

1 A bill to be entitled
2 An act relating to micromobility devices and motorized
3 scooters; amending s. 316.003, F.S.; defining the term
4 "micromobility device"; revising the definition of the
5 term "motorized scooter"; conforming a cross-
6 reference; amending s. 316.008, F.S.; authorizing a
7 county or municipality to regulate the operation of
8 micromobility devices and for-hire motorized scooters,
9 subject to certain restrictions; authorizing a county
10 or municipality to require that a person offering
11 micromobility devices or for-hire motorized scooters
12 be licensed; requiring that such license be granted if
13 the applicant for licensure provides certain proof of
14 insurance coverage; providing requirements for
15 designation of staging locations for shared
16 micromobility devices and for-hire motorized scooters;
17 providing that, except for specified provisions,
18 regulation of micromobility devices and for-hire
19 motorized scooters is exclusively controlled by state
20 and federal law; amending s. 316.1995, F.S.;
21 conforming a provision to changes made by the act;
22 amending s. 316.2128, F.S.; providing that the
23 operator of a micromobility device or motorized
24 scooter has all of the rights and duties applicable to
25 the rider of a bicycle, except the duties imposed by

26 specified provisions that by their nature do not
27 apply; exempting a micromobility device or motorized
28 scooter from certain registration, insurance, and
29 licensing requirements; providing that a person is not
30 required to have a valid driver license to operate a
31 micromobility device or motorized scooter; authorizing
32 the parking of a micromobility device or motorized
33 scooter on a sidewalk, subject to certain
34 requirements; requiring a person offering shared
35 micromobility devices or for-hire motorized scooters
36 to secure such devices or scooters under certain
37 circumstances; deleting specified requirements for the
38 sale of motorized scooters; amending s. 316.2225,
39 F.S.; exempting micromobility devices and motorized
40 scooters from certain emblem requirements; amending s.
41 655.960, F.S.; conforming a cross-reference; providing
42 an effective date.

43
44 Be It Enacted by the Legislature of the State of Florida:

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46 Section 1. Subsections (38) through (101) of section
47 316.003, Florida Statutes, are renumbered as subsections (39)
48 through (102), respectively, present subsections (44) and (59)
49 are amended, and a new subsection (38) is added to that section,
50 to read:

51 316.003 Definitions.—The following words and phrases, when
 52 used in this chapter, shall have the meanings respectively
 53 ascribed to them in this section, except where the context
 54 otherwise requires:

55 (38) MICROMOBILITY DEVICE.—Any motorized transportation
 56 device made available for private use by reservation through an
 57 online application, website, or software for point-to-point
 58 trips, which is incapable of traveling at speeds greater than 20
 59 miles per hour on level ground when powered solely by the motor.
 60 This term includes motorized scooters and motorized bicycles as
 61 defined in this section.

62 (45)-(44) MOTORIZED SCOOTER.—Any vehicle or micromobility
 63 device that is powered by a motor with or without ~~not having~~ a
 64 seat or saddle for the use of the rider, designed to travel on
 65 not more than three wheels, and not capable of propelling the
 66 vehicle at a speed greater than 20 30 miles per hour on level
 67 ground when powered solely by the motor.

68 (60)-(59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 69 provided in paragraph (82) (b) (81)-(b), any privately owned way
 70 or place used for vehicular travel by the owner and those having
 71 express or implied permission from the owner, but not by other
 72 persons.

73 Section 2. Subsection (9) is added to section 316.008,
 74 Florida Statutes, to read:

75 316.008 Powers of local authorities.—

76 (9) (a) A county or municipality may regulate the operation
77 of micromobility devices and for-hire motorized scooters;
78 however, any such regulation may not conflict with this chapter
79 or federal law and may not be more restrictive than the county's
80 or municipality's regulation of bicycles.

81 (b) A county or municipality may require a person offering
82 micromobility devices or for-hire motorized scooters to be
83 licensed. The license must be granted if the applicant for
84 licensure provides proof of:

85 1. Commercial general liability insurance coverage with a
86 limit of at least \$1 million per occurrence and with a \$2
87 million aggregate limit; and

88 2. If the applicant employs persons within the
89 jurisdiction of the county or municipality, workers'
90 compensation coverage that meets the minimum requirements under
91 chapter 440 and the Florida Insurance Code.

92 (c) A county or municipality may designate locations where
93 operators of micromobility devices and for-hire motorized
94 scooters may not stage shared devices or scooters, provided that
95 staging is authorized in at least one location on each side of
96 each city block in a commercial or business district.

97 (d) Except as provided in this section, regulation of
98 micromobility devices and for-hire motorized scooters is
99 exclusively controlled by state and federal law.

100 Section 3. Section 316.1995, Florida Statutes, is amended

101 to read:

102 316.1995 Driving upon sidewalk or bicycle path.—

103 (1) Except as provided in s. 316.008, s. 316.2128, or s.
 104 316.212(8), a person may not drive any vehicle other than by
 105 human power upon a bicycle path, sidewalk, or sidewalk area,
 106 except upon a permanent or duly authorized temporary driveway.

