



449268

LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 03/27/2019 | . | |
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The Committee on Infrastructure and Security (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (38) through (101) of section 316.003, Florida Statutes, are redesignated as subsections (39) through (102), respectively, a new subsection (38) is added to that section, and present subsections (44) and (59) of that section are amended, to read:

316.003 Definitions.—The following words and phrases, when



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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 (38) MICROMOBILITY DEVICE.—Any motorized transportation
15 device made available for private use by reservation through an
16 online application, website, or software for point-to-point
17 trips and which is not capable of traveling at a speed greater
18 than 20 miles per hour on level ground. This term includes
19 motorized scooters and bicycles as defined in this chapter.

20 (45)~~(44)~~ MOTORIZED SCOOTER.—Any vehicle or micromobility
21 device that is powered by a motor with or without ~~not having~~ a
22 seat or saddle for the use of the rider, which is designed to
23 travel on not more than three wheels, and which is not capable
24 of propelling the vehicle at a speed greater than 20 ~~30~~ miles
25 per hour on level ground.

26 (60)~~(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
27 provided in paragraph (82) (b) ~~(81) (b)~~, any privately owned way
28 or place used for vehicular travel by the owner and those having
29 express or implied permission from the owner, but not by other
30 persons.

31 Section 2. Section 316.1995, Florida Statutes, is amended
32 to read:

33 316.1995 Driving upon sidewalk or bicycle path.—

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

38 (2) A violation of this section is a noncriminal traffic
39 infraction, punishable as a moving violation as provided in



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40 chapter 318.

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

42 Section 3. Section 316.2128, Florida Statutes, is amended
43 to read:

44 316.2128 ~~Operation of~~ Micromobility devices, motorized
45 scooters, and miniature motorcycles; requirements ~~for sales.~~

46 (1) The operator of a motorized scooter or micromobility
47 device has all of the rights and duties applicable to the rider
48 of a bicycle under s. 316.2065, except the duties imposed by s.
49 316.2065(2), (3) (b), and (3) (c), which by their nature do not
50 apply.

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

54 (3) A person is not required to have a driver license to
55 operate a motorized scooter or micromobility device.

56 (4) A person who offers motorized scooters or micromobility
57 devices for hire is responsible for securing all such devices
58 located in any area of the state where an active tropical storm
59 or hurricane warning has been issued by the National Weather
60 Service.

61 (5) ~~(1)~~ A person who engages in the business of, serves in
62 the capacity of, or acts as a commercial seller of motorized
63 scooters or miniature motorcycles in this state must prominently
64 display at his or her place of business a notice that such
65 vehicles are not legal to operate on public roads, may not be
66 registered as motor vehicles, and may not be operated on
67 sidewalks unless authorized by an ordinance enacted pursuant to
68 s. 316.008(7) (a) or s. 316.212(8). The required notice must also



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69 appear in all forms of advertising offering ~~motorized scooters~~
70 ~~or~~ miniature motorcycles for sale. The notice and a copy of this
71 section must also be provided to a consumer prior to the
72 consumer's purchasing or becoming obligated to purchase a
73 ~~motorized scooter or~~ a miniature motorcycle.

74 (6) ~~(2)~~ Any person selling or offering a ~~motorized scooter~~
75 ~~or~~ a miniature motorcycle for sale in violation of this section
76 commits an unfair and deceptive trade practice as defined in
77 part II of chapter 501.

78 Section 4. Subsection (7) of section 316.2225, Florida
79 Statutes, is amended to read:

80 316.2225 Additional equipment required on certain
81 vehicles.—In addition to other equipment required in this
82 chapter, the following vehicles shall be equipped as herein
83 stated under the conditions stated in s. 316.217.

84 (7) On every slow-moving vehicle or equipment, animal-drawn
85 vehicle, or other machinery designed for use and speeds less
86 than 25 miles per hour, excluding electric personal assistive
87 mobility devices and motorized scooters, but including all road
88 construction and maintenance machinery except when engaged in
89 actual construction or maintenance work either guarded by a
90 flagger or a clearly visible warning sign, which normally
91 travels or is normally used at a speed of less than 25 miles per
92 hour and which is operated on a public highway, there must be:

93 ~~(a)~~ a triangular slow-moving vehicle emblem SMV as
94 described in, and displayed as provided in, this subsection
95 ~~paragraph (b)~~.

96 (a) The requirement of the emblem shall be in addition to
97 any other equipment required by law. The emblem shall not be



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98 displayed on objects which are customarily stationary in use
99 except while being transported on the roadway of any public
100 highway of this state.

101 (b) The Department of Highway Safety and Motor Vehicles
102 shall adopt such rules and regulations as are required to carry
103 out the purpose of this section. The requirements of such rules
104 and regulations shall incorporate the current specifications for
105 SMV emblems of the American Society of Agricultural Engineers.

106 Section 5. Paragraph (a) of subsection (1) of section
107 320.01, Florida Statutes, is amended to read:

108 320.01 Definitions, general.—As used in the Florida
109 Statutes, except as otherwise provided, the term:

110 (1) "Motor vehicle" means:

111 (a) An automobile, motorcycle, truck, trailer, semitrailer,
112 truck tractor and semitrailer combination, or any other vehicle
113 operated on the roads of this state, used to transport persons
114 or property, and propelled by power other than muscular power,
115 but the term does not include traction engines, road rollers,
116 motorized scooters, micromobility devices, personal delivery
117 devices and mobile carriers as defined in s. 316.003, special
118 mobile equipment as defined in s. 316.003, vehicles that run
119 only upon a track, bicycles, swamp buggies, or mopeds.

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

122 655.960 Definitions; ss. 655.960-655.965.—As used in this
123 section and ss. 655.961-655.965, unless the context otherwise
124 requires:

125 (1) "Access area" means any paved walkway or sidewalk which
126 is within 50 feet of any automated teller machine. The term does



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127 not include any street or highway open to the use of the public,
128 as defined in s. 316.003(82)(a) or (b) ~~s. 316.003(81)(a) or (b)~~,
129 including any adjacent sidewalk, as defined in s. 316.003.

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

131

132 ===== T I T L E A M E N D M E N T =====

133 And the title is amended as follows:

134 Delete everything before the enacting clause

135 and insert:

136

A bill to be entitled

137

An act relating to mobility devices and motorized
138 scooters; amending s. 316.003, F.S.; defining the term
139 "micromobility device"; revising the definition of the
140 term "motorized scooter"; conforming a cross-
141 reference; amending s. 316.1995, F.S.; conforming a
142 provision to changes made by the act; amending s.
143 316.2128, F.S.; providing that the operator of a
144 motorized scooter or micromobility device has all of
145 the rights and duties applicable to the rider of a
146 bicycle, except the duties imposed by specified
147 provisions that by their nature do not apply;
148 exempting a motorized scooter or micromobility device
149 from certain registration, insurance, and licensing
150 requirements; providing that a person is not required
151 to have a driver license to operate a motorized
152 scooter or micromobility device; requiring a person
153 who offers motorized scooters or micromobility devices
154 for hire to be responsible for securing all such
155 devices located in any area of the state where a



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156 certain warning has been issued by the National
157 Weather Service; deleting specified requirements for
158 the sale of motorized scooters; amending s. 316.2225,
159 F.S.; exempting electric personal assistive mobility
160 devices and motorized scooters from certain emblem
161 requirements; amending s. 320.01, F.S.; revising the
162 definition of the term "motor vehicle"; amending s.
163 655.960, F.S.; conforming a cross-reference; providing
164 an effective date.