

By Senator Brandes

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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 that, except for
15 specified provisions, regulation of micromobility
16 devices and for-hire motorized scooters is exclusively
17 controlled by state and federal law; amending s.
18 316.1995, F.S.; conforming a provision to changes made
19 by the act; amending s. 316.2128, F.S.; providing that
20 the operator of a micromobility device or motorized
21 scooter has all of the rights and duties applicable to
22 the rider of a bicycle, except the duties imposed by
23 specified provisions that by their nature do not
24 apply; exempting a micromobility device or motorized
25 scooter from certain registration, insurance, and
26 licensing requirements; providing that a person is not
27 required to have a valid driver license to operate a
28 micromobility device or motorized scooter; authorizing
29 the parking of a micromobility device or motorized

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30 scooter on sidewalks, subject to certain requirements;
31 deleting specified requirements for the sale of
32 motorized scooters; amending s. 316.2225, F.S.;
33 exempting micromobility devices and motorized scooters
34 from certain emblem requirements; amending s. 655.960,
35 F.S.; conforming a cross-reference; providing an
36 effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

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

45 316.003 Definitions.—The following words and phrases, when
46 used in this chapter, shall have the meanings respectively
47 ascribed to them in this section, except where the context
48 otherwise requires:

49 (38) MICROMOBILITY DEVICE.—Any motorized transportation
50 device made available for private use by reservation through an
51 online application, website, or software for point-to-point
52 trips, which is incapable of traveling at speeds greater than 20
53 miles per hour on level ground. This term includes motorized
54 scooters and bicycles as defined in this section.

55 (45) ~~(44)~~ MOTORIZED SCOOTER.—Any vehicle or micromobility
56 device that is powered by a motor with or without ~~not having~~ a
57 seat or saddle for the use of the rider, designed to travel on
58 not more than three wheels, and not capable of propelling the

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59 vehicle at a speed greater than 20 ~~30~~ miles per hour on level
60 ground.

61 (60)~~(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
62 provided in paragraph (82) (b) ~~(81) (b)~~, any privately owned way
63 or place used for vehicular travel by the owner and those having
64 express or implied permission from the owner, but not by other
65 persons.

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

68 316.008 Powers of local authorities.—

69 (9) (a) A county or municipality may regulate the operation
70 of micromobility devices and for-hire motorized scooters;
71 however, any such ordinance or regulation may not conflict with
72 this chapter or federal law and may not be more restrictive than
73 the county's or municipality's regulation of bicycles.

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

78 1. Commercial general liability insurance coverage with a
79 limit of at least \$1 million per occurrence and with a \$5
80 million aggregate limit; and

81 2. If the applicant employs persons within the jurisdiction
82 of the county or municipality, workers' compensation coverage
83 that meets the minimum requirements under chapter 440 and the
84 Florida Insurance Code.

85 (c) Except as provided in this section, regulation of
86 micromobility devices and for-hire motorized scooters is
87 exclusively controlled by state and federal law.

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88 Section 3. Section 316.1995, Florida Statutes, is amended
89 to read:

90 316.1995 Driving upon sidewalk or bicycle path.-

91 (1) Except as provided in s. 316.008, s. 316.2128, or s.
92 316.212(8), a person may not drive any vehicle other than by
93 human power upon a bicycle path, sidewalk, or sidewalk area,
94 except upon a permanent or duly authorized temporary driveway.

95 (2) A violation of this section is a noncriminal traffic
96 infraction, punishable as a moving violation as provided in
97 chapter 318.

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

99 Section 4. Section 316.2128, Florida Statutes, is amended
100 to read:

101 316.2128 Operation of micromobility devices, motorized
102 scooters, and miniature motorcycles; requirements for sales of
103 miniature motorcycles.-

104 (1) The operator of a micromobility device or motorized
105 scooter has all of the rights and duties applicable to the rider
106 of a bicycle under s. 316.2065, except the duties imposed by s.
107 316.2065(2) and (3)(b) and (3)(c), which by their nature do not
108 apply.

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

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

114 (4) A person may park a micromobility device or motorized
115 scooter on sidewalks in a manner that does not impede the normal
116 movement of pedestrian traffic to adhere with local ordinances

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117 and state or federal laws.

118 (5)~~(1)~~ A person who engages in the business of, serves in
119 the capacity of, or acts as a commercial seller of ~~motorized~~
120 ~~scooters or~~ miniature motorcycles in this state must prominently
121 display at his or her place of business a notice that such
122 vehicles are not legal to operate on public roads, may not be
123 registered as motor vehicles, and may not be operated on
124 sidewalks unless authorized by an ordinance enacted pursuant to
125 s. 316.008(7)(a) or s. 316.212(8). The required notice must also
126 appear in all forms of advertising offering ~~motorized scooters~~
127 ~~or~~ miniature motorcycles for sale. The notice and a copy of this
128 section must also be provided to a consumer prior to the
129 consumer's purchasing or becoming obligated to purchase a
130 ~~motorized scooter or~~ a miniature motorcycle.

131 (6)~~(2)~~ Any person selling or offering a ~~motorized scooter~~
132 ~~or~~ a miniature motorcycle for sale in violation of this section
133 commits an unfair and deceptive trade practice as defined in
134 part II of chapter 501.

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

137 316.2225 Additional equipment required on certain
138 vehicles.—In addition to other equipment required in this
139 chapter, the following vehicles shall be equipped as herein
140 stated under the conditions stated in s. 316.217.

141 (7) On every slow-moving vehicle or equipment, animal-drawn
142 vehicle, or other machinery designed for use and speeds less
143 than 25 miles per hour, excluding micromobility devices and
144 motorized scooters, but including all road construction and
145 maintenance machinery except when engaged in actual construction

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146 or maintenance work either guarded by a flagger or a clearly
147 visible warning sign, which normally travels or is normally used
148 at a speed of less than 25 miles per hour and which is operated
149 on a public highway, there must be:

150 ~~(a)~~ a triangular slow-moving vehicle emblem SMV as
151 described in, and displayed as provided in, this subsection
152 ~~paragraph (b)~~.

153 (a) The requirement of the emblem shall be in addition to
154 any other equipment required by law. The emblem shall not be
155 displayed on objects which are customarily stationary in use
156 except while being transported on the roadway of any public
157 highway of this state.

158 (b) The Department of Highway Safety and Motor Vehicles
159 shall adopt such rules and regulations as are required to carry
160 out the purpose of this section. The requirements of such rules
161 and regulations shall incorporate the current specifications for
162 SMV emblems of the American Society of Agricultural Engineers.

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

165 655.960 Definitions; ss. 655.960-655.965.—As used in this
166 section and ss. 655.961-655.965, unless the context otherwise
167 requires:

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

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