

1 A bill to be entitled
 2 An act relating to personal delivery devices; amending
 3 s. 316.003, F.S.; revising and providing definitions;
 4 amending s. 316.008, F.S.; authorizing operation of
 5 personal delivery devices within a county or
 6 municipality under certain circumstances; providing
 7 construction; providing exceptions; creating s.
 8 316.2070, F.S.; providing requirements for the
 9 operation of such devices; requiring specified
 10 insurance coverage; amending ss. 320.01, 324.021, and
 11 324.022, F.S.; excluding such devices from the
 12 definition of the term "motor vehicle"; amending s.
 13 320.02, F.S.; exempting such devices from certain
 14 registration and insurance requirements; amending ss.
 15 316.2128, 316.545, 316.613, and 655.960, F.S.;
 16 conforming cross-references; providing an effective
 17 date.

18
 19 Be It Enacted by the Legislature of the State of Florida:
 20

21 Section 1. Subsections (51) through (97) of section
 22 316.003, Florida Statutes, are renumbered as subsections (53)
 23 through (99), respectively, present subsections (40), (55), and
 24 (95) are amended, and new subsections (51) and (52) are added to
 25 that section, to read:

26 316.003 Definitions.—The following words and phrases, when
 27 used in this chapter, shall have the meanings respectively
 28 ascribed to them in this section, except where the context
 29 otherwise requires:

30 (40) MOTOR VEHICLE.—Except when used in s. 316.1001, a
 31 self-propelled vehicle not operated upon rails or guideway, but
 32 not including any bicycle, motorized scooter, electric personal
 33 assistive mobility device, personal delivery device, swamp
 34 buggy, or moped. For purposes of s. 316.1001, "motor vehicle"
 35 has the same meaning as provided in s. 320.01(1)(a).

36 (51) PERSONAL DELIVERY DEVICE.—An electrically powered
 37 device that:

38 (a) Is operated on sidewalks and crosswalks and intended
 39 primarily for transporting property;

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

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

42 (d) Is equipped with technology to allow for operation of
 43 the device with or without the active control or monitoring of a
 44 natural person.

45
 46 A personal delivery device is not considered a vehicle unless
 47 expressly defined by law as a vehicle.

48 (52) PERSONAL DELIVERY DEVICE OPERATOR.—An entity or its
 49 agent that exercises direct physical control over or monitoring
 50 of the navigation system and operation of a personal delivery

51 device. For the purposes of this subsection, the term "agent"
52 means a person charged by the entity with the responsibility of
53 navigating and operating the personal delivery device. The term
54 "personal delivery device operator" does not include an entity
55 or person who requests the services of a personal delivery
56 device for the purpose of transporting property or an entity or
57 person who only arranges for and dispatches the requested
58 services of a personal delivery device.

59 ~~(57)(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
60 provided in paragraph (79)(b) ~~(77)(b)~~, any privately owned way
61 or place used for vehicular travel by the owner and those having
62 express or implied permission from the owner, but not by other
63 persons.

64 ~~(97)(95)~~ VEHICLE.—Every device in, upon, or by which any
65 person or property is or may be transported or drawn upon a
66 highway, except personal delivery devices and devices used
67 exclusively upon stationary rails or tracks.

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

70 316.008 Powers of local authorities.—

71 (7)(a) A county or municipality may enact an ordinance to
72 permit, control, or regulate the operation of vehicles, golf
73 carts, mopeds, motorized scooters, and electric personal
74 assistive mobility devices on sidewalks or sidewalk areas when
75 such use is permissible under federal law. The ordinance must

76 restrict such vehicles or devices to a maximum speed of 15 miles
77 per hour in such areas.

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

84 2. A personal delivery device may not be operated on the
85 Florida Shared-Use Nonmotorized Trail Network created under s.
86 339.81 or components of the Florida Greenways and Trails System
87 created under chapter 260.

