

1 A bill to be entitled
 2 An act relating to personal delivery devices; amending
 3 s. 316.003, F.S.; revising and providing definitions;
 4 amending s. 316.008, F.S.; authorizing a county or
 5 municipality to permit, control, and regulate the
 6 operation of personal delivery devices; amending s.
 7 316.1995, F.S.; exempting such devices from a
 8 prohibition against operating on sidewalks and
 9 sidewalk areas; creating s. 316.2070, F.S.; providing
 10 requirements for the operation of such devices;
 11 authorizing a county or municipality to regulate, and
 12 authorizing the Department of Transportation to
 13 prohibit, operation of such devices under certain
 14 circumstances; amending ss. 316.545, 316.613, and
 15 655.960, F.S.; conforming cross-references; providing
 16 an effective date.

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 18 Be It Enacted by the Legislature of the State of Florida:

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 20 Section 1. Subsections (51) through (97) of section
 21 316.003, Florida Statutes, are renumbered as subsections (53)
 22 through (99), respectively, present subsections (40), (55), and
 23 (95) are amended, and new subsections (51) and (52) are added to
 24 that section, to read:

25 316.003 Definitions.—The following words and phrases, when

26 | used in this chapter, shall have the meanings respectively
 27 | ascribed to them in this section, except where the context
 28 | otherwise requires:

29 | (40) MOTOR VEHICLE.—Except when used in s. 316.1001, a
 30 | self-propelled vehicle not operated upon rails or guideway, but
 31 | not including any bicycle, motorized scooter, electric personal
 32 | assistive mobility device, personal delivery device, swamp
 33 | buggy, or moped. For purposes of s. 316.1001, "motor vehicle"
 34 | has the same meaning as provided in s. 320.01(1) (a).

35 | (51) PERSONAL DELIVERY DEVICE.—An electrically powered
 36 | device that:

37 | (a) Is operated on sidewalks and crosswalks;

38 | (b) Is intended primarily for transporting property and
 39 | for services related thereto;

40 | (c) Weighs less than 50 pounds, excluding cargo;

41 | (d) Has a maximum speed of 10 miles per hour; and

42 | (e) Is equipped with technology that allows operation of
 43 | the device with or without the active control or monitoring of a
 44 | natural person.

45 | (52) PERSONAL DELIVERY DEVICE OPERATOR.—An entity or its
 46 | agent that exercises direct physical control over the navigation
 47 | system and operation of a personal delivery device. A personal
 48 | delivery device operator is legally responsible for the
 49 | operations of a personal delivery device under its control. For
 50 | the purposes of this subsection, the term "agent" means a person

51 charged by the entity with the responsibility of navigating and
52 operating the personal delivery device. A personal delivery
53 device operator does not include a person or entity that
54 requests the services of a personal delivery device to transport
55 property or that merely arranges for and dispatches the
56 services, as requested, of a personal delivery device.

57 ~~(57)(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
58 provided in paragraph (79)(b) ~~(77)(b)~~, any privately owned way
59 or place used for vehicular travel by the owner and those having
60 express or implied permission from the owner, but not by other
61 persons.

62 ~~(97)(95)~~ VEHICLE.—Every device in, upon, or by which any
63 person or property is or may be transported or drawn upon a
64 highway, except personal delivery devices and devices used
65 exclusively upon stationary rails or tracks.

66 Section 2. Subsection (7) of section 316.008, Florida
67 Statutes, is amended to read:

68 316.008 Powers of local authorities.—

69 (7) A county or municipality may enact an ordinance to
70 permit, control, or regulate the operation of vehicles, golf
71 carts, mopeds, motorized scooters, personal delivery devices,
72 and electric personal assistive mobility devices on sidewalks or
73 sidewalk areas when such use is permissible under federal law.
74 The ordinance must restrict such vehicles or devices to a
75 maximum speed of 15 miles per hour in such areas.

76 Section 3. Subsection (4) is added to section 316.1995,
 77 Florida Statutes, to read:

78 316.1995 Driving upon sidewalk or bicycle path.—

79 (4) This section does not apply to personal delivery
 80 devices operating on sidewalks and sidewalk areas.

81 Section 4. Section 316.2070, Florida Statutes, is created
 82 to read:

83 316.2070 Personal delivery devices.—

84 (1) Notwithstanding any provision of law to the contrary,
 85 a personal delivery device may operate on sidewalks and
 86 crosswalks except as provided in subsection (5).

87 (2) A personal delivery device must:

88 (a) Operate in a safe and nonhazardous manner that does
 89 not endanger pedestrians, bicyclists, or other lawful users of
 90 public space or property.

91 (b) Not unreasonably interfere with pedestrians or
 92 traffic.

93 (c) Obey all official traffic control signals and devices.

94 (d) Include a plate or marker that identifies the name and
 95 contact information of the personal delivery device operator.

