

By Senator Bennett

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1 A bill to be entitled
2 An act relating to vehicle operation; amending s.
3 316.003, F.S.; redefining the term "electric personal
4 assistive mobility device" to include additional
5 devices for transporting one person; amending s.
6 316.008, F.S.; authorizing local governments to
7 regulate certain vehicles and other motorized devices
8 operating on sidewalks; amending s. 316.1995, F.S.;
9 conforming provisions to changes made by the act;
10 exempting motorized wheelchairs from certain
11 ordinances; amending s. 316.212, F.S.; authorizing
12 local governments to enact ordinances permitting the
13 use of golf carts on sidewalks; amending s. 316.2128,
14 F.S.; conforming provisions relating to notices
15 required to be displayed by certain sellers of
16 motorized scooters and motorcycles; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Subsection (83) of section 316.003, Florida
22 Statutes, is amended to read:

23 316.003 Definitions.—The following words and phrases, when
24 used in this chapter, shall have the meanings respectively
25 ascribed to them in this section, except where the context
26 otherwise requires:

27 (83) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any self-
28 balancing, ~~two-nontandem-wheeled~~ device, designed to transport
29 only one person, with an electric propulsion system with average

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30 power of no more than 750 watts (1 horsepower), the maximum
31 speed of which, on a paved level surface when powered solely by
32 such a propulsion system while being ridden by an operator who
33 weighs 170 pounds, is less than 20 miles per hour. Electric
34 personal assistive mobility devices are not vehicles as defined
35 in this section.

36 Section 2. Subsection (7) is added to section 316.008,
37 Florida Statutes, to read:

38 316.008 Powers of local authorities.—

39 (7) A county or municipality may enact an ordinance to
40 permit, control, or regulate the operation of vehicles, golf
41 carts, mopeds, motorized scooters, and electric personal
42 assistive mobility devices on sidewalks or sidewalk areas. The
43 ordinance must restrict such vehicles or devices to a maximum
44 speed of 15 miles per hour in such areas.

45 Section 3. Section 316.1995, Florida Statutes, is amended
46 to read:

47 316.1995 Driving upon sidewalk or bicycle path.—

48 (1) Except as provided in s. 316.008 or s. 316.212(8), a No
49 person may not shall drive any vehicle other than by human power
50 upon a bicycle path, sidewalk, or sidewalk area, except upon a
51 permanent or duly authorized temporary driveway.

52 (2) A violation of this section is a noncriminal traffic
53 infraction, punishable as a moving violation as provided in
54 chapter 318.

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

56 Section 4. Subsection (8) of section 316.212, Florida
57 Statutes, is amended to read:

58 316.212 Operation of golf carts on certain roadways.—The

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59 operation of a golf cart upon the public roads or streets of
60 this state is prohibited except as provided herein:

61 (8) A local governmental entity may enact an ordinance
62 relating to:

63 (a) Regarding Golf cart operation and equipment which is
64 more restrictive than those enumerated in this section. Upon
65 enactment of such ordinance, the local governmental entity shall
66 post appropriate signs or otherwise inform the residents that
67 such an ordinance exists and that it will be enforced within the
68 local government's jurisdictional territory. An ordinance
69 referred to in this section must apply only to an unlicensed
70 driver.

71 (b) Golf cart operation on sidewalks adjacent to specific
72 segments of municipal streets, county roads, or state highways
73 within the jurisdictional territory of the local governmental
74 entity if:

75 1. The local governmental entity determines, after
76 considering the condition and current use of the sidewalks, the
77 character of the surrounding community, and the locations of
78 authorized golf cart crossings, that golf carts, bicycles, and
79 pedestrians may safely share the sidewalk;

80 2. The local governmental entity consults with the
81 Department of Transportation before adopting the ordinance;

82 3. The ordinance restricts golf carts to a maximum speed of
83 15 miles per hour and permits such use on sidewalks adjacent to
84 state highways only if the sidewalks are at least 8 feet wide;

85 4. The ordinance requires the golf carts to meet the
86 equipment requirements in subsection (6). However, the ordinance
87 may require additional equipment, including horns or other

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88 warning devices required by s. 316.271; and

89 5. The local governmental entity posts appropriate signs or
90 otherwise informs residents that the ordinance exists and
91 applies to such sidewalks.

92 Section 5. Section 316.2128, Florida Statutes, is amended
93 to read:

94 316.2128 Operation of motorized scooters and miniature
95 motorcycles; requirements for sales.-

96 (1) A person who engages in the business of, serves in the
97 capacity of, or acts as a commercial seller of motorized
98 scooters or miniature motorcycles in this state must prominently
99 display at his or her place of business a notice that such
100 vehicles are not legal to operate on public roads, ~~or sidewalks~~
101 ~~and~~ may not be registered as motor vehicles, and may not be
102 operated on sidewalks unless authorized by an ordinance enacted
103 pursuant to s. 316.008(7) or s. 316.212(8). The required notice
104 must also appear in all forms of advertising offering motorized
105 scooters or miniature motorcycles for sale. The notice and a
106 copy of this section must also be provided to a consumer prior
107 to the consumer's purchasing or becoming obligated to purchase a
108 motorized scooter or a miniature motorcycle.

109 (2) Any person selling or offering a motorized scooter or a
110 miniature motorcycle for sale in violation of this section
111 commits an unfair and deceptive trade practice as defined in
112 part II of chapter 501.

113 Section 6. This act shall take effect July 1, 2010.