

Amendment No.

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 WITHDRAWN _____ (Y/N)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: Local, Federal & Veterans
 2 Affairs Subcommittee

3 Representative Toledo offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

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

16 (38) MICROMOBILITY DEVICE.—Any motorized transportation

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17 device made available for private use by reservation through an
18 online application, website, or software for point-to-point
19 trips, which is incapable of traveling at speeds greater than 20
20 miles per hour on level ground when powered solely by the motor.
21 This term includes motorized scooters and motorized bicycles as
22 defined in this section.

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

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

34 Section 2. Subsection (9) is added to section 316.008,
35 Florida Statutes, to read:

36 316.008 Powers of local authorities.—

37 (9) (a) A county or municipality may regulate the operation
38 of micromobility devices and for-hire motorized scooters;
39 however, any such regulation may not conflict with this chapter
40 or federal law and may not be more restrictive than the county's
41 or municipality's regulation of bicycles.

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42 (b) A county or municipality may require a person offering
43 micromobility devices or for-hire motorized scooters to be
44 licensed. The license must be granted if the applicant for
45 licensure provides proof of:

46 1. Commercial general liability insurance coverage with a
47 limit of at least \$1 million per occurrence and with a \$2
48 million aggregate limit; and

49 2. If the applicant employs persons within the
50 jurisdiction of the county or municipality, workers'
51 compensation coverage that meets the minimum requirements under
52 chapter 440 and the Florida Insurance Code.

53 (c) A county or municipality may designate locations where
54 the operators of micromobility devices and for-hire motorized
55 scooters may not stage shared devices, provided that staging is
56 permitted in at least one location on each side of each city
57 block in commercial and business districts.

58 (d) Except as provided in this section, regulation of
59 micromobility devices and for-hire motorized scooters is
60 exclusively controlled by state and federal law.

61 Section 3. Section 316.1995, Florida Statutes, is amended
62 to read:

63 316.1995 Driving upon sidewalk or bicycle path.—

64 (1) Except as provided in s. 316.008, s. 316.2128, or s.
65 316.212(8), a person may not drive any vehicle other than by
66 human power upon a bicycle path, sidewalk, or sidewalk area,

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67 | except upon a permanent or duly authorized temporary driveway.

68 | (2) A violation of this section is a noncriminal traffic
69 | infraction, punishable as a moving violation as provided in
70 | chapter 318.

71 | (3) This section does not apply to motorized wheelchairs.

72 | Section 4. Section 316.2128, Florida Statutes, is amended
73 | to read:

74 | 316.2128 Operation of micromobility devices, motorized
75 | scooters, and miniature motorcycles; requirements for operators
76 | or shared micromobility devices and motorized scooters;
77 | requirements for sales of miniature motorcycles.-

78 | (1) The operator of a micromobility device or motorized
79 | scooter has all of the rights and duties applicable to the rider
80 | of a bicycle under s. 316.2065, except the duties imposed by s.
81 | 316.2065(2), (3) (b), and (3) (c), which by their nature do not
82 | apply.

83 | (2) A micromobility device or motorized scooter is not
84 | required to satisfy the registration and insurance requirements
85 | of s. 320.02 or the licensing requirements of s. 316.605.

86 | (3) A person is not required to have a valid driver
87 | license to operate a micromobility device or motorized scooter.

88 | (4) A person may park a micromobility device or motorized
89 | scooter on a sidewalk in a manner that does not impede the
90 | normal movement of pedestrian traffic in compliance with local
91 | ordinances and state or federal laws.

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92 (5) A person offering micromobility devices or for-hire
93 motorized scooters is responsible for securing all devices
94 offered by such person within any area of the state where a
95 tropical storm or hurricane warning has been issued by the
96 National Weather Service.

97 (6)-(1) A person who engages in the business of, serves in
98 the capacity of, or acts as a commercial seller of ~~motorized~~
99 ~~scooters or~~ miniature motorcycles in this state must prominently
100 display at his or her place of business a notice that such
101 vehicles are not legal to operate on public roads, may not be
102 registered as motor vehicles, and may not be operated on
103 sidewalks unless authorized by an ordinance enacted pursuant to
104 s. 316.008(7)(a) or s. 316.212(8). The required notice must also
105 appear in all forms of advertising offering ~~motorized scooters~~
106 ~~or~~ miniature motorcycles for sale. The notice and a copy of this
107 section must also be provided to a consumer before ~~prior to~~ the
108 consumer's purchasing or becoming obligated to purchase a
109 ~~motorized scooter or~~ a miniature motorcycle.