88 Section 3. Section 316.2070, Florida Statutes, is created
89 to read:

90 316.2070 Personal delivery devices.—

91 (1) Notwithstanding any provision of law to the contrary,
92 a personal delivery device may operate on sidewalks and
93 crosswalks, subject to s. 316.008(7)(b). A personal delivery
94 device operating on a sidewalk or crosswalk has all the rights
95 and duties applicable to a pedestrian under the same
96 circumstances, except that the personal delivery device must not
97 unreasonably interfere with pedestrians or traffic and must
98 yield the right-of-way to pedestrians on the sidewalk or
99 crosswalk.

100 (2) A personal delivery device must:

101 (a) Obey all official traffic and pedestrian control
102 signals and devices.

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

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

109 (3) A personal delivery device may not:

110 (a) Operate on a public highway except to the extent
111 necessary to cross a crosswalk.

112 (b) Operate on a sidewalk or crosswalk unless the personal
113 delivery device operator is actively controlling or monitoring
114 the navigation and operation of the personal delivery device.

115 (c) Transport hazardous materials as defined in s.
116 316.003.

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

122 Section 4. Paragraph (a) of subsection (1) of section
123 320.01, Florida Statutes, is amended to read:

124 320.01 Definitions, general.—As used in the Florida
125 Statutes, except as otherwise provided, the term:

126 (1) "Motor vehicle" means:

127 (a) An automobile, motorcycle, truck, trailer,
 128 semitrailer, truck tractor and semitrailer combination, or any
 129 other vehicle operated on the roads of this state, used to
 130 transport persons or property, and propelled by power other than
 131 muscular power, but the term does not include traction engines,
 132 road rollers, personal delivery devices as defined in s.
 133 316.003, special mobile equipment as defined in s. 316.003,
 134 vehicles that run only upon a track, bicycles, swamp buggies, or
 135 mopeds.

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

138 320.02 Registration required; application for
 139 registration; forms.—

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

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

145 324.021 Definitions; minimum insurance required.—The
 146 following words and phrases when used in this chapter shall, for
 147 the purpose of this chapter, have the meanings respectively
 148 ascribed to them in this section, except in those instances
 149 where the context clearly indicates a different meaning:

150 (1) MOTOR VEHICLE.—Every self-propelled vehicle that ~~which~~

151 is designed and required to be licensed for use upon a highway,
152 including trailers and semitrailers designed for use with such
153 vehicles, except traction engines, road rollers, farm tractors,
154 power shovels, and well drillers, and every vehicle that ~~which~~
155 is propelled by electric power obtained from overhead wires but
156 not operated upon rails, but not including any personal delivery
157 device as defined in s. 316.003, bicycle, or moped. However, the
158 term "motor vehicle" does ~~shall~~ not include a ~~any~~ motor vehicle
159 as defined in s. 627.732(3) when the owner of such vehicle has
160 complied with the requirements of ss. 627.730-627.7405,
161 inclusive, unless the provisions of s. 324.051 apply; and, in
162 such case, the applicable proof of insurance provisions of s.
163 320.02 apply.

164 Section 7. Paragraph (a) of subsection (2) of section
165 324.022, Florida Statutes, is amended to read:

166 324.022 Financial responsibility for property damage.—

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

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

173 1. A mobile home.

174 2. A motor vehicle that is used in mass transit and
175 designed to transport more than five passengers, exclusive of

176 | the operator of the motor vehicle, and that is owned by a
 177 | municipality, transit authority, or political subdivision of the
 178 | state.

179 | 3. A school bus as defined in s. 1006.25.

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

183 | 5. A personal delivery device as defined in s. 316.003.