107 (2) A violation of this section is a noncriminal traffic
 108 infraction, punishable as a moving violation as provided in
 109 chapter 318.

110 (3) This section does not apply to motorized wheelchairs.

111 Section 4. Section 316.2128, Florida Statutes, is amended
 112 to read:

113 316.2128 Operation of micromobility devices, motorized
 114 scooters, and miniature motorcycles; securing of shared
 115 micromobility devices and motorized scooters; requirements for
 116 sales of miniature motorcycles.—

117 (1) The operator of a micromobility device or motorized
 118 scooter has all of the rights and duties applicable to the rider
 119 of a bicycle under s. 316.2065, except the duties imposed by s.
 120 316.2065(2), (3) (b), and (3) (c), which by their nature do not
 121 apply.

122 (2) A micromobility device or motorized scooter is not
 123 required to satisfy the registration and insurance requirements
 124 of s. 320.02 or the licensing requirements of s. 316.605.

125 (3) A person is not required to have a valid driver

126 | license to operate a micromobility device or motorized scooter.

127 | (4) A person may park a micromobility device or motorized
 128 | scooter on a sidewalk in a manner that does not impede the
 129 | normal movement of pedestrian traffic in compliance with local
 130 | ordinances and state or federal laws.

131 | (5) A person offering shared micromobility devices or for-
 132 | hire motorized scooters is responsible for securing all devices
 133 | or scooters offered by such person within any area of the state
 134 | for which a tropical storm or hurricane warning has been issued
 135 | by the National Weather Service.

136 | (6)~~(1)~~ A person who engages in the business of, serves in
 137 | the capacity of, or acts as a commercial seller of ~~motorized~~
 138 | ~~scooters or~~ miniature motorcycles in this state must prominently
 139 | display at his or her place of business a notice that such
 140 | vehicles are not legal to operate on public roads, may not be
 141 | registered as motor vehicles, and may not be operated on
 142 | sidewalks unless authorized by an ordinance enacted pursuant to
 143 | s. 316.008(7) (a) or s. 316.212(8). The required notice must also
 144 | appear in all forms of advertising offering ~~motorized scooters~~
 145 | ~~or~~ miniature motorcycles for sale. The notice and a copy of this
 146 | section must also be provided to a consumer before ~~prior to~~ the
 147 | consumer's purchasing or becoming obligated to purchase a
 148 | ~~motorized scooter or~~ a miniature motorcycle.

149 | (7)~~(2)~~ Any person selling or offering a ~~motorized scooter~~
 150 | ~~or~~ a miniature motorcycle for sale in violation of this section

151 commits an unfair and deceptive trade practice as defined in
152 part II of chapter 501.

153 Section 5. Subsection (7) of section 316.2225, Florida
154 Statutes, is amended to read:

155 316.2225 Additional equipment required on certain
156 vehicles.—In addition to other equipment required in this
157 chapter, the following vehicles shall be equipped as herein
158 stated under the conditions stated in s. 316.217.

159 (7) On every slow-moving vehicle or equipment, animal-
160 drawn vehicle, or other machinery designed for use and speeds
161 less than 25 miles per hour, excluding micromobility devices and
162 motorized scooters, but including all road construction and
163 maintenance machinery except when engaged in actual construction
164 or maintenance work either guarded by a flagger or a clearly
165 visible warning sign, which normally travels or is normally used
166 at a speed of less than 25 miles per hour and which is operated
167 on a public highway, there must be—

168 ~~(a)~~ a triangular slow-moving vehicle emblem SMV as
169 described in, and displayed as provided in, this subsection
170 ~~paragraph (b)~~.

171 (a) The requirement of the emblem shall be in addition to
172 any other equipment required by law. The emblem shall not be
173 displayed on objects which are customarily stationary in use
174 except while being transported on the roadway of any public
175 highway of this state.

176 (b) The Department of Highway Safety and Motor Vehicles
 177 shall adopt such rules and regulations as are required to carry
 178 out the purpose of this section. The requirements of such rules
 179 and regulations shall incorporate the current specifications for
 180 SMV emblems of the American Society of Agricultural Engineers.

181 Section 6. Subsection (1) of section 655.960, Florida
 182 Statutes, is amended to read:

183 655.960 Definitions; ss. 655.960-655.965.—As used in this
 184 section and ss. 655.961-655.965, unless the context otherwise
 185 requires:

186 (1) "Access area" means any paved walkway or sidewalk
 187 which is within 50 feet of any automated teller machine. The
 188 term does not include any street or highway open to the use of
 189 the public, as defined in s. 316.003(82) (a) or (b) ~~s.~~
 190 ~~316.003(81) (a) or (b)~~, including any adjacent sidewalk, as
 191 defined in s. 316.003.

192 Section 7. This act shall take effect upon becoming a law.