

By Senator Young

18-01420B-18

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1 A bill to be entitled
2 An act relating to dockless bicycle sharing; creating
3 s. 341.851, F.S.; providing legislative intent;
4 providing definitions; providing insurance
5 requirements for a bicycle sharing company; providing
6 requirements for dockless bicycles made available for
7 reservation by such company; providing company
8 responsibilities; providing for preemption; providing
9 construction; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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

15 341.851 Dockless bicycle sharing.-

16 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
17 to provide Florida residents with access to innovative,
18 environmentally friendly transportation options and to ensure
19 the safety and reliability of bicycle sharing services within
20 the state.

21 (2) DEFINITIONS.-As used in this section:

22 (a) "Bicycle sharing company" means an entity that makes
23 dockless bicycles available for private use by reservation
24 through an online application, software, or website.

25 (b) "Dockless bicycle" means a bicycle, including an
26 electric bicycle, that is self-locking and that is not connected
27 to a docking station.

28 (c) "Local governmental entity" means a county,
29 municipality, special district, airport authority, port

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30 authority, or other local governmental entity or subdivision.

31 (d) "User" means a person who reserves a dockless bicycle
32 through a bicycle sharing company's online application,
33 software, or website.

34 (3) INSURANCE REQUIRED.—A person or entity may not operate
35 a bicycle sharing company in this state unless the person or
36 entity maintains a current and valid combined single-limit
37 policy of commercial general liability insurance coverage in the
38 amount of at least \$500,000 per occurrence for bodily injury and
39 property damage.

40 (4) BICYCLE REQUIREMENTS.—Each dockless bicycle made
41 available for reservation by a bicycle sharing company must:

42 (a) Meet the requirements for bicycles set forth in 16
43 C.F.R. part 1512.

44 (b) Be available for reservation 24 hours a day, 7 days a
45 week.

46 (c) Prominently display the bicycle company's trade dress.

47 (d) Display an e-mail address or a telephone number at
48 which a user may contact the bicycle sharing company for
49 customer support.

50 (e) Be lawfully parked when not in use.

51 (5) COMPANY RESPONSIBILITIES.—

52 (a) A bicycle sharing company must provide through its
53 online application, software, or website:

54 1. Notification that a rider of a dockless bicycle must
55 operate the dockless bicycle in compliance with state and local
56 law.

57 2. An interface that enables a user to notify the bicycle
58 sharing company of an issue relating to the safety or

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59 maintenance of a dockless bicycle.

60 (b) A bicycle sharing company is responsible for the
61 maintenance and rebalancing of each dockless bicycle made
62 available for reservation and for the removal of any such
63 dockless bicycle that is for any reason inoperable.

64 (6) PREEMPTION.—

65 (a) It is the intent of the Legislature to provide for
66 uniformity of laws governing dockless bicycles and bicycle
67 sharing companies throughout the state. Dockless bicycles and
68 bicycle sharing companies shall be governed exclusively by state
69 law. A local governmental entity may not:

70 1. Impose a tax on, or require a license for, a dockless
71 bicycle or a bicycle sharing company relating to reserving a
72 dockless bicycle;

73 2. Subject a dockless bicycle or a bicycle sharing company
74 to any rate, entry, operation, or other requirement of the local
75 governmental entity;

76 3. Require a bicycle sharing company to obtain a business
77 license or any other type of authorization to operate within the
78 jurisdiction of the local governmental entity; or

79 4. Enter into a private agreement containing a provision
80 that prohibits a bicycle sharing company from operating within
81 the jurisdiction of the local governmental entity or that limits
82 the operation of a bicycle sharing company within such
83 jurisdiction. To the extent that a local governmental entity
84 entered into an agreement containing such a provision before
85 July 1, 2018, such provision is unenforceable.

86 (b) This subsection does not prohibit an airport or seaport
87 from designating locations for staging, pickup, and other

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88 similar operations relating to dockless bicycles at the airport
89 or seaport.

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