

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Transportation &
2 Infrastructure Subcommittee
3 Representative Williamson offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

7 Section 1. Subsections (51) through (97) of section
8 316.003, Florida Statutes, are renumbered as subsections (53)
9 through (99) respectively, present subsections (40), (55), and
10 (95) and amended and new subsections (51) and (52) are added to
11 that section, to read:

12 316.003 Definitions.—The following words and phrases, when
13 used in this chapter, shall have the meanings respectively
14 ascribed to them in this section, except where the context
15 otherwise requires:

16 (40) MOTOR VEHICLE.—Except when used in s. 316.1001, a

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17 self-propelled vehicle not operated upon rails or guideway, but
18 not including any bicycle, motorized scooter, electric personal
19 assistive mobility device, personal delivery device, swamp
20 buggy, or moped. For purposes of s. 316.1001, "motor vehicle"
21 has the same meaning as provided in s. 320.01(1)(a).

22 (51) PERSONAL DELIVERY DEVICE.-An electrically powered
23 device that:

24 (a) Is operated on sidewalks and crosswalks and intended
25 primarily to transport property;

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

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

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

31
32 A personal delivery device shall not be considered a vehicle
33 unless expressly defined as such in law.

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

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

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

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

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

56 316.008 Powers of local authorities.—

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

64 (b)1. Except as provided in subparagraph 2., the operation
65 of personal delivery devices within county or municipal
66 jurisdictions is authorized on sidewalks and crosswalks when

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67 such use is permissible under federal law. This paragraph does
68 not restrict a county or municipality from otherwise adopting
69 regulations for the safe operation of personal delivery devices.

70 2. The operation of personal delivery devices on the
71 Florida Shared-Use Nonmotorized Trail Network created under s.
72 339.81 or components of the Florida Greenways and Trails System
73 created in Chapter 260 is prohibited.

74 Section 3. Section 316.2070, Florida Statutes, is created
75 to read:

76 316.2070 Personal delivery devices.-

77 (1) Notwithstanding any provision of law to the contrary,
78 a personal delivery device is authorized to operate on sidewalks
79 and crosswalks, subject to s. 316.008(7)(b).

80 (2) A personal delivery devices shall obey all traffic and
81 pedestrian control devices and signs.

82 (3) A personal delivery device operating on sidewalks and
83 crosswalks has all the rights and duties applicable to a
84 pedestrian under the same circumstances, except that the
85 personal delivery device shall not unreasonably interfere with
86 pedestrians or traffic, and shall yield the right-of-way to
87 pedestrians on sidewalks and crosswalks.

88 (4) A personal delivery devices shall include a plate or
89 marker that identifies the name and contact information of the
90 operator of the personal delivery device and a unique
91 identifying device number.

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92 (5) A personal delivery devices shall be equipped with a
93 braking system that, when active or engaged, will enable the
94 personal delivery device to come to a controlled stop.

95 (6) A personal delivery device shall not transport
96 hazardous materials as defined in 316.003(28).

97 (7) A personal delivery device shall not be operated on a
98 public highway in the state, except to the extent necessary to
99 cross a crosswalk.

100 (8) A personal delivery device shall not operate on a
101 sidewalk or crosswalk unless the personal delivery device
102 operator is actively controlling or monitoring the navigation
103 and operation of the personal delivery device.

104 (9) A personal delivery device operator shall maintain an
105 insurance policy, on behalf of itself and its agents, that
106 provides general liability coverage of at least \$100,000 for
107 damages arising from the combined operations of personal
108 delivery devices under the entity's or its agent's control.

109 Section 4. Paragraph (a) of subsection (1) of section
110 320.01, Florida Statutes, is amended to read:

111 320.01 Definitions, general.—As used in the Florida
112 Statutes, except as otherwise provided, the term:

113 (1) "Motor vehicle" means:

114 (a) An automobile, motorcycle, truck, trailer,
115 semitrailer, truck tractor and semitrailer combination, or any
116 other vehicle operated on the roads of this state, used to

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117 transport persons or property, and propelled by power other than
118 muscular power, but the term does not include traction engines,
119 road rollers, special mobile equipment as defined in s. 316.003,
120 personal delivery devices as defined in s. 316.003, vehicles
121 that run only upon a track, bicycles, swamp buggies, or mopeds.

