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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2018	.	
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The Committee on Banking and Insurance (Young) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 341.851, Florida Statutes, is created to  
read:

341.851 Bicycle sharing.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature  
to provide Florida residents with access to innovative,  
environmentally friendly transportation options and to ensure



891624

11 the safety and reliability of bicycle sharing services within  
12 the state.

13 (2) DEFINITIONS.—As used in this section, the term:

14 (a) "Bicycle sharing company" means a person who makes  
15 bicycles, as defined in s. 316.003(3), available for private use  
16 by reservation through an online application, software, or  
17 website.

18 (b) "Docking station" means a bicycle rack controlled by a  
19 bicycle sharing company where bicycles may be parked.

20 (c) "Local governmental entity" means a county,  
21 municipality, special district, airport authority, port  
22 authority, or other local governmental entity or subdivision.

23 (d) "User" means a person at least 18 years of age who  
24 reserves a bicycle through a bicycle sharing company's online  
25 application, software, or website.

26 (3) MINORS.—A bicycle sharing company may allow a minor to  
27 operate a bicycle reserved by a user if accompanied by a user.  
28 Such a minor operator who is under the age of 16 must wear a  
29 helmet as required in s. 316.2065(3)(d).

30 (4) INSURANCE REQUIRED.—

31 (a) A person may not operate a bicycle sharing company in  
32 this state pursuant to this section unless the person maintains  
33 a current and valid combined single-limit policy of commercial  
34 general liability insurance coverage in the amount of at least  
35 \$500,000 per occurrence for bodily injury and property damage.

36 (b) A local governmental entity may annually require a  
37 bicycle sharing company to provide proof of insurance meeting  
38 the requirements of this subsection. If a bicycle sharing  
39 company does not provide proof of such insurance, the local



891624

40 governmental entity may issue a fine no greater than \$5,000 and  
41 may order the bicycle sharing company to cease and desist from  
42 operating within the local governmental entity's jurisdiction  
43 until any such fine is paid and proof of such insurance is  
44 provided.

45 (5) BICYCLE REQUIREMENTS.—Each bicycle made available for  
46 reservation by a bicycle sharing company must:

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

49 (b) Prominently display the bicycle company's trade dress.

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

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

54 (6) COMPANY RESPONSIBILITIES.—

55 (a) A bicycle sharing company must register with the  
56 Division of Corporations of the Department of State and must  
57 provide such registration to any local governmental entity in  
58 whose jurisdiction the company operates. A local governmental  
59 entity may issue a bicycle sharing company a fine no greater  
60 than \$1,000 for failure to comply with this paragraph.

61 (b) A bicycle sharing company must provide to users through  
62 its online application, software, or website:

63 1. Notification that bicycles must be operated in  
64 compliance with state and local law.

65 2. An interface that enables a user to notify the bicycle  
66 sharing company of an issue relating to the safety or  
67 maintenance of a bicycle.

68 (c) A bicycle sharing company is responsible for the



891624

69 maintenance and rebalancing of each bicycle made available for  
70 reservation and for the removal of any such bicycle that is for  
71 any reason inoperable or does not comply with subsection (5).

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

78 (e) A bicycle sharing company must comply with the  
79 requirement of s. 316.2065(15) (a) when allowing a minor operator  
80 under the age of 16.

81 (7) PREEMPTION.—

82 (a) It is the intent of the Legislature to provide for  
83 uniformity of laws governing bicycle sharing companies  
84 throughout the state. Bicycle sharing companies meeting the  
85 requirements of this section shall be governed exclusively by  
86 state law and a local governmental entity may not:

87 1. Impose a tax on, or require a license for, a bicycle  
88 sharing company relating to reserving a bicycle;

89 2. Subject a bicycle sharing company to any rate, entry,  
90 operation, or other requirement of the local governmental  
91 entity;

92 3. Except as provided in subsection (6), require a bicycle  
93 sharing company to obtain a business license or any other type  
94 of authorization to operate within the jurisdiction of the local  
95 governmental entity; or

96 4. Except as provided in subsection (4), prohibit a bicycle  
97 sharing company from operating within the jurisdiction of the



891624

98 local governmental entity or limit the operation of a bicycle  
99 sharing company within such jurisdiction.

100 (b) This subsection does not prohibit:

101 1. An airport or seaport from designating locations for  
102 staging, pickup, and other similar operations relating to  
103 bicycles at the airport or seaport;

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

107 3. A local governmental entity from enforcing uniform  
108 traffic infractions under chapter 316.

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

110  
111 ===== T I T L E A M E N D M E N T =====

112 And the title is amended as follows:

113 Delete everything before the enacting clause  
114 and insert:

115 A bill to be entitled

116 An act relating to bicycle sharing; creating s.  
117 341.851, F.S.; providing legislative intent; defining  
118 terms; authorizing a bicycle sharing company to allow  
119 a minor to operate a bicycle reserved by a user if  
120 accompanied by a user; requiring such a minor operator  
121 who is under a specified age to wear a helmet;  
122 providing insurance requirements for a bicycle sharing  
123 company; authorizing a local governmental entity to  
124 annually require a bicycle sharing company to provide  
125 proof of insurance; authorizing the local governmental  
126 entity to issue a fine no greater than a specified



891624

127 amount and to order the bicycle sharing company to  
128 cease and desist from operating within the local  
129 governmental entity's jurisdiction until any such fine  
130 is paid and proof of such insurance is provided, if  
131 the company does not provide proof of such insurance;  
132 providing requirements for bicycles made available for  
133 reservation by a bicycle sharing company; providing  
134 company responsibilities; authorizing a local  
135 governmental entity to issue a bicycle sharing company  
136 a fine no greater than a specified amount for failure  
137 to comply with specified responsibilities; providing  
138 for preemption; providing construction; providing an  
139 effective date.