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LEGISLATIVE ACTION

Senate

House

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Floor: 11/AD/2R

04/27/2011 03:17 PM

Senator Storms moved the following:

Senate Amendment (with title amendment)

Delete lines 346 - 371

and insert:

Section 4. Subsections (2), (21), and (83) of section 316.003, Florida Statutes, are amended, and subsections (89), (90), and (91) are added to that section, 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:

(2) BICYCLE.—Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human



459312

14 power and an electric helper motor capable of propelling the
15 vehicle at a speed of not more than 20 miles per hour on level
16 ground upon which any person may ride, having two tandem wheels
17 or three wheels, and including any device generally recognized
18 as a bicycle though equipped with two front or two rear wheels.
19 The term does not include such a vehicle with a seat height of
20 no more than 25 inches from the ground when the seat is adjusted
21 to its highest position or a scooter or similar device. No
22 person under the age of 16 may operate or ride upon a motorized
23 bicycle.

24 (21) MOTOR VEHICLE.—Any self-propelled vehicle not operated
25 upon rails or guideway, but not including any bicycle, motorized
26 scooter, electric personal assistive mobility device, durable
27 medical equipment, swamp buggy, or moped.

28 (83) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any self-
29 balancing, two-nontandem-wheeled device, commonly known as a
30 Segway, designed to transport only one person, with an electric
31 propulsion system with average power of 750 watts (1
32 horsepower), the maximum speed of which, on a paved level
33 surface when powered solely by such a propulsion system while
34 being ridden by an operator who weighs 170 pounds, is less than
35 20 miles per hour. Electric personal assistive mobility devices
36 are not vehicles as defined in this section.

37 (89) SWAMP BUGGY.—A motorized off-road vehicle designed to
38 travel over swampy terrain, which may utilize large tires or
39 tracks operated from an elevated platform, and may be used on
40 varied terrain. A swamp buggy does not include any vehicle
41 defined in chapter 261 or otherwise defined or classified in
42 this chapter. A swamp buggy may not be operated upon the public



459312

43 roads, streets, or highways of this state, except to the extent
44 specifically authorized by a state or federal agency to be used
45 exclusively upon lands, managed, owned, or leased by that
46 agency.

47 (90) ROAD RAGE.—The act of a driver or passenger to
48 intentionally or unintentionally, due to a loss of emotional
49 control, injure or kill another driver, passenger, or
50 pedestrian, or to attempt or threaten to injure or kill another
51 driver, passenger, or pedestrian.

52 (91) DURABLE MEDICAL EQUIPMENT.—Any three- or four-wheeled
53 mobility device, including a manually propelled or powered
54 wheelchair or motorized scooter, which is designed to provide
55 transportation for mobility-impaired persons.

56 Section 5. Subsection (7) of section 316.008, Florida
57 Statutes, is amended to read:

58 316.008 Powers of local authorities.—

59 (7) A county or municipality may enact an ordinance to
60 permit, control, or regulate the operation of vehicles, golf
61 carts, mopeds, motorized scooters, and electric personal
62 ~~assistive~~ mobility devices on sidewalks or sidewalk areas when
63 such use is permissible under federal law. The ordinance must
64 restrict such vehicles or devices to a maximum speed of 15 miles
65 per hour in such areas.

66 Section 6. Mobility-impaired persons have the same rights,
67 responsibilities, and restrictions as provided for pedestrians
68 in s. 316.130, Florida Statutes, including persons who:

69 (1) Are legally blind;

70 (2) Are unable to walk without assistance from another
71 person or the use of a brace, cane, crutch, prosthetic device,



459312

72 wheelchair, or other assistive device;

73 (3) Are restricted by lung disease to the extent that their
74 forced expiratory volume for 1 second, when measured by
75 spirometry, is less than 1 liter, their arterial oxygen is less
76 than 60mm/hg on room air at rest, or they require the use of
77 portable oxygen;

78 (4) Are restricted by a cardiac condition to the extent
79 that their functional limitations are classified as Class III or
80 Class IV in severity, by American Heart Association standards;
81 or

82 (5) Are restricted in their ability to walk due to an
83 arthritic, neurological, or orthopedic condition.

84
85 ===== T I T L E A M E N D M E N T =====

86 And the title is amended as follows:

87 Delete lines 12 - 14

88 and insert:

89 316.003, F.S.; revising the definition of the term
90 "motor vehicle" to include durable medical equipment
91 and swamp buggies; revising the definition of the term
92 "electric personal assistive mobility device";
93 defining the terms "swamp buggy," "road rage," and
94 "durable medical equipment"; amending s. 316.008,
95 F.S.; deleting the powers of local authorities to
96 regulate assistive mobility devices on sidewalks;
97 providing that mobility-impaired persons have the
98 rights and responsibilities provided to pedestrians in
99 s. 316.130, F.S., with respect to traffic regulations;
100 amending s.