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

124 320.02 Registration required; application for
125 registration; forms.—

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

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

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

136 (1) MOTOR VEHICLE.—Every self-propelled vehicle which is
137 designed and required to be licensed for use upon a highway,
138 including trailers and semitrailers designed for use with such
139 vehicles, except traction engines, road rollers, farm tractors,
140 power shovels, and well drillers, and every vehicle which is
141 propelled by electric power obtained from overhead wires but not

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142 operated upon rails, but not including any personal delivery
143 device as defined in s. 316.003, bicycle or moped. However, the
144 term "motor vehicle" shall not include any motor vehicle as
145 defined in s. 627.732(3) when the owner of such vehicle has
146 complied with the requirements of ss. 627.730-627.7405,
147 inclusive, unless the provisions of s. 324.051 apply; and, in
148 such case, the applicable proof of insurance provisions of s.
149 320.02 apply.

150 Section 7. Paragraph (a) of subsection (2) of section
151 324.022, Florida Statutes, is amended to read:

152 324.022 Financial responsibility for property damage.—

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

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

159 1. A mobile home.

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

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

166 4. A vehicle providing for-hire transportation that is

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167 subject to the provisions of s. 324.031. A taxicab shall
168 maintain security as required under s. 324.032(1).

169 5. A personal delivery devices as defined in s. 316.003.

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

172 316.2128 Operation of motorized scooters and miniature
173 motorcycles; requirements for sales.—

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

187 Section 9. Paragraph (b) of subsection (2) of section
188 316.545, Florida Statutes, is amended to read:

189 316.545 Weight and load unlawful; special fuel and motor
190 fuel tax enforcement; inspection; penalty; review.—

191 (2)

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

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217 for in s. 320.08(5)(b), being operated on the highways of the
218 state with an expired registration or otherwise not properly
219 registered under the applicable provisions of chapter 320, a
220 penalty of \$75 shall apply in addition to any other penalty
221 which may apply in accordance with this chapter. A vehicle found
222 in violation of this section may be detained until the owner or
223 operator produces evidence that the vehicle has been properly
224 registered. Any costs incurred by the retention of the vehicle
225 shall be the sole responsibility of the owner. A person who has
226 been assessed a penalty pursuant to this paragraph for failure
227 to have a valid vehicle registration certificate pursuant to the
228 provisions of chapter 320 is not subject to the delinquent fee
229 authorized in s. 320.07 if such person obtains a valid
230 registration certificate within 10 working days after such
231 penalty was assessed.

232 Section 10. Paragraph (a) of subsection (2) of section
233 316.613, Florida Statutes, is amended to read:

234 316.613 Child restraint requirements.—

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

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

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

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242 655.960 Definitions; ss. 655.960-655.965.—As used in this
243 section and ss. 655.961-655.965, unless the context otherwise
244 requires:

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

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

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

254 Remove everything before the enacting clause and insert:
255 An act relating to personal delivery devices; amending s.
256 316.003, F.S.; revising and providing definitions; amending s.
257 316.008, F.S.; providing the personal delivery devices are
258 authorized in certain locations; authorizing counties and
259 municipalities to adopt regulations creating s. 316.2070, F.S.;
260 authorizing personal delivery devices; providing that they obey
261 certain regulations; providing certain requirements; prohibiting
262 the transport of certain materials; prohibiting their operation
263 in certain locations; providing insurance requirements; amending
264 s. 320.01, F.S.; revising the definition of "motor vehicle"
265 amending s. 320.02, F.S.; providing that a personal delivery
266

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267 | device is not required to satisfy certain registration and
268 | insurance requirements; amending s. 324.021, F.S.; revising the
269 | definition of "motor vehicle" amending s. 324.022, F.S.;
270 | revising the definition of "motor vehicle", amending ss.
271 | 316.2128, 316.545, 316.613, F.S. and 655.960, F.S.; conforming
272 | cross reference; providing an effective date.