

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: SB 542

INTRODUCER: Senator Brandes

SUBJECT: Micromobility Devices and Motorized Scooters

DATE: March 25, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 542 sets up a regulatory framework for authorizing the operation of micromobility devices and motorized scooters. More specifically, the bill:

- Defines “micromobility device” and revises the definition of “motorized scooter.”
- Authorizes county and municipal regulation of micromobility devices and for-hire motorized scooters provided the regulation is not in conflict with ch. 316, F.S., relating to the Uniform Traffic Law, or federal law; and is no more restrictive than the county’s or municipality’s regulation of bicycles.
- Establishes exclusive state and federal control of regulation of micromobility devices and motorized scooters, except to the extent provided in the bill.
- Authorizes a county or municipality to require licensure of persons offering micromobility devices or for-hire motorized scooters, but requires the local government to grant a license if an applicant provides proof of commercial general liability insurance coverage and workers’ compensation coverage, if applicable.
- Grants certain rights to the operator of a micromobility device or motorized scooter, and applies certain duties applicable to a bicycle rider to the operator.
- Provides an operator of a micromobility device or motorized scooter is not required to have a valid driver license.
- Excludes micromobility devices and motorized scooters from compliance with vehicle registration, licensing, and insurance requirements.
- Authorizes a person to park a micromobility device or motorized scooter on sidewalks under certain conditions.
- Excludes micromobility devices and motorized scooters from provisions relating to equipment required on slow-moving vehicles.
- Makes technical and conforming changes.

The fiscal impact to local government and to the private sector is indeterminate. See the Fiscal Impact Statement heading for details.

The bill takes effect upon becoming a law.

II. Present Situation:

Share Programs

Some local governments across the country, and in Florida, have entered into agreements with bicycle and motorized scooter share programs to make the bicycles and scooters available to the public. Advocates see the bicycles and scooters as additional modes of transportation that increase personal mobility, particularly for shorter urban trips. Others local governments have moved to ban them, citing safety concerns.¹

These share programs allow the public to rent and ride bicycles and motorized scooters on a short-term basis within designated geographical areas.²

Docked Bicycle Share Programs

Companies offering “docked” bicycles require their bicycles to be rented from and returned to designated, unmanned docking stations.³ Rental options vary by program, but generally allow some combination of a single use rate for a flat fee, or a weekly, monthly, or annual subscription allowing the member to rent a bicycle for either an unlimited number of rides or a certain number of minutes per day during the subscription period.⁴

Dockless Bicycle Share Programs

Companies offering “dockless” bicycles do not have stations located at fixed positions from where their bicycles must be rented and returned. The operator unlocks the bicycle using information provided by or transmitted from the program’s mobile application on their mobile phone, and the bicycle is used according to the terms of the program agreement. The program agreement may require the operator to sign a waiver of liability prior to using the bicycle, including waiver of liability by parents who rent a bicycle for their minor children.⁵

The absence of designated bicycle racks, stations, or hubs to dock the bicycles when not in use distinguishes the dockless bicycle sharing model from the docked bicycle sharing models.

¹ See Tallahassee Democrat, Etters, C., March 7, 2019, *E-scooters in Tallahassee? Not right now say commissioners*, available at <https://www.tallahassee.com/story/news/2019/03/07/e-scooters-tallahassee-not-right-now-say-commissioners/3089813002/> (last viewed March 23, 2019).

² Some programs use “geofencing,” “a virtual boundary that triggers an action when crossed by a mobile device,” such as slowing the vehicle down or stopping it. See Route Fifty, *One operator, Bird, expressed displeasure with the 12 mph speed limit the city imposed*, Nyczepir, D., December 19, 2018, available at <https://www.route50.com/smart-cities/2018/12/san-jose-moves-forward-scooter-geofencing-rule/153682/> (last viewed March 23, 2019).

³ See, e.g., Citibike, *How it Works*, available at <http://citibikemiami.com/how-it-works> (last viewed March 23, 2019).

⁴ See, e.g., Broward B-cycle, *How it Works*, available at <https://broward.bcycle.com/how-it-works> and Juice Orlando Bike Share, *How it Works*, available at [Juice, About](https://juiceorlando.com/about), (last viewed March 23, 2019).

