

By Senator Brandes

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1                   A bill to be entitled  
2           An act relating to personal delivery devices; amending  
3           s. 316.003, F.S.; defining the terms "personal  
4           delivery device," "personal delivery device operator,"  
5           and "agent"; conforming a cross-reference; amending s.  
6           316.008, F.S.; authorizing the operation of personal  
7           delivery devices within county or municipal  
8           jurisdictions under certain circumstances; providing  
9           for construction; prohibiting the operation of  
10          personal delivery devices on the Florida Shared-Use  
11          Nonmotorized Trail Network; creating s. 316.82, F.S.;  
12          requiring a personal delivery device operator to  
13          maintain an insurance policy that provides general  
14          liability coverage of at least a specified amount for  
15          damages arising from the operation of a personal  
16          delivery device; amending s. 320.02, F.S.; exempting  
17          personal delivery devices from certain registration  
18          and insurance requirements; requiring a personal  
19          delivery device operator to maintain a specified  
20          insurance policy; amending ss. 316.2128, 316.545,  
21          316.613, and 655.960, F.S.; conforming provisions to  
22          changes made by the act; conforming cross-references;  
23          providing an effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Present subsections (51) through (97) of section  
28   316.003, Florida Statutes, are renumbered as subsections (53)  
29   through (99), respectively, present subsection (55) of that  
30   section is amended, and new subsections (51) and (52) are added  
31   to that section, to read:

32           316.003 Definitions.—The following words and phrases, when

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33 used in this chapter, shall have the meanings respectively  
34 ascribed to them in this section, except where the context  
35 otherwise requires:

36 (51) PERSONAL DELIVERY DEVICE.—A motorized device for use  
37 primarily on sidewalks and crosswalks at a maximum speed of 10  
38 miles per hour, which weighs 50 pounds or less excluding cargo,  
39 and which is capable of all of the following:

40 (a) Transporting items with or without a personal delivery  
41 device operator directly controlling the device.

42 (b) Identifying and yielding to pedestrians, bicyclists,  
43 and other lawful users of public space.

44 (c) Identifying and yielding to property.

45 (d) Navigating public thoroughfares.

46 (e) Interpreting traffic signals and signs at crosswalks.

47 (f) Directing a personal delivery device operator to assume  
48 actual physical control over the navigation and control of the  
49 device, and coming to an off-roadway controlled stop in the  
50 event an operator is unable to assume actual physical control of  
51 the device. A personal delivery device must include a plate or  
52 marker that identifies the name and contact information of the  
53 personal delivery device operator.

54 (52) PERSONAL DELIVERY DEVICE OPERATOR.—An entity or its  
55 agent that exercises direct physical control over the navigation  
56 system and operation of a personal delivery device. The personal  
57 delivery device operator is legally responsible for the  
58 navigation and operation of a personal delivery device. For the  
59 purposes of this subsection, the term "agent" means a person  
60 charged by the entity with the responsibility of navigating and  
61 operating the device. The term "personal delivery device

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62 operator” does not include any person or entity that requests,  
63 or contracts for, the services of a personal delivery device for  
64 the purpose of transporting property.

65 (57)~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
66 provided in paragraph (79) (b) ~~(77) (b)~~, any privately owned way  
67 or place used for vehicular travel by the owner and those having  
68 express or implied permission from the owner, but not by other  
69 persons.

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

72 316.008 Powers of local authorities.—

73 (7) (a) A county or municipality may enact an ordinance to  
74 permit, control, or regulate the operation of vehicles, golf  
75 carts, mopeds, motorized scooters, and electric personal  
76 assistive mobility devices on sidewalks or sidewalk areas when  
77 such use is permissible under federal law. The ordinance must  
78 restrict such vehicles or devices to a maximum speed of 15 miles  
79 per hour in such areas.

80 (b)1. Except as provided in subparagraph 2., the operation  
81 of personal delivery devices within county or municipal  
82 jurisdictions is authorized when such use is permissible under  
83 federal law, unless a county or municipality enacts an ordinance  
84 to prohibit such operation. This paragraph does not restrict a  
85 county or municipality from otherwise adopting regulations for  
86 the safe operation of personal delivery devices.

87 2. The operation of personal delivery devices on the  
88 Florida Shared-Use Nonmotorized Trail Network created under s.  
89 339.81 is prohibited.

90 Section 3. Section 316.82, Florida Statutes, is created to

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91 read:

92 316.82 Personal delivery device operators; insurance  
93 requirement.—A personal delivery device operator as defined in  
94 s. 316.003 shall maintain an insurance policy that provides  
95 general liability coverage of at least \$100,000 for damages  
96 arising from the operation of a personal delivery device.

