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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/03/2017	.	
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The Committee on Banking and Insurance (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Present subsections (51) through (97) of section 316.003, Florida Statutes, are renumbered as subsections (53) through (99), respectively, present subsections (40), (55), and (95) of that section are amended, and new subsections (51) and (52) are added to that section, to read:

316.003 Definitions.—The following words and phrases, when



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11 used in this chapter, shall have the meanings respectively
12 ascribed to them in this section, except where the context
13 otherwise requires:

14 (40) MOTOR VEHICLE.—Except when used in s. 316.1001, a
15 self-propelled vehicle not operated upon rails or guideway, but
16 not including any bicycle, motorized scooter, electric personal
17 assistive mobility device, personal delivery device, swamp
18 buggy, or moped. For purposes of s. 316.1001, “motor vehicle”
19 has the same meaning as provided in s. 320.01(1)(a).

20 (51) PERSONAL DELIVERY DEVICE.—An electrically powered
21 device that:

22 (a) Is operated on sidewalks and crosswalks and intended
23 primarily for transporting property;

24 (b) Weighs less than 80 pounds, excluding cargo;

25 (c) Has a maximum speed of 10 miles per hour; and

26 (d) Is equipped with technology to allow for operation of
27 the device with or without the active control or monitoring of a
28 natural person.

29
30 A personal delivery device is not considered a vehicle unless
31 expressly defined by law as a vehicle.

32 (52) PERSONAL DELIVERY DEVICE OPERATOR.—An entity or its
33 agent that exercises direct physical control over or monitoring
34 of the navigation system and operation of a personal delivery
35 device. For the purposes of this subsection, the term “agent”
36 means a person charged by the entity with the responsibility of
37 navigating and operating the personal delivery device. The term
38 “personal delivery device operator” does not include an entity
39 or person who requests the services of a personal delivery



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40 device for the purpose of transporting property or an entity or
41 person who only arranges for and dispatches the requested
42 services of a personal delivery device.

43 (57)-(55) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
44 provided in paragraph (79) (b) (77)-(b), any privately owned way
45 or place used for vehicular travel by the owner and those having
46 express or implied permission from the owner, but not by other
47 persons.

48 (97)-(95) VEHICLE.—Every device in, upon, or by which any
49 person or property is or may be transported or drawn upon a
50 highway, except personal delivery devices and devices used
51 exclusively upon stationary rails or tracks.

52 Section 2. Subsection (7) of section 316.008, Florida
53 Statutes, is amended to read:

54 316.008 Powers of local authorities.—

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

62 (b)1. Except as provided in subparagraph 2., a personal
63 delivery device may be operated on sidewalks and crosswalks
64 within a county or municipality when such use is permissible
65 under federal law. This paragraph does not restrict a county or
66 municipality from otherwise adopting regulations for the safe
67 operation of personal delivery devices.

68 2. A personal delivery device may not be operated on the



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69 Florida Shared-Use Nonmotorized Trail Network created under s.
70 339.81 or components of the Florida Greenways and Trails System
71 created under chapter 260.

72 Section 3. Section 316.2071, Florida Statutes, is created
73 to read:

74 316.2071 Personal delivery devices.—

75 (1) Notwithstanding any provision of law to the contrary, a
76 personal delivery device may operate on sidewalks and
77 crosswalks, subject to s. 316.008(7)(b). A personal delivery
78 device operating on a sidewalk or crosswalk has all the rights
79 and duties applicable to a pedestrian under the same
80 circumstances, except that the personal delivery device must not
81 unreasonably interfere with pedestrians or traffic and must
82 yield the right-of-way to pedestrians on the sidewalk or
83 crosswalk.

84 (2) A personal delivery device must:

85 (a) Obey all official traffic and pedestrian control
86 signals and devices.

87 (b) Include a plate or marker that has a unique identifying
88 device number and identifies the name and contact information of
89 the personal delivery device operator.

90 (c) Be equipped with a braking system that, when active or
91 engaged, enables the personal delivery device to come to a
92 controlled stop.

93 (3) A personal delivery device may not:

94 (a) Operate on a public highway except to the extent
95 necessary to cross a crosswalk.

96 (b) Operate on a sidewalk or crosswalk unless the personal
97 delivery device operator is actively controlling or monitoring



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98 the navigation and operation of the personal delivery device.

99 (c) Transport hazardous materials as defined in s. 316.003.