⁵ See, e.g., Lime, available at <https://www.li.me/> and the Lime user agreement, available at <https://www.li.me/user-agreement> (last viewed March 23, 2019).

Motorized Scooter Share Programs

In many of the business models, riders can use the motorized scooter share program's app to locate and reserve a motorized scooter for a fee (typically \$1) plus a per-minute fare. Within the app, the rider can see the motorized scooters available in the surrounding area, as well as the battery charge and range of miles available on the motorized scooter. Once the motorized scooter is located, the rider can capture a barcode located on the motorized scooter via a cell phone camera to reserve and start the ride. The rider ends the ride by parking the motorized scooter and selecting to end the ride on the app. The rider receives a summary of the ride with the total amount of the fare.⁶ These motorized scooters are dockless, and riders are able to leave the motorized scooters in a location of their choosing when they end their rides.⁷

Bicycle and motorized scooter share programs are not currently regulated by the state.

Safety and Other Concerns

The Center for Disease Control recently partnered with Austin, Texas, to conduct its first study of emergency services calls and injuries related to dockless electric scooters. In Austin, one of the oldest and biggest dockless scooter programs in the country, six scooter companies were operating a combined 11,000 vehicles in the city as of December of 2018.⁸ The study will examine 37 scooter-related emergency medical services calls and 68 scooter injuries reported at local hospitals in just a two-month period from September to November of 2018.⁹

Riders in Florida have not escaped injury,¹⁰ but in some locations, reported injuries are minimal.¹¹ The causes of such disparate results are difficult to identify due to the broad variation of a number of factors, such as traffic density, geography, weather conditions, the number of scooters deployed in a given local jurisdiction, the number and length of trips, and a host of other potentials. Some doctors point to the need for useful data that will be produced only by development of "a classification schema that does not currently exist: Was the scooter shared or privately owned? Was the user wearing a helmet? ... Doctors are hoping more specific data will inform safety regulations..."¹²

⁶ American Association of Motor Vehicle Administrators, *Electric Dockless Scooters Whitepaper*, 2019, at p. 3. (Copy on file in the Senate Infrastructure and Security Committee.)

⁷ *Id.*

⁸ See Next City, *Federal Agency to Study Dockless Scooter Health Risks*, Kaufman, R., December 13, 2018, available at <https://nextcity.org/daily/entry/federal-agency-to-study-dockless-scooter-health-risks> (last viewed March 23, 2019).

⁹ See Quartz, *Austin is calling in the CDC to study the public health risk of scooters*, Griswold, A., December 12, 2018, available at <https://qz.com/1492227/cdc-will-study-public-health-risk-of-electric-scooters-in-austin/> (last viewed March 23, 2019).

¹⁰ See, e.g., Newser, *Family to Sue After E-Scooter Accident Leaves Woman in Coma*, Quinn, R., February 12, 2019, available at <http://www.newser.com/story/271183/family-to-sue-after-e-scooter-accident-leaves-woman-in-coma.html> (last viewed March 23, 2019). Hollywood, Florida banned scooters "citing an uptick in emergency room visits as they flood sidewalks. ..." *Supra* note 1.

¹¹ *Supra* note 8.

¹² *Id.*

Other concerns have been cited with respect to dockless motorized scooters, perhaps resulting from riders being able to leave the scooters in a location of their choosing. Parking of these scooters has caused concerns relating to:

- Crowding and obstruction of sidewalks for pedestrians;
- Restricting the use of sidewalks for people with disabilities; and
- Riders leaving the scooters in the travel lanes of roadways.¹³

Similar concerns have been raised with respect to the bicycle share programs, including bicycles being thrown into bodies of water, stranded in trees or on rooftops, and left in other undesirable locations.¹⁴

Home Rule and Preemption

Counties: A charter county has all powers of self-government not inconsistent with general law or special law approved by the voters.¹⁵ A county without a charter has such power of self-government as provided by general¹⁶ or special law, and may enact county ordinances not inconsistent with general law.¹⁷ General law authorizes counties “the power to carry on county government”¹⁸ and to “perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law.”¹⁹

Municipalities: Chapter 166, F.S., also known as the Municipal Home Rule Powers Act,²⁰ acknowledges the constitutional grant to municipalities of governmental, corporate, and proprietary power necessary to conduct municipal government, functions, and services. Chapter 166, F.S., provides municipalities with broad home rule powers, respecting expressed limits on municipal powers established by the Florida Constitution, applicable laws, and county charters.²¹

Section 166.221, F.S., authorizes municipalities to levy reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter.

