

By the Committee on Banking and Insurance; and Senator Young

597-02931-18

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1 A bill to be entitled
2 An act relating to bicycle sharing; creating s.
3 341.851, F.S.; providing legislative intent; defining
4 terms; authorizing a bicycle sharing company to allow
5 a minor to operate a bicycle reserved by a user if
6 accompanied by a user; requiring such a minor operator
7 who is under a specified age to wear a helmet;
8 providing insurance requirements for a bicycle sharing
9 company; authorizing a local governmental entity to
10 annually require a bicycle sharing company to provide
11 proof of insurance; authorizing the local governmental
12 entity to issue a fine no greater than a specified
13 amount and to order the bicycle sharing company to
14 cease and desist from operating within the local
15 governmental entity's jurisdiction until any such fine
16 is paid and proof of such insurance is provided, if
17 the company does not provide proof of such insurance;
18 providing requirements for bicycles made available for
19 reservation by a bicycle sharing company; providing
20 company responsibilities; authorizing a local
21 governmental entity to issue a bicycle sharing company
22 certain fines and fees and to impose other penalties
23 under certain circumstances; prohibiting a local
24 governmental entity, under certain circumstances, from
25 taking any action or adopting any local ordinance,
26 policy, or regulation that is designed to limit or
27 prevent a bicycle sharing company or any company
28 engaged in the rental of bicycles from operating
29 within its jurisdiction; providing construction;

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30 providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Section 341.851, Florida Statutes, is created to
35 read:

36 341.851 Bicycle sharing.-

37 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
38 to provide Florida residents with access to innovative,
39 environmentally friendly transportation options and to ensure
40 the safety and reliability of bicycle sharing services within
41 the state.

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

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

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

49 (c) "Local governmental entity" means a county,
50 municipality, special district, airport authority, port
51 authority, or other local governmental entity or subdivision.

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

55 (3) MINORS.-A bicycle sharing company may allow a minor to
56 operate a bicycle reserved by a user if accompanied by a user.
57 Such a minor operator who is under the age of 16 must wear a
58 helmet as required in s. 316.2065(3)(d).

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59 (4) INSURANCE REQUIRED.—

60 (a) A person may not operate a bicycle sharing company in
61 this state pursuant to this section unless the person maintains
62 a current and valid combined single-limit policy of commercial
63 general liability insurance coverage in the amount of at least
64 \$500,000 per occurrence for bodily injury and property damage.

65 (b) A local governmental entity may annually require a
66 bicycle sharing company to provide proof of insurance meeting
67 the requirements of this subsection. If a bicycle sharing
68 company does not provide proof of such insurance, the local
69 governmental entity may issue a fine no greater than \$5,000 and
70 may order the bicycle sharing company to cease and desist from
71 operating within the local governmental entity's jurisdiction
72 until any such fine is paid and proof of such insurance is
73 provided.

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

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

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

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

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

83 (6) COMPANY RESPONSIBILITIES.—

84 (a) A bicycle sharing company must register with the
85 Division of Corporations of the Department of State and must
86 provide such registration to any local governmental entity in
87 whose jurisdiction the company operates. A local governmental

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88 entity may issue a bicycle sharing company a fine no greater
89 than \$1,000 for failure to comply with this paragraph.

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

92 1. Notification that bicycles must be operated in
93 compliance with state and local law.

94 2. An interface that enables a user to notify the bicycle
95 sharing company of an issue relating to the safety or
96 maintenance of a bicycle.

97 (c) A bicycle sharing company is responsible for the
98 maintenance and rebalancing of each bicycle made available for
99 reservation and for the removal of any such bicycle that is for
100 any reason inoperable or does not comply with subsection (5).

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

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

110 (f) A bicycle sharing company must remove an unlawfully
111 parked company bicycle within 24 hours of receiving notification
112 of the violation via e-mail from a local governmental entity.
113 Such notice must include the location and identification number
114 of the company bicycle. A local governmental entity may
115 immediately move an unlawfully parked company bicycle and place
116 it in the nearest location where it does not obstruct or

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117 endanger the safe movement of pedestrians or vehicles. For any
118 company bicycle that remains unlawfully parked and is not
119 removed by a bicycle sharing company within the 24-hour period,
120 a local governmental entity may impose a fee of up to \$10 per
121 bicycle, per day, not to exceed a total fee of \$100 per bicycle.
122 If a bicycle sharing company has not removed an unlawfully
123 parked bicycle within 10 days of receiving notice in accordance
124 with this section, the local governmental entity may impound the
125 bicycle in accordance with local ordinances.

126 (7) PREEMPTION.—

127 (a) A local governmental entity may not take any action or
128 adopt any local ordinance, policy, or regulation that is
129 designed to limit or prevent a bicycle sharing company or any
130 company engaged in the rental of bicycles from operating within
131 its jurisdiction, provided that the company has demonstrated
132 compliance with all local laws and regulations applicable to
133 other similar businesses seeking to do business or presently
134 doing business within that jurisdiction.

135 (b) This subsection does not prohibit:

136 1. An airport or seaport from designating locations for
137 staging, pickup, and other similar operations relating to
138 bicycles at the airport or seaport;

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

142 3. A local governmental entity from enforcing uniform
143 traffic infractions under chapter 316.

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