

By the Committee on Community Affairs; and Senator Bennett

578-05288-10

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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 when  
43 such use is permissible under federal law. The ordinance must  
44 restrict such vehicles or devices to a maximum speed of 15 miles  
45 per hour in such areas.

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

48 316.1995 Driving upon sidewalk or bicycle path.—

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

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

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

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

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59           316.212 Operation of golf carts on certain roadways.—The  
60 operation of a golf cart upon the public roads or streets of  
61 this state is prohibited except as provided herein:

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

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

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

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

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

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

86           4. The ordinance requires the golf carts to meet the  
87 equipment requirements in subsection (6). However, the ordinance

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88 may require additional equipment, including horns or other  
89 warning devices required by s. 316.271; and

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

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

95 316.2128 Operation of motorized scooters and miniature  
96 motorcycles; requirements for sales.—

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

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

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