

Insights



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The Transportation Future and Autonomous Vehicle Technology Have Arrived: We are the Jetsons

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If there is any doubt where Florida and Governor DeSantis stood on issues of innovative transportation modalities or technologies, such doubts were put to rest yesterday with the passage and signing into law, House Bill 311: Autonomous Vehicles. Far reaching, the law opens the door for the advancement and implementation of autonomous vehicle technology in the State of Florida. Notably, the law specifically opens the door for the Florida Turnpike Authority to contract directly with private entities for the implementation of autonomous vehicle technology and systems in Florida. Imagine the possibilities: Quite literally, the law is broad enough to allow for public-private partnerships (P3) between the Florida Turnpike Authority and a private entity to build and operate an autonomous vehicle lane and system straight down the Florida Turnpike!

Section 11 of the Bill amends section 338.2216, Florida Statutes, to read: 338.2216, Florida Turnpike Enterprise; powers and authority —

1) (f) The Florida Turnpike Enterprise may enter into one or more agreements to fund, construct, and operate facilities for the advancement of autonomous and connected innovative transportation technologies for the purposes of improving safety and decreasing congestion for the traveling public. Such agreements may include terms that authorize a private entity to sell or provide products or business opportunities at the facilities which benefit the traveling public, provide additional revenue, or otherwise advance the enterprise's objectives as set forth in the Florida Transportation Code.

The scope of this law is breathtakingly progressive. It opens the door to long-term planning and implementation of autonomous vehicle technology in virtually any variant. When read in conjunction with Florida's relatively new public-private partnership law, this law localizes public-private partnerships, creating the precedence for local governments and regional transportation authorities to evaluate and implement, if appropriate, public-private partnerships for autonomous vehicle technologies and systems. It is not inconceivable to envision local and statewide autonomous vehicle systems being implemented throughout the State of Florida, through cooperative arrangements between government and the private sector. This arrangement has already happened for toll road facilities—with the I-4 Ultimate Project being one current example, and higher-speed rail delivered by Virgin Rail as another. In conjunction with government involvement and partnerships, private entities have been able to devise profitable plans to finance, design, construct, operate, and/or maintain critical Florida infrastructure that public funding alone would not allow.

House Bill 311 is now the second bill that Governor DeSantis has signed into law this summer demonstrating his support for P3s. On May 17, 2019, the Governor approved Senate Bill 7068: Transportation, which created the Multi-Use Corridors of Regional Economic Significance Program within the Department of Transportation. That bill (and now law), allows task forces to be created so that three specific highways could be examined, with the ultimate goal of facilitating construction of tolled facilities to mitigate traffic concerns. The bill makes clear that the projects can be procured as public-private partnerships if the scope of work exceeds \$500 million—incentivizing private companies to participate in the development and advancement of Florida infrastructure.

Statutory permission — and arguably, encouragement — for government entities to partner with private entities through the Senate Bill 7068, and now the Autonomous Vehicle Bill, paves the path for future development and technology that may otherwise garner too much risk and cost, if the risk were bore solely by the public entity. By contracting directly with private entities, the Florida Turnpike Authority would be able to consider and further advance autonomous vehicle technology and systems in Florida of much larger magnitude, complexity, and innovation, without needing to bear the entire burden of funding such an enterprise. Though the Hanna-Barbera's vision of flying cars is still a pipedream, it is much more attainable today than it was yesterday — prior to Governor DeSantis signing the Autonomous Vehicle Bill into law.

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