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature has preempted a particular subject area or (2) the local enactment conflicts with a state statute. Where state preemption applies it precludes a local government from exercising authority in that particular area.²²

¹³ *Supra* note 6.

¹⁴ See Next City, *Seattle Test Will Lead to Regulating Dockless Bike-Share*, Cohen, J., December 21, 2017, available at <https://nextcity.org/daily/entry/seattle-dockless-bikeshare-pilot-regulation> (last viewed March 23, 2019).

¹⁵ Art. VIII, s. 1(g), Fla. Const.

¹⁶ Ch. 125, Part I, F.S.

¹⁷ Art. VIII, § 1(f), Fla. Const.

¹⁸ Section 125.01(1), F.S.

¹⁹ Section 125.01(1)(w), F.S.

²⁰ Section 166.011, F.S.

²¹ Section 166.021(4), F.S.

²² Wolf, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.²³ Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.²⁴ Legislative intent is clearly discernable where the Legislature expressly or specifically preempts an area.²⁵ In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.²⁶

Florida Uniform Traffic Control Law

The Florida Uniform Traffic Control Laws is codified in ch. 316, F.S. Unless expressly authorized, it is unlawful for any local government to pass or attempt to enforce any ordinance on a matter that is covered by state traffic control laws.²⁷

Bicycle Regulation

Section 316.003(4), F.S., defines a “bicycle” as:

Every vehicle propelled solely by human power, and every *motorized bicycle* propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.

Under state traffic control laws bicyclists are considered vehicle operators and are generally required to obey the same rules of the road as other vehicle operators, including traffic signs, signals, and lane markings.²⁸ Section 316.2065, F.S., governs the operation of bicycles in Florida and provides for a number of bicycle-specific regulations, including:

- A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet.²⁹
- A person may not knowingly rent or lease any bicycle to be ridden by a child who is under the age of 16 years unless:
 - The child possesses a bicycle helmet; or
 - The lessor provides a bicycle helmet for the child to wear.³⁰
- Every bicycle in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and

²³ See *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).

²⁴ *Mulligan*, 934 So. 2d at 1243.

²⁵ *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).

²⁶ See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So.2d 504 (Fla. 3d DCA 2002).

²⁷ Sections 316.002 and 316.007, F.S.

²⁸ Section 316.2065(1), F.S.

²⁹ Section 316.2065(3)(d), F.S.

³⁰ Section 316.2065(15)(a), F.S.

reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear.³¹

- A person operating a bicycle on a sidewalk, or across a roadway on a crosswalk, must yield the right-of-way to any pedestrian and must give an audible signal before overtaking and passing the pedestrian.³²

A person operating a bicycle on a roadway must ride in the bicycle lane, but if there is no bicycle lane, the bicycle operator must ride as close to the right-hand curb as practicable. However, a bicycle operator may move to the center of the lane when:

- Overtaking and passing another bicycle or vehicle proceeding in the same direction;
- Preparing for a left turn at an intersection or into a private road or driveway; or
- Reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane.³³

A substandard width lane is any lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.³⁴ Bicycle operators operating a bicycle on a one-way highway with two or more marked traffic lanes may ride as near to the left-hand curb as practicable³⁵ and bicycle operators may not ride more than two abreast on a roadway.³⁶

Local Traffic Control Authority

State traffic control laws allow local authorities to exercise some discretion over matters relating to bicycle safety and operation. Section 316.008, F.S., “Powers of local authorities,” grants local authorities with a reasonable exercise of police power to regulate a number of traffic-related activities within their jurisdictions, including:

- The operation of bicycles;
- Restricting the use of streets;
- Establishing speed limits for vehicles in public parks;
- Regulating or prohibiting stopping, standing, or parking;
- Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
- Regulating, restricting, or monitoring traffic by security devices or personnel on public streets and highway;
- Designating and regulating traffic on play streets;
- Regulating, restricting, or prohibiting traffic within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision; and
- Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.