100 (4) A personal delivery device operator must maintain an
101 insurance policy, on behalf of itself and its agents, which
102 provides general liability coverage of at least \$100,000 for
103 damages arising from the combined operations of personal
104 delivery devices under the entity's or agent's control.

105 Section 4. Paragraph (a) of subsection (1) of section
106 320.01, Florida Statutes, is amended to read:

107 320.01 Definitions, general.—As used in the Florida
108 Statutes, except as otherwise provided, the term:

109 (1) "Motor vehicle" means:

110 (a) An automobile, motorcycle, truck, trailer, semitrailer,
111 truck tractor and semitrailer combination, or any other vehicle
112 operated on the roads of this state, used to transport persons
113 or property, and propelled by power other than muscular power,
114 but the term does not include traction engines, road rollers,
115 personal delivery devices as defined in s. 316.003, special
116 mobile equipment as defined in s. 316.003, vehicles that run
117 only upon a track, bicycles, swamp buggies, or mopeds.

118 Section 5. Subsection (19) is added to section 320.02,
119 Florida Statutes, to read:

120 320.02 Registration required; application for registration;
121 forms.—

122 (19) A personal delivery device as defined in s. 316.003 is
123 not required to satisfy the registration and insurance
124 requirements of this section.

125 Section 6. Subsection (1) of section 324.021, Florida
126 Statutes, is amended to read:



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127 324.021 Definitions; minimum insurance required.—The
128 following words and phrases when used in this chapter shall, for
129 the purpose of this chapter, have the meanings respectively
130 ascribed to them in this section, except in those instances
131 where the context clearly indicates a different meaning:

132 (1) MOTOR VEHICLE.—Every self-propelled vehicle that ~~which~~
133 is designed and required to be licensed for use upon a highway,
134 including trailers and semitrailers designed for use with such
135 vehicles, except traction engines, road rollers, farm tractors,
136 power shovels, and well drillers, and every vehicle that ~~which~~
137 is propelled by electric power obtained from overhead wires but
138 not operated upon rails, but not including any personal delivery
139 device as defined in s. 316.003, bicycle, or moped. However, the
140 term “motor vehicle” does ~~shall~~ not include a any motor vehicle
141 as defined in s. 627.732(3) when the owner of such vehicle has
142 complied with the requirements of ss. 627.730-627.7405,
143 inclusive, unless the provisions of s. 324.051 apply; and, in
144 such case, the applicable proof of insurance provisions of s.
145 320.02 apply.

146 Section 7. Paragraph (a) of subsection (2) of section
147 324.022, Florida Statutes, is amended to read:

148 324.022 Financial responsibility for property damage.—

149 (2) As used in this section, the term:

150 (a) “Motor vehicle” means any self-propelled vehicle that
151 has four or more wheels and that is of a type designed and
152 required to be licensed for use on the highways of this state,
153 and any trailer or semitrailer designed for use with such
154 vehicle. The term does not include:

155 1. A mobile home.



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156 2. A motor vehicle that is used in mass transit and
157 designed to transport more than five passengers, exclusive of
158 the operator of the motor vehicle, and that is owned by a
159 municipality, transit authority, or political subdivision of the
160 state.

161 3. A school bus as defined in s. 1006.25.

162 4. A vehicle providing for-hire transportation that is
163 subject to the provisions of s. 324.031. A taxicab shall
164 maintain security as required under s. 324.032(1).

165 5. A personal delivery device as defined in s. 316.003.

166 Section 8. Subsection (1) of section 316.2128, Florida
167 Statutes, is amended to read:

168 316.2128 Operation of motorized scooters and miniature
169 motorcycles; requirements for sales.—

170 (1) A person who engages in the business of, serves in the
171 capacity of, or acts as a commercial seller of motorized
172 scooters or miniature motorcycles in this state must prominently
173 display at his or her place of business a notice that such
174 vehicles are not legal to operate on public roads, may not be
175 registered as motor vehicles, and may not be operated on
176 sidewalks unless authorized by an ordinance enacted pursuant to
177 s. 316.008(7)(a) ~~316.008(7)~~ or s. 316.212(8). The required
178 notice must also appear in all forms of advertising offering
179 motorized scooters or miniature motorcycles for sale. The notice
180 and a copy of this section must also be provided to a consumer
181 prior to the consumer's purchasing or becoming obligated to
182 purchase a motorized scooter or a miniature motorcycle.

