

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN _____ (Y/N)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

1 Committee/Subcommittee hearing bill: Commerce Committee
2 Representative Toledo offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:
6 Section 1. Section 341.851, Florida Statutes, is created
7 to read:

8 341.851 Bicycle sharing.-

9 (1) LEGISLATIVE INTENT.-It is the intent of the
10 Legislature to provide Florida residents with access to
11 innovative, environmentally friendly transportation options and
12 to ensure the safety and reliability of bicycle sharing services
13 within the state.

14 (2) DEFINITIONS.-As used in this section, the term:

15 (a) "Bicycle sharing company" means a person who makes
16 bicycles available for immediate, self-service rental or lease

Amendment No. 1

17 at automated docking stations or through an online application,
18 software, or website.

19 (b) "Bicycle" means a bicycle as defined in s. 316.003(3).

20 (c) "Docking station" means a bicycle rack controlled by a
21 bicycle sharing company where bicycles may be parked.

22 (d) "Local governmental entity" means a county,
23 municipality, special district, airport authority, port
24 authority, or other local governmental entity or subdivision.

25 (e) "User" means a person who reserves a bicycle through a
26 bicycle sharing company's online application, software, or
27 website.

28 (3) BICYCLE REQUIREMENTS.—Each bicycle made available for
29 rental or lease by a bicycle sharing company must:

30 (a) Meet the requirements for bicycles set forth in 16
31 C.F.R. part 1512 and s. 316.2065.

32 (b) Prominently display the bicycle company's name or
33 trade dress.

34 (c) Display an e-mail address or a telephone number at
35 which a user or operator may contact the bicycle sharing company
36 for customer support.

37 (d) Be lawfully parked when not in use.

38 (4) COMPANY RESPONSIBILITIES.—

39 (a) A bicycle sharing company must register with the
40 Division of Corporations of the Department of State and must
41 provide such registration upon request to any local governmental

Amendment No. 1

42 entity in whose jurisdiction the company operates. A local
43 governmental entity may issue a bicycle sharing company a fine
44 no greater than \$1,000 for failure to comply with this
45 paragraph.

46 (b) A bicycle sharing company must provide to users:

47 1. Notification that bicycles must be operated in
48 compliance with state and local law.

49 2. Contact information that enables a user to notify the
50 bicycle sharing company of an issue relating to the safety or
51 maintenance of a bicycle.

52 (c) A bicycle sharing company is responsible for the
53 maintenance and rebalancing of each bicycle made available for
54 rental or lease and for the removal of any such bicycle that is
55 for any reason inoperable or does not comply with subsection
56 (3).

57 (d) A bicycle sharing company is responsible for securing
58 all company bicycles located within any area of the state where
59 an active tropical storm or hurricane warning has been issued. A
60 local governmental entity may issue a bicycle sharing company a
61 fine no greater than \$1,000 for failure to comply with this
62 paragraph.

63 (5) PREEMPTION.—

64 (a) A local governmental entity may not take any action or
65 adopt any local ordinance, policy, or regulation that is
66 designed to limit or prevent a bicycle sharing company or any

Amendment No. 1

67 company engaged in the rental of bicycles from operating within
68 its jurisdiction, provided that the company has demonstrated
69 compliance with all local laws and regulations applicable to
70 other similar businesses seeking to do business or presently
71 doing business within that jurisdiction.

72 (b) This subsection does not prohibit:

73 1. An airport or seaport from designating locations for
74 staging, pickup, and other similar operations relating to
75 bicycles at the airport or seaport;

76 2. A local governmental entity from entering into
77 agreements with bicycle sharing companies for the placement of
78 docking stations on public land; or

79 3. A local governmental entity from enforcing uniform
80 traffic infractions under chapter 316.

81 Section 2. This act shall take effect upon becoming a law.

82

83 -----

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

85 Remove everything before the enacting clause and insert:

86 A bill to be entitled

87 An act relating to bicycle sharing; creating s.

88 341.851, F.S.; providing legislative intent; defining

89 terms; providing requirements for bicycles made

90 available for rental or lease by a bicycle sharing

91 company; providing company responsibilities;

Amendment No. 1

92 | authorizing a local governmental entity to issue a
93 | bicycle sharing company certain fines and fees and to
94 | impose other penalties under certain circumstances;
95 | prohibiting a local governmental entity, under certain
96 | circumstances, from taking any action or adopting any
97 | local ordinance, policy, or regulation that is
98 | designed to limit or prevent a bicycle sharing company
99 | or any company engaged in the rental of bicycles from
100 | operating within its jurisdiction; providing an
101 | effective date.