³¹ Section 316.2065(7), F.S.

³² Section 316.2065(10), F.S.

³³ Section 316.2065(5)(a), F.S.

³⁴ *Id.*

³⁵ Section 316.2065(5)(b), F.S.

³⁶ Section 316.2065(6), F.S.

Section 316.008(7), F.S., authorizes a county or municipality to enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, *motorized scooters*, and electric personal assistive mobility devices on sidewalks or sidewalk areas, when such use is permissible under federal law³⁷ and under certain conditions. Local authorities, in conjunction with the Department of Transportation, are authorized to determine when overtaking and passing or driving to the left of the roadway would be especially hazardous and may require signs and markings to be placed to designate a no-passing zone.³⁸

Driving on Sidewalks or Bicycle Paths

Section 316.1995, F.S., prohibits a person from driving any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway, except:

- Pursuant to a local ordinance as authorized in s. 316.008, F.S., discussed above, or
- As provided in s. 316.212(8), F.S., relating to golf carts.

Operation of Motorized Scooters and Miniature Motorcycles

Section 316.2128, F.S., addresses operation of motorized scooters and miniature motorcycles and their sales. That section requires a commercial seller of these scooters and motorcycles to display at the place of business a notice that they are not legal to operate on public roads, may not be registered as motor vehicles, and may not be operated on sidewalks unless authorized by an ordinance enacted pursuant to s. 316.008(7)(a) or s. 316.212(8), F.S., discussed above. The notice must also appear in all forms of advertising offering motorized scooters or miniature motorcycles for sale, and a copy of the notice must be provided to a consumer prior to becoming obligated to make a purchase.

Additional Equipment Required on Certain Vehicles

Section 316.2225(7), F.S., requires in part that every slow-moving vehicle or equipment, animal-drawn vehicle, or other machinery designed for use and speeds less than 25 miles per hour being operated on a public highway to display a triangular slow-moving vehicle emblem.

III. Effect of Proposed Changes:

The bill sets up a regulatory framework for authorizing the operation of micromobility devices and motorized scooters, provides certain restrictions on local government regulations, and revises various related provisions of current law.

Section 1 of the bill amends s. 316.003, F.S., to define the term “micromobility device” to mean “any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips, which is incapable of traveling at

³⁷ 23 U.S.C. s. 217 authorizes a state to expend certain funds for construction of pedestrian walkways (sidewalks) and bicycle transportation facilities and for carrying out non-construction projects related to safe bicycle use. 23 U.S.C. s. 217(h) specifically prohibits motorized vehicles on trails and pedestrian walkways if such funds are used by the state to construct them, except for maintenance purposes; when snow conditions and state or local regulations permit, snowmobiles; motorized wheelchairs; when state or local regulations permit, electric bicycles; and such other circumstances as the U.S.D.O.T. Secretary deems appropriate. Failure to comply can result in the state’s loss of those federal funds.

³⁸ Section 316.0875, F.S.

speeds greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this section.”

This section of the bill also revises the current definition of “motorized scooter” to include any vehicle³⁹ or *micromobility device powered by a motor with or without a seat or saddle for the use of the rider*. The definition is also revised to reduce the maximum allowable speed of such vehicles or devices on level ground from 30 miles per hour to 20 miles per hour. The bill also corrects a cross reference necessitated by the bill’s revisions.

The reduced speed may increase safety for other users of sidewalks where bicycles and motorized scooters use the same sidewalks. However, this result may be offset to the extent that the bill results in increased use of the sidewalks by bicycles and motorized scooters. This result may also be offset to the extent that increased interaction of these devices with “conventional” traffic in the roadways results in additional injuries or fatalities.

Section 2 amends s. 316.008, F.S., relating to the powers of local authorities with respect to streets and highways under their jurisdiction. The bill creates a new subsection (9) of that section of law, authorizing a county or municipality to regulate the operation of micromobility devices and for-hire motorized scooters. However, any such ordinance or regulation may not:

- Conflict with ch. 316, F.S., or federal law.
- Be more restrictive than the county’s or municipality’s regulation of bicycles.

This section of the bill also expressly deems regulation of micromobility devices and for-hire motorized scooters to be exclusively controlled by state and federal law, except as provided in s. 316.008, F.S.