183 Section 9. Paragraph (b) of subsection (2) of section
184 316.545, Florida Statutes, is amended to read:



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185 316.545 Weight and load unlawful; special fuel and motor
186 fuel tax enforcement; inspection; penalty; review.—

187 (2)

188 (b) The officer or inspector shall inspect the license
189 plate or registration certificate of the commercial vehicle to
190 determine whether its gross weight is in compliance with the
191 declared gross vehicle weight. If its gross weight exceeds the
192 declared weight, the penalty shall be 5 cents per pound on the
193 difference between such weights. In those cases when the
194 commercial vehicle is being operated over the highways of the
195 state with an expired registration or with no registration from
196 this or any other jurisdiction or is not registered under the
197 applicable provisions of chapter 320, the penalty herein shall
198 apply on the basis of 5 cents per pound on that scaled weight
199 which exceeds 35,000 pounds on laden truck tractor-semitrailer
200 combinations or tandem trailer truck combinations, 10,000 pounds
201 on laden straight trucks or straight truck-trailer combinations,
202 or 10,000 pounds on any unladen commercial motor vehicle. A
203 driver of a commercial motor vehicle entering the state at a
204 designated port-of-entry location, as defined in s. 316.003
205 ~~316.003(54)~~, or operating on designated routes to a port-of-
206 entry location, who obtains a temporary registration permit
207 shall be assessed a penalty limited to the difference between
208 its gross weight and the declared gross vehicle weight at 5
209 cents per pound. If the license plate or registration has not
210 been expired for more than 90 days, the penalty imposed under
211 this paragraph may not exceed \$1,000. In the case of special
212 mobile equipment, which qualifies for the license tax provided
213 for in s. 320.08(5)(b), being operated on the highways of the



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214 state with an expired registration or otherwise not properly
215 registered under the applicable provisions of chapter 320, a
216 penalty of \$75 shall apply in addition to any other penalty
217 which may apply in accordance with this chapter. A vehicle found
218 in violation of this section may be detained until the owner or
219 operator produces evidence that the vehicle has been properly
220 registered. Any costs incurred by the retention of the vehicle
221 shall be the sole responsibility of the owner. A person who has
222 been assessed a penalty pursuant to this paragraph for failure
223 to have a valid vehicle registration certificate pursuant to the
224 provisions of chapter 320 is not subject to the delinquent fee
225 authorized in s. 320.07 if such person obtains a valid
226 registration certificate within 10 working days after such
227 penalty was assessed.

228 Section 10. Paragraph (a) of subsection (2) of section
229 316.613, Florida Statutes, is amended to read:

230 316.613 Child restraint requirements.—

231 (2) As used in this section, the term "motor vehicle" means
232 a motor vehicle as defined in s. 316.003 that is operated on the
233 roadways, streets, and highways of the state. The term does not
234 include:

235 (a) A school bus as defined in s. 316.003 ~~316.003(68)~~.

236 Section 11. Subsection (1) of section 655.960, Florida
237 Statutes, is amended to read:

238 655.960 Definitions; ss. 655.960-655.965.—As used in this
239 section and ss. 655.961-655.965, unless the context otherwise
240 requires:

241 (1) "Access area" means any paved walkway or sidewalk which
242 is within 50 feet of any automated teller machine. The term does



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243 not include any street or highway open to the use of the public,
244 as defined in s. 316.003(79)(a) or (b) ~~316.003(77)(a) or (b)~~,
245 including any adjacent sidewalk, as defined in s. 316.003.

246 Section 12. This act shall take effect July 1, 2017.

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248 ===== T I T L E A M E N D M E N T =====

249 And the title is amended as follows:

250 Delete everything before the enacting clause

251 and insert:

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A bill to be entitled

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An act relating to personal delivery devices; amending

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s. 316.003, F.S.; revising and providing definitions;

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amending s. 316.008, F.S.; authorizing operation of

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personal delivery devices within a county or

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municipality under certain circumstances; providing

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construction; providing exceptions; creating s.

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316.2071, F.S.; providing requirements for the

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operation of such devices; requiring specified

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insurance coverage; amending ss. 320.01, 324.021, and

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324.022, F.S.; excluding such devices from the

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definition of the term "motor vehicle"; amending s.

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320.02, F.S.; exempting such devices from certain

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registration and insurance requirements; amending ss.

266

316.2128, 316.545, 316.613, and 655.960, F.S.;

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conforming cross-references; providing an effective

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date.