97 Section 4. Subsection (19) is added to section 320.02,  
98 Florida Statutes, to read:

99 320.02 Registration required; application for registration;  
100 forms.—

101 (19) A personal delivery device as defined in s. 316.003 is  
102 not required to satisfy the registration and insurance  
103 requirements of this section, except that a personal delivery  
104 device operator must maintain an insurance policy as provided in  
105 s. 316.82.

106 Section 5. Subsection (1) of section 316.2128, Florida  
107 Statutes, is amended to read:

108 316.2128 Operation of motorized scooters and miniature  
109 motorcycles; requirements for sales.—

110 (1) A person who engages in the business of, serves in the  
111 capacity of, or acts as a commercial seller of motorized  
112 scooters or miniature motorcycles in this state must prominently  
113 display at his or her place of business a notice that such  
114 vehicles are not legal to operate on public roads, may not be  
115 registered as motor vehicles, and may not be operated on  
116 sidewalks unless authorized by an ordinance enacted pursuant to  
117 s. 316.008(7) (a) or s. 316.212(8). The required notice must also  
118 appear in all forms of advertising offering motorized scooters  
119 or miniature motorcycles for sale. The notice and a copy of this

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120 section must also be provided to a consumer prior to the  
121 consumer's purchasing or becoming obligated to purchase a  
122 motorized scooter or a miniature motorcycle.

123 Section 6. Paragraph (b) of subsection (2) of section  
124 316.545, Florida Statutes, is amended to read:

125 316.545 Weight and load unlawful; special fuel and motor  
126 fuel tax enforcement; inspection; penalty; review.—

127 (2)

128 (b) The officer or inspector shall inspect the license  
129 plate or registration certificate of the commercial vehicle to  
130 determine whether its gross weight is in compliance with the  
131 declared gross vehicle weight. If its gross weight exceeds the  
132 declared weight, the penalty shall be 5 cents per pound on the  
133 difference between such weights. In those cases when the  
134 commercial vehicle is being operated over the highways of the  
135 state with an expired registration or with no registration from  
136 this or any other jurisdiction or is not registered under the  
137 applicable provisions of chapter 320, the penalty herein shall  
138 apply on the basis of 5 cents per pound on that scaled weight  
139 which exceeds 35,000 pounds on laden truck tractor-semitrailer  
140 combinations or tandem trailer truck combinations, 10,000 pounds  
141 on laden straight trucks or straight truck-trailer combinations,  
142 or 10,000 pounds on any unladen commercial motor vehicle. A  
143 driver of a commercial motor vehicle entering the state at a  
144 designated port-of-entry location, as defined in s. 316.003 ~~s.~~  
145 ~~316.003(54)~~, or operating on designated routes to a port-of-  
146 entry location, who obtains a temporary registration permit  
147 shall be assessed a penalty limited to the difference between  
148 its gross weight and the declared gross vehicle weight at 5

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149 cents per pound. If the license plate or registration has not  
150 been expired for more than 90 days, the penalty imposed under  
151 this paragraph may not exceed \$1,000. In the case of special  
152 mobile equipment, which qualifies for the license tax provided  
153 for in s. 320.08(5)(b), being operated on the highways of the  
154 state with an expired registration or otherwise not properly  
155 registered under the applicable provisions of chapter 320, a  
156 penalty of \$75 shall apply in addition to any other penalty  
157 which may apply in accordance with this chapter. A vehicle found  
158 in violation of this section may be detained until the owner or  
159 operator produces evidence that the vehicle has been properly  
160 registered. Any costs incurred by the retention of the vehicle  
161 shall be the sole responsibility of the owner. A person who has  
162 been assessed a penalty pursuant to this paragraph for failure  
163 to have a valid vehicle registration certificate pursuant to the  
164 provisions of chapter 320 is not subject to the delinquent fee  
165 authorized in s. 320.07 if such person obtains a valid  
166 registration certificate within 10 working days after such  
167 penalty was assessed.

168 Section 7. Paragraph (a) of subsection (2) of section  
169 316.613, Florida Statutes, is amended to read:

170 316.613 Child restraint requirements.—

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

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

176 Section 8. Subsection (1) of section 655.960, Florida  
177 Statutes, is amended to read:

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178           655.960 Definitions; ss. 655.960-655.965.—As used in this  
179 section and ss. 655.961-655.965, unless the context otherwise  
180 requires:

181           (1) "Access area" means any paved walkway or sidewalk which  
182 is within 50 feet of any automated teller machine. The term does  
183 not include any street or highway open to the use of the public,  
184 as defined in s. 316.003(79) (a) ~~s. 316.003(77) (a)~~ or (b),  
185 including any adjacent sidewalk, as defined in s. 316.003.

186           Section 9. This act shall take effect July 1, 2017.