

1 A bill to be entitled

2 An act relating to micromobility devices and motorized  
3 scooters; amending s. 316.003, F.S.; defining the term  
4 "micromobility device"; revising the definition of the  
5 term "motorized scooter"; conforming a cross-  
6 reference; amending s. 316.008, F.S.; authorizing a  
7 county or municipality to regulate the operation of  
8 micromobility devices and for-hire motorized scooters,  
9 subject to certain restrictions; authorizing a county  
10 or municipality to require that a person offering  
11 micromobility devices or for-hire motorized scooters  
12 be licensed; requiring that such license be granted if  
13 the applicant for licensure provides certain proof of  
14 insurance coverage; providing that, except for  
15 specified provisions, regulation of micromobility  
16 devices and for-hire motorized scooters is exclusively  
17 controlled by state and federal law; amending s.  
18 316.1995, F.S.; conforming a provision to changes made  
19 by the act; amending s. 316.2128, F.S.; providing that  
20 the operator of a micromobility device or motorized  
21 scooter has all of the rights and duties applicable to  
22 the rider of a bicycle, except the duties imposed by  
23 specified provisions that by their nature do not  
24 apply; exempting a micromobility device or motorized  
25 scooter from certain registration, insurance, and

26 |       licensing requirements; providing that a person is not  
 27 |       required to have a valid driver license to operate a  
 28 |       micromobility device or motorized scooter; authorizing  
 29 |       the parking of a micromobility device or motorized  
 30 |       scooter on a sidewalk, subject to certain  
 31 |       requirements; deleting specified requirements for the  
 32 |       sale of motorized scooters; amending s. 316.2225,  
 33 |       F.S.; exempting micromobility devices and motorized  
 34 |       scooters from certain emblem requirements; amending s.  
 35 |       655.960, F.S.; conforming a cross-reference; providing  
 36 |       an effective date.

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38 | Be It Enacted by the Legislature of the State of Florida:

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40 |       Section 1. Subsections (38) through (101) of section  
 41 |       316.003, Florida Statutes, are renumbered as subsections (39)  
 42 |       through (102), respectively, present subsections (44) and (59)  
 43 |       are amended, and a new subsection (38) is added to that section,  
 44 |       to read:

45 |       316.003 Definitions.—The following words and phrases, when  
 46 |       used in this chapter, shall have the meanings respectively  
 47 |       ascribed to them in this section, except where the context  
 48 |       otherwise requires:

49 |       (38) MICROMOBILITY DEVICE.—Any motorized transportation  
 50 |       device made available for private use by reservation through an

51 online application, website, or software for point-to-point  
52 trips, which is incapable of traveling at speeds greater than 20  
53 miles per hour on level ground. This term includes motorized  
54 scooters and motorized bicycles as defined in this section.

55 (45)-(44) MOTORIZED SCOOTER.—Any vehicle or micromobility  
56 device that is powered by a motor with or without ~~not having~~ a  
57 seat or saddle for the use of the rider, designed to travel on  
58 not more than three wheels, and not capable of propelling the  
59 vehicle at a speed greater than 20 ~~30~~ miles per hour on level  
60 ground.

61 (60)-(59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
62 provided in paragraph (82) (b) ~~(81) (b)~~, any privately owned way  
63 or place used for vehicular travel by the owner and those having  
64 express or implied permission from the owner, but not by other  
65 persons.

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

68 316.008 Powers of local authorities.—

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

74 (b) A county or municipality may require a person offering  
75 micromobility devices or for-hire motorized scooters to be

76 licensed. The license must be granted if the applicant for  
77 licensure provides proof of:

78 1. Commercial general liability insurance coverage with a  
79 limit of at least \$1 million per occurrence and with a \$5  
80 million aggregate limit; and

81 2. If the applicant employs persons within the  
82 jurisdiction of the county or municipality, workers'  
83 compensation coverage that meets the minimum requirements under  
84 chapter 440 and the Florida Insurance Code.

85 (c) Except as provided in this section, regulation of  
86 micromobility devices and for-hire motorized scooters is  
87 exclusively controlled by state and federal law.

88 Section 3. Section 316.1995, Florida Statutes, is amended  
89 to read:

90 316.1995 Driving upon sidewalk or bicycle path.—

91 (1) Except as provided in s. 316.008, s. 316.2128, or s.  
92 316.212(8), a person may not drive any vehicle other than by  
93 human power upon a bicycle path, sidewalk, or sidewalk area,  
94 except upon a permanent or duly authorized temporary driveway.

95 (2) A violation of this section is a noncriminal traffic  
96 infraction, punishable as a moving violation as provided in  
97 chapter 318.

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

99 Section 4. Section 316.2128, Florida Statutes, is amended  
100 to read:

101           316.2128 Operation of micromobility devices, motorized  
102 scooters, and miniature motorcycles; requirements for sales of  
103 miniature motorcycles.-

104           (1) The operator of a micromobility device or motorized  
105 scooter has all of the rights and duties applicable to the rider  
106 of a bicycle under s. 316.2065, except the duties imposed by s.  
107 316.2065(2), (3) (b), and (3) (c), which by their nature do not  
108 apply.

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

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

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

118           (5)-(1) A person who engages in the business of, serves in  
119 the capacity of, or acts as a commercial seller of ~~motorized~~  
120 ~~scooters or~~ miniature motorcycles in this state must prominently  
121 display at his or her place of business a notice that such  
122 vehicles are not legal to operate on public roads, may not be  
123 registered as motor vehicles, and may not be operated on  
124 sidewalks unless authorized by an ordinance enacted pursuant to  
125 s. 316.008(7) (a) or s. 316.212(8). The required notice must also

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126 appear in all forms of advertising offering ~~motorized scooters~~  
127 ~~or~~ miniature motorcycles for sale. The notice and a copy of this  
128 section must also be provided to a consumer before ~~prior to~~ the  
129 consumer's purchasing or becoming obligated to purchase a  
130 ~~motorized scooter or~~ a miniature motorcycle.

131 (6) ~~(2)~~ Any person selling or offering a ~~motorized scooter~~  
132 ~~or~~ a miniature motorcycle for sale in violation of this section  
133 commits an unfair and deceptive trade practice as defined in  
134 part II of chapter 501.

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

137 316.2225 Additional equipment required on certain  
138 vehicles.—In addition to other equipment required in this  
139 chapter, the following vehicles shall be equipped as herein  
140 stated under the conditions stated in s. 316.217.

141 (7) On every slow-moving vehicle or equipment, animal