

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Toledo offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Present subsections (38) through (101) of
6 section 316.003, Florida Statutes, are redesignated as
7 subsections (39) through (102), respectively, a new subsection
8 (38) is added to that section, and present subsections (44) and
9 (59) of that section are amended, to read:

10 316.003 Definitions.—The following words and phrases, when
11 used in this chapter, shall have the meanings respectively
12 ascribed to them in this section, except where the context
13 otherwise requires:

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14 (38) MICROMOBILITY DEVICE.—Any motorized transportation
15 device made available for private use by reservation through an
16 online application, website, or software for point-to-point
17 trips and which is not capable of traveling at a speed greater
18 than 20 miles per hour on level ground. This term includes
19 motorized scooters and bicycles as defined in this chapter.

20 (45)-(44) MOTORIZED SCOOTER.—Any vehicle or micromobility
21 device that is powered by a motor with or without ~~not having~~ a
22 seat or saddle for the use of the rider, which is designed to
23 travel on not more than three wheels, and which is not capable
24 of propelling the vehicle at a speed greater than 20 ~~30~~ miles
25 per hour on level ground.

26 (60)-(59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
27 provided in paragraph (82) (b) ~~(81)-(b)~~, any privately owned way
28 or place used for vehicular travel by the owner and those having
29 express or implied permission from the owner, but not by other
30 persons.

31 Section 2. Section 316.1995, Florida Statutes, is amended
32 to read:

33 316.1995 Driving upon sidewalk or bicycle path.—

34 (1) Except as provided in s. 316.008, ~~or~~ s. 316.212(8), or
35 s. 316.2128, a person may not drive any vehicle other than by
36 human power upon a bicycle path, sidewalk, or sidewalk area,
37 except upon a permanent or duly authorized temporary driveway.

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38 (2) A violation of this section is a noncriminal traffic
39 infraction, punishable as a moving violation as provided in
40 chapter 318.

41 (3) This section does not apply to motorized wheelchairs.
42 Section 3. Section 316.2128, Florida Statutes, is amended
43 to read:

44 316.2128 Micromobility devices, ~~Operation of~~ motorized
45 scooters, and miniature motorcycles; requirements ~~for sales.~~

46 (1) The operator of a motorized scooter or micromobility
47 device has all of the rights and duties applicable to the rider
48 of a bicycle under s. 316.2065, except the duties imposed by s.
49 316.2065(2), (3) (b), and (3) (c), which by their nature do not
50 apply. However, this section may not be construed to prevent a
51 local government, through the exercise of its powers under s.
52 316.008, from adopting an ordinance governing the operation of
53 micromobility devices and motorized scooters on streets,
54 highways, sidewalks, and sidewalk areas under the local
55 government's jurisdiction.

56 (2) A motorized scooter or micromobility device is not
57 required to satisfy the registration and insurance requirements
58 of s. 320.02 or the licensing requirements of s. 316.605.

59 (3) A person is not required to have a driver license to
60 operate a motorized scooter or micromobility device.

61 (4) A person who offers motorized scooters or
62 micromobility devices for hire is responsible for securing all

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63 such devices located in any area of the state where an active
64 tropical storm or hurricane warning has been issued by the
65 National Weather Service.

66 ~~(5)(1)~~ A person who engages in the business of, serves in
67 the capacity of, or acts as a commercial seller of ~~motorized~~
68 ~~scooters or~~ miniature motorcycles in this state must prominently
69 display at his or her place of business a notice that such
70 vehicles are not legal to operate on public roads, may not be
71 registered as motor vehicles, and may not be operated on
72 sidewalks unless authorized by an ordinance enacted pursuant to
73 s. 316.008(7) (a) or s. 316.212(8). The required notice must also
74 appear in all forms of advertising offering ~~motorized scooters~~
75 ~~or~~ miniature motorcycles for sale. The notice and a copy of this
76 section must also be provided to a consumer prior to the
77 consumer's purchasing or becoming obligated to purchase a
78 ~~motorized scooter or~~ a miniature motorcycle.

79 ~~(6)(2)~~ Any person selling or offering a ~~motorized scooter~~
80 ~~or~~ a miniature motorcycle for sale in violation of this section
81 commits an unfair and deceptive trade practice as defined in
82 part II of chapter 501.

