2021.