96 (e) When operated on a crosswalk or sidewalk, be equipped
 97 with a braking system that, when active or engaged, enables the
 98 personal delivery device to come to a controlled stop.

99 (3) A personal delivery device may not:

100 (a) Operate on a public street except when operating on a

101 crosswalk.

102 (b) Operate on a sidewalk or crosswalk without a personal
103 delivery device operator actively controlling or monitoring the
104 navigation and operation of the personal delivery device.

105 (c) Transport materials found to be hazardous for the
106 purposes of the Hazardous Materials Transportation Act, as
107 amended, 49 U.S.C. ss. 5101 et seq.

108 (4) A county or municipality may regulate the operation of
109 personal delivery devices in accordance with s. 316.008 on any
110 sidewalk under its jurisdiction if the governing body of the
111 county or municipality determines that regulation is necessary
112 in the interest of safety.

113 (5) The Department of Transportation may prohibit the
114 operation of personal delivery devices on any crosswalk under
115 its jurisdiction if the department determines that such a
116 prohibition is necessary in the interest of safety.

117 Section 5. Paragraph (b) of subsection (2) of section
118 316.545, Florida Statutes, is amended to read:

119 316.545 Weight and load unlawful; special fuel and motor
120 fuel tax enforcement; inspection; penalty; review.—

121 (2)

122 (b) The officer or inspector shall inspect the license
123 plate or registration certificate of the commercial vehicle to
124 determine whether its gross weight is in compliance with the
125 declared gross vehicle weight. If its gross weight exceeds the

126 | declared weight, the penalty shall be 5 cents per pound on the
127 | difference between such weights. In those cases when the
128 | commercial vehicle is being operated over the highways of the
129 | state with an expired registration or with no registration from
130 | this or any other jurisdiction or is not registered under the
131 | applicable provisions of chapter 320, the penalty herein shall
132 | apply on the basis of 5 cents per pound on that scaled weight
133 | which exceeds 35,000 pounds on laden truck tractor-semitrailer
134 | combinations or tandem trailer truck combinations, 10,000 pounds
135 | on laden straight trucks or straight truck-trailer combinations,
136 | or 10,000 pounds on any unladen commercial motor vehicle. A
137 | driver of a commercial motor vehicle entering the state at a
138 | designated port-of-entry location, as defined in s. 316.003
139 | ~~316.003(54)~~, or operating on designated routes to a port-of-
140 | entry location, who obtains a temporary registration permit
141 | shall be assessed a penalty limited to the difference between
142 | its gross weight and the declared gross vehicle weight at 5
143 | cents per pound. If the license plate or registration has not
144 | been expired for more than 90 days, the penalty imposed under
145 | this paragraph may not exceed \$1,000. In the case of special
146 | mobile equipment, which qualifies for the license tax provided
147 | for in s. 320.08(5)(b), being operated on the highways of the
148 | state with an expired registration or otherwise not properly
149 | registered under the applicable provisions of chapter 320, a
150 | penalty of \$75 shall apply in addition to any other penalty

151 | which may apply in accordance with this chapter. A vehicle found
 152 | in violation of this section may be detained until the owner or
 153 | operator produces evidence that the vehicle has been properly
 154 | registered. Any costs incurred by the retention of the vehicle
 155 | shall be the sole responsibility of the owner. A person who has
 156 | been assessed a penalty pursuant to this paragraph for failure
 157 | to have a valid vehicle registration certificate pursuant to the
 158 | provisions of chapter 320 is not subject to the delinquent fee
 159 | authorized in s. 320.07 if such person obtains a valid
 160 | registration certificate within 10 working days after such
 161 | penalty was assessed.

162 | Section 6. Paragraph (a) of subsection (2) of section
 163 | 316.613, Florida Statutes, is amended to read:

164 | 316.613 Child restraint requirements.—

165 | (2) As used in this section, the term "motor vehicle"
 166 | means a motor vehicle as defined in s. 316.003 that is operated
 167 | on the roadways, streets, and highways of the state. The term
 168 | does not include:

169 | (a) A school bus as defined in s. 316.003 ~~316.003(68)~~.

170 | Section 7. Subsection (1) of section 655.960, Florida
 171 | Statutes, is amended to read:

172 | 655.960 Definitions; ss. 655.960-655.965.—As used in this
 173 | section and ss. 655.961-655.965, unless the context otherwise
 174 | requires:

175 | (1) "Access area" means any paved walkway or sidewalk

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176 | which is within 50 feet of any automated teller machine. The
177 | term does not include any street or highway open to the use of
178 | the public, as defined in s. 316.003(79)(a) or (b)
179 | ~~316.003(77)(a) or (b)~~, including any adjacent sidewalk, as
180 | defined in s. 316.003.

181 | Section 8. This act shall take effect July 1, 2017.