184 | Section 8. Subsection (1) of section 316.2128, Florida
 185 | Statutes, is amended to read:

186 | 316.2128 Operation of motorized scooters and miniature
 187 | motorcycles; requirements for sales.—

188 | (1) A person who engages in the business of, serves in the
 189 | capacity of, or acts as a commercial seller of motorized
 190 | scooters or miniature motorcycles in this state must prominently
 191 | display at his or her place of business a notice that such
 192 | vehicles are not legal to operate on public roads, may not be
 193 | registered as motor vehicles, and may not be operated on
 194 | sidewalks unless authorized by an ordinance enacted pursuant to
 195 | s. 316.008(7)(a) ~~316.008(7)~~ or s. 316.212(8). The required
 196 | notice must also appear in all forms of advertising offering
 197 | motorized scooters or miniature motorcycles for sale. The notice
 198 | and a copy of this section must also be provided to a consumer
 199 | prior to the consumer's purchasing or becoming obligated to
 200 | purchase a motorized scooter or a miniature motorcycle.

201 Section 9. Paragraph (b) of subsection (2) of section
 202 316.545, Florida Statutes, is amended to read:

203 316.545 Weight and load unlawful; special fuel and motor
 204 fuel tax enforcement; inspection; penalty; review.—

205 (2)

206 (b) The officer or inspector shall inspect the license
 207 plate or registration certificate of the commercial vehicle to
 208 determine whether its gross weight is in compliance with the
 209 declared gross vehicle weight. If its gross weight exceeds the
 210 declared weight, the penalty shall be 5 cents per pound on the
 211 difference between such weights. In those cases when the
 212 commercial vehicle is being operated over the highways of the
 213 state with an expired registration or with no registration from
 214 this or any other jurisdiction or is not registered under the
 215 applicable provisions of chapter 320, the penalty herein shall
 216 apply on the basis of 5 cents per pound on that scaled weight
 217 which exceeds 35,000 pounds on laden truck tractor-semitrailer
 218 combinations or tandem trailer truck combinations, 10,000 pounds
 219 on laden straight trucks or straight truck-trailer combinations,
 220 or 10,000 pounds on any unladen commercial motor vehicle. A
 221 driver of a commercial motor vehicle entering the state at a
 222 designated port-of-entry location, as defined in s. 316.003
 223 ~~316.003(54)~~, or operating on designated routes to a port-of-
 224 entry location, who obtains a temporary registration permit
 225 shall be assessed a penalty limited to the difference between

226 its gross weight and the declared gross vehicle weight at 5
227 cents per pound. If the license plate or registration has not
228 been expired for more than 90 days, the penalty imposed under
229 this paragraph may not exceed \$1,000. In the case of special
230 mobile equipment, which qualifies for the license tax provided
231 for in s. 320.08(5)(b), being operated on the highways of the
232 state with an expired registration or otherwise not properly
233 registered under the applicable provisions of chapter 320, a
234 penalty of \$75 shall apply in addition to any other penalty
235 which may apply in accordance with this chapter. A vehicle found
236 in violation of this section may be detained until the owner or
237 operator produces evidence that the vehicle has been properly
238 registered. Any costs incurred by the retention of the vehicle
239 shall be the sole responsibility of the owner. A person who has
240 been assessed a penalty pursuant to this paragraph for failure
241 to have a valid vehicle registration certificate pursuant to the
242 provisions of chapter 320 is not subject to the delinquent fee
243 authorized in s. 320.07 if such person obtains a valid
244 registration certificate within 10 working days after such
245 penalty was assessed.

246 Section 10. Paragraph (a) of subsection (2) of section
247 316.613, Florida Statutes, is amended to read:

248 316.613 Child restraint requirements.—

249 (2) As used in this section, the term "motor vehicle"
250 means a motor vehicle as defined in s. 316.003 that is operated

251 on the roadways, streets, and highways of the state. The term
 252 does not include:

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

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

256 655.960 Definitions; ss. 655.960-655.965.—As used in this
 257 section and ss. 655.961-655.965, unless the context otherwise
 258 requires:

259 (1) "Access area" means any paved walkway or sidewalk
 260 which is within 50 feet of any automated teller machine. The
 261 term does not include any street or highway open to the use of
 262 the public, as defined in s. 316.003(79) (a) or (b)
 263 ~~316.003(77) (a) or (b)~~, including any adjacent sidewalk, as
 264 defined in s. 316.003.

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