To the extent that any existing local ordinance or regulation conflicts with the provisions of ch. 316, F.S., or federal law, or is more restrictive than that applied to bicycles, the local ordinance or regulation is preempted. Adoption of any such conflicting or more restrictive local ordinance or regulation would be prohibited.

The bill authorizes a county or municipality to require a person offering micromobility devices or for-hire motorized scooters to be licensed. However, the local government *must* grant a license if the applicant for licensure provides proof of:

- Commercial general liability insurance coverage with a limit of at least \$1 million per occurrence and with a \$5 million aggregate limit; and
- Minimum required workers’ compensation coverage, if the applicant employs individuals within a given county or municipality for which an application is submitted.

Depending on market demand, this mandatory licensing provision may result in an over-supply of micromobility devices and for-hire motorized scooters in a given local jurisdiction due to the competitive nature of industry business models. See the Related Issues heading for additional discussion of the potential impacts of these licensing limitations.

³⁹ Section 316.003(99), F.S., defines “vehicle” to mean “every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks.”

A rider who is injured or who causes injuries (and those injured by the rider) would not be covered by the required commercial insurance coverage, unless the micromobility device or for-hire motorized scooter was somehow defective and that defect was the cause of the injuries. In any case, the parties may incur significant litigation expenses to defend against a claim for or to seek recovery of damages. An injured individual's health insurance coverage, if any, would likely be his or her most immediate resource for paying for medical treatment.

Section 3 amends s. 316.1995, F.S., relating to exceptions to driving upon sidewalks or bicycle paths, to insert a cross-reference to new provisions created by the bill in s. 316.2128, F.S.

Section 4 amends s. 316.2128, F.S., relating to operation and sales of motorized scooters and miniature motorcycles, to incorporate micromobility devices into the section title and limit the reference to sales provisions in the title to miniature motorcycles. Additionally, with respect to the operation of micromobility devices or motorized scooters, the bill:

- Grants the operator of a micromobility device or motorized scooter all of the rights and duties applicable to the rider of a bicycle under s. 316.2065, F.S., except those imposed by s. 316.2065(2), (3)(b), and (3)(c), F.S., which by their nature do not apply.⁴⁰
- Excludes a micromobility device or motorized scooter from compliance with the vehicle registration and insurance requirements of s. 320.02, F.S.,⁴¹ or the vehicle licensing requirements of s. 316.605, F.S.⁴²
- Allows a person without a valid driver license to operate a micromobility device or motorized scooter.
- Authorizes a person to park a micromobility device or motorized scooter on sidewalks in a manner that does not impede the normal movement of pedestrian traffic to adhere with local ordinances and state or federal laws.

Because riders of micromobility devices and motorized scooters would have the same rights and duties of bicycle riders under s. 316.2065, F.S. (with the identified exceptions that do not apply by their nature), riders of micromobility devices and motorized scooters would be bound by the provisions of that section of law. For example:

- A person under the age of 16 would continue to be prohibited from operating or riding upon a motorized bicycle.
- A rider or passenger under 16 on a micromobility device or motorized scooter would be required to wear a helmet.
- A rider of a micromobility device or motorized scooter on a roadway would be required to ride in the bicycle lane, but if there is no bicycle lane, as close to the right-hand curb as practicable.

⁴⁰ These duties include: A person operating a bicycle must ride upon or astride a permanent and regular seat attached thereto; must carry any passenger who is a child under four years of age, or who weighs 40 pounds or less, in a seat or carrier that is designed to carry a child of that age or size that secures and protects the child from the moving parts of the bicycle; and must remain in immediate control of the bicycle when a passenger is in a child seat or carrier.

⁴¹ Section 320.02, F.S., generally requires every owner or person in charge of a motor vehicle that is operated or driven on the roads of this state to register the vehicle in this state

⁴² Section 316.605, F.S., generally requires every vehicle to be licensed in the name of the owner and provides requirements for display of the vehicle license plate.

- A rider of a micromobility device or motorized scooter on a sidewalk, or across a roadway on a crosswalk, would be required to yield the right-of-way to any pedestrian.