110 (7)-(2) Any person selling or offering a ~~motorized scooter~~
111 ~~or~~ a miniature motorcycle for sale in violation of this section
112 commits an unfair and deceptive trade practice as defined in
113 part II of chapter 501.

114 Section 5. Subsection (7) of section 316.2225, Florida
115 Statutes, is amended to read:

116 316.2225 Additional equipment required on certain

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117 vehicles.—In addition to other equipment required in this
118 chapter, the following vehicles shall be equipped as herein
119 stated under the conditions stated in s. 316.217.

120 (7) On every slow-moving vehicle or equipment, animal-
121 drawn vehicle, or other machinery designed for use and speeds
122 less than 25 miles per hour, excluding micromobility devices and
123 motorized scooters, but including all road construction and
124 maintenance machinery except when engaged in actual construction
125 or maintenance work either guarded by a flagger or a clearly
126 visible warning sign, which normally travels or is normally used
127 at a speed of less than 25 miles per hour and which is operated
128 on a public highway, there must be:

129 ~~(a)~~ a triangular slow-moving vehicle emblem SMV as
130 described in, and displayed as provided in, this subsection
131 ~~paragraph (b)~~.

132 (a) The requirement of the emblem shall be in addition to
133 any other equipment required by law. The emblem shall not be
134 displayed on objects which are customarily stationary in use
135 except while being transported on the roadway of any public
136 highway of this state.

137 (b) The Department of Highway Safety and Motor Vehicles
138 shall adopt such rules and regulations as are required to carry
139 out the purpose of this section. The requirements of such rules
140 and regulations shall incorporate the current specifications for
141 SMV emblems of the American Society of Agricultural Engineers.

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

144 655.960 Definitions; ss. 655.960-655.965.—As used in this
145 section and ss. 655.961-655.965, unless the context otherwise
146 requires:

147 (1) "Access area" means any paved walkway or sidewalk
148 which is within 50 feet of any automated teller machine. The
149 term does not include any street or highway open to the use of
150 the public, as defined in s. 316.003(82) (a) or (b) ~~s.~~
151 ~~316.003(81) (a) or (b)~~, including any adjacent sidewalk, as
152 defined in s. 316.003.

153 Section 7. This act shall take effect upon becoming a law.
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157 **T I T L E A M E N D M E N T**

158 Remove everything before the enacting clause and insert:
159 An act relating to micromobility devices and motorized scooters;
160 amending s. 316.003, F.S.; defining the term "micromobility
161 device"; revising the definition of the term "motorized
162 scooter"; conforming a cross-reference; amending s. 316.008,
163 F.S.; authorizing a county or municipality to regulate the
164 operation of micromobility devices and for-hire motorized
165 scooters, subject to certain restrictions; authorizing a county
166 or municipality to require that a person offering micromobility

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167 devices or for-hire motorized scooters be licensed; requiring
168 that such license be granted if the applicant for licensure
169 provides certain proof of insurance coverage; providing that,
170 except for specified provisions, regulation of micromobility
171 devices and for-hire motorized scooters is exclusively
172 controlled by state and federal law; amending s. 316.1995, F.S.;
173 conforming a provision to changes made by the act; amending s.
174 316.2128, F.S.; providing that the operator of a micromobility
175 device or motorized scooter has all of the rights and duties
176 applicable to the rider of a bicycle, except the duties imposed
177 by specified provisions that by their nature do not apply;
178 exempting a micromobility device or motorized scooter from
179 certain registration, insurance, and licensing requirements;
180 providing that a person is not required to have a valid driver
181 license to operate a micromobility device or motorized scooter;
182 authorizing the parking of a micromobility device or motorized
183 scooter on a sidewalk, subject to certain requirements; deleting
184 specified requirements for the sale of motorized scooters;
185 amending s. 316.2225, F.S.; exempting micromobility devices and
186 motorized scooters from certain emblem requirements; amending s.
187 655.960, F.S.; conforming a cross-reference; providing an
188 effective date.