



LEGISLATIVE ACTION

Senate . House

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Floor: 2/AD/2R .

04/26/2010 04:05 PM .

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Senator Bennett moved the following:

**Senate Amendment (with title amendment)**

Between lines 295 and 296

insert:

Section 13. Subsection (83) of section 316.003, Florida Statutes, is amended to read:

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

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



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

20 Section 14. Subsection (7) is added to section 316.008,  
21 Florida Statutes, to read:

22 316.008 Powers of local authorities.—

23 (7) A county or municipality may enact an ordinance to  
24 permit, control, or regulate the operation of vehicles, golf  
25 carts, mopeds, motorized scooters, and electric personal  
26 assistive mobility devices on sidewalks or sidewalk areas when  
27 such use is permissible under federal law. The ordinance must  
28 restrict such vehicles or devices to a maximum speed of 15 miles  
29 per hour in such areas, when such use is permitted under federal  
30 law.

31 Section 15. 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), a No  
35 person may not shall drive any vehicle other than by human power  
36 upon a bicycle path, sidewalk, or sidewalk area, except upon a  
37 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  
40 chapter 318.

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

42 Section 16. Subsection (8) of section 316.212, Florida



43 Statutes, is amended to read:

44 316.212 Operation of golf carts on certain roadways.—The  
45 operation of a golf cart upon the public roads or streets of  
46 this state is prohibited except as provided herein:

47 (8) A local governmental entity may enact an ordinance  
48 relating to:

49 (a) Regarding Golf cart operation and equipment which is  
50 more restrictive than those enumerated in this section. Upon  
51 enactment of such ordinance, the local governmental entity shall  
52 post appropriate signs or otherwise inform the residents that  
53 such an ordinance exists and that it will be enforced within the  
54 local government's jurisdictional territory. An ordinance  
55 referred to in this section must apply only to an unlicensed  
56 driver.

57 (b) Golf cart operation on sidewalks adjacent to specific  
58 segments of municipal streets, county roads, or state highways  
59 within the jurisdictional territory of the local governmental  
60 entity if:

61 1. The local governmental entity determines, after  
62 considering the condition and current use of the sidewalks, the  
63 character of the surrounding community, and the locations of  
64 authorized golf cart crossings, that golf carts, bicycles, and  
65 pedestrians may safely share the sidewalk;

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

68 3. The ordinance restricts golf carts to a maximum speed of  
69 15 miles per hour and permits such use on sidewalks adjacent to  
70 state highways only if the sidewalks are at least 8 feet wide;

71 4. The ordinance requires the golf carts to meet the



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72 equipment requirements in subsection (6). However, the ordinance  
73 may require additional equipment, including horns or other  
74 warning devices required by s. 316.271; and

75 5. The local governmental entity posts appropriate signs or  
76 otherwise informs residents that the ordinance exists and  
77 applies to such sidewalks.

78 Section 17. Section 316.2128, Florida Statutes, is amended  
79 to read:

80 316.2128 Operation of motorized scooters and miniature  
81 motorcycles; requirements for sales.—

82 (1) A person who engages in the business of, serves in the  
83 capacity of, or acts as a commercial seller of motorized  
84 scooters or miniature motorcycles in this state must prominently  
85 display at his or her place of business a notice that such  
86 vehicles are not legal to operate on public roads, ~~or sidewalks~~  
87 ~~and~~ may not be registered as motor vehicles, and may not be  
88 operated on sidewalks unless authorized by an ordinance enacted  
89 pursuant to s. 316.008(7) or s. 316.212(8). The required notice  
90 must also appear in all forms of advertising offering motorized  
91 scooters or miniature motorcycles for sale. The notice and a  
92 copy of this section must also be provided to a consumer prior  
93 to the consumer's purchasing or becoming obligated to purchase a  
94 motorized scooter or a miniature motorcycle.

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

99  
100 ===== T I T L E A M E N D M E N T =====



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101 And the title is amended as follows:  
102       Delete line 45  
103 and insert:  
104       project; amending s. 316.003, F.S.; redefining the  
105       term "electric personal assistive mobility device" to  
106       include additional devices for transporting one  
107       person; amending s. 316.008, F.S.; authorizing local  
108       governments to regulate certain vehicles and other  
109       motorized devices operating on sidewalks; amending s.  
110       316.1995, F.S.; conforming provisions to changes made  
111       by the act; exempting motorized wheelchairs from  
112       certain ordinances; amending s. 316.212, F.S.;  
113       authorizing local governments to enact ordinances  
114       permitting the use of golf carts on sidewalks;  
115       amending s. 316.2128, F.S.; conforming provisions  
116       relating to notices required to be displayed by  
117       certain sellers of motorized scooters and motorcycles;  
118       providing an effective date.