The bill authorizes a person to park a micromobility device or motorized scooter on sidewalks in a manner that does not impede the normal movement of pedestrian traffic, *to adhere with local ordinances and state or federal law*. The effect of the reference on the extent to which local ordinances could regulate such parking under the bill is unclear. See the Related Issues Heading for additional discussion.

This section of the bill also removes references to motorized scooters in the consumer notice provisions currently contained in s. 316.2128, F.S., thereby removing motorized scooters from application of those provisions.

Section 5 amends s. 316.2225(7), F.S., to exclude micromobility devices and motorized scooters from equipment requirements related to display of a triangular slow-moving vehicle emblem for certain slow-moving vehicles.

Section 6 amends s. 655.960(1), F.S., to revise a cross-reference to conform to changes made by the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Public access to micromobility devices and motorized scooters may increase if the bill results in additional local markets being opened to businesses offering these services.

Increased use of micromobility devices and motorized scooters may have an indeterminate impact on users' out-of-pocket medical treatment costs and other expenses depending on the frequency and severity of injuries that result. The parties to any litigation relating to injuries or fatalities associated with micromobility devices or motorized scooters may incur significant expenses to defend against a claim for or to seek recoverable damages.

C. Government Sector Impact:

Counties and municipalities may see an indeterminate positive fiscal impact from the licensure fees collected from companies offering micromobility devices and for-hire motorized scooters for public use, offset by an indeterminate negative fiscal impact associated with resources needed to regulate the companies.

The fiscal impact, if any, to local-jurisdiction ability to manage and control traffic and sidewalk-related matters is indeterminate.

Increased use of micromobility devices and motorized scooters may have an indeterminate impact on public health costs depending on the frequency and severity of injuries that may result and the availability of private health insurance to cover those costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 4: The bill authorizes a person to park a micromobility device or motorized scooter on sidewalks in a manner that does not impede the normal movement of pedestrian traffic, *to adhere with local* ordinances and state or federal law. Whether the reference to adherence with local ordinances would require revision of any existing parking regulations applicable to bicycles and, therefore to micromobility devices and motorized scooters, is unclear. Additionally, whether that reference would, for example, authorize a local government to restrict, or to prohibit parking of micromobility devices or motorized scooters on sidewalks altogether, is unclear.

The Florida League of Cities notes the following with respect to the bill:

- Bicycles and scooters are inherently different due to their center of gravity, stability, riding speeds, and riding range. Regulating them in the same fashion may not be the best approach.
- Riding a scooter, at 20 miles per on roads and bike lanes, requires more skill and concentration than a bicycle, making scooters far less safe, particularly for children.
- Municipalities need to be able to regulate providers using broader criteria that supports public safety and minimizes legal risk to the cities.

- Municipalities should be able to consider other factors in their licensing schemes; *e.g.*, past performance, ability to quickly remove scooters before a hurricane, ability to respond to complaint and rebalance scooter distribution in a timely manner, etc.
- Unrestricted deployment in cities will create visual clutter, tripping hazards, and difficulty maintaining ADA compliant access on sidewalks.⁴³

Advocates point to the advantages of additional transportation options for shorter, urban trips, thereby facilitating personal mobility, as well as the potential for decreased congestion on urban roadways.⁴⁴ Micromobility devices and motorized scooters have potential to facilitate the “first-mile, last-mile, problem experienced by public transportation users who need help getting to and from the nearest bus stop.⁴⁵ Opportunities for private investment in providing public transportation options may assist local governments in providing transportation services to typically under-served populations. They enable a car-free lifestyle, and a majority of people view scooters positively.⁴⁶

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.008, 316.1995, 316.2128, 316.2225, and 655.960.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

⁴³ See email to Infrastructure and Security Committee staff dated March 7, 2019. (On file in the Infrastructure and Security Committee.)

⁴⁴ See WFSU, *State Could Clear the Path for E-Scooters*, McCarthy, R., March 8, 2019, available at <https://news.wfsu.org/post/state-could-clear-path-e-scooters> (last viewed March 24, 2019).

⁴⁵ *Id.*

⁴⁶ See Populus, *The Micro-Mobility Revolution*, Clewlow, R., July 24, 2018, available at <https://medium.com/populus-ai/the-micro-mobility-revolution-95e396db3754> (last viewed March 23, 2019).