83 Section 4. Subsection (7) of section 316.2225, Florida
84 Statutes, is amended to read:

85 316.2225 Additional equipment required on certain
86 vehicles.—In addition to other equipment required in this

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87 chapter, the following vehicles shall be equipped as herein
88 stated under the conditions stated in s. 316.217.

89 (7) On every slow-moving vehicle or equipment, animal-
90 drawn vehicle, or other machinery designed for use and speeds
91 less than 25 miles per hour, excluding electric personal
92 assistive mobility devices and motorized scooters, but including
93 all road construction and maintenance machinery except when
94 engaged in actual construction or maintenance work either
95 guarded by a flagger or a clearly visible warning sign, which
96 normally travels or is normally used at a speed of less than 25
97 miles per hour and which is operated on a public highway, there
98 must be:

99 ~~(a)~~ a triangular slow-moving vehicle emblem SMV as
100 described in, and displayed as provided in, this subsection
101 ~~paragraph (b)~~.

102 (a) The requirement of the emblem shall be in addition to
103 any other equipment required by law. The emblem shall not be
104 displayed on objects which are customarily stationary in use
105 except while being transported on the roadway of any public
106 highway of this state.

107 (b) The Department of Highway Safety and Motor Vehicles
108 shall adopt such rules and regulations as are required to carry
109 out the purpose of this section. The requirements of such rules
110 and regulations shall incorporate the current specifications for
111 SMV emblems of the American Society of Agricultural Engineers.

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112 Section 5. Paragraph (a) of subsection (1) of section
113 320.01, Florida Statutes, is amended to read:

114 320.01 Definitions, general.—As used in the Florida
115 Statutes, except as otherwise provided, the term:

116 (1) "Motor vehicle" means:

117 (a) An automobile, motorcycle, truck, trailer,
118 semitrailer, truck tractor and semitrailer combination, or any
119 other vehicle operated on the roads of this state, used to
120 transport persons or property, and propelled by power other than
121 muscular power, but the term does not include traction engines,
122 road rollers, motorized scooters, micromobility devices,
123 personal delivery devices and mobile carriers as defined in s.
124 316.003, special mobile equipment as defined in s. 316.003,
125 vehicles that run only upon a track, bicycles, swamp buggies, or
126 mopeds.

127 Section 6. Subsection (1) of section 655.960, Florida
128 Statutes, is amended to read:

129 655.960 Definitions; ss. 655.960–655.965.—As used in this
130 section and ss. 655.961–655.965, unless the context otherwise
131 requires:

132 (1) "Access area" means any paved walkway or sidewalk
133 which is within 50 feet of any automated teller machine. The
134 term does not include any street or highway open to the use of
135 the public, as defined in s. 316.003(82) (a) or (b) s-

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136 | ~~316.003(81)(a) or (b)~~, including any adjacent sidewalk, as
137 | defined in s. 316.003.

138 | Section 7. This act shall take effect upon becoming a law.
139 |

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141 | **T I T L E A M E N D M E N T**

142 | Remove everything before the enacting clause and insert:

143 | A bill to be entitled

144 | An act relating to mobility devices and motorized
145 | scooters; amending s. 316.003, F.S.; defining the term
146 | "micromobility device"; revising the definition of the
147 | term "motorized scooter"; conforming a cross-
148 | reference; amending s. 316.1995, F.S.; conforming a
149 | provision to changes made by the act; amending s.
150 | 316.2128, F.S.; providing that the operator of a
151 | motorized scooter or micromobility device has all of
152 | the rights and duties applicable to the rider of a
153 | bicycle, except the duties imposed by specified
154 | provisions that by their nature do not apply;
155 | providing for construction; exempting a motorized
156 | scooter or micromobility device from certain
157 | registration, insurance, and licensing requirements;
158 | providing that a person is not required to have a
159 | driver license to operate a motorized scooter or
160 | micromobility device; requiring a person who offers

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161 motorized scooters or micromobility devices for hire
162 to be responsible for securing all such devices
163 located in any area of the state where a certain
164 warning has been issued by the National Weather
165 Service; deleting specified requirements for the sale
166 of motorized scooters; amending s. 316.2225, F.S.;
167 exempting electric personal assistive mobility devices
168 and motorized scooters from certain emblem
169 requirements; amending s. 320.01, F.S.; revising the
170 definition of the term "motor vehicle"; amending s.
171 655.960, F.S.; conforming a cross-reference; providing
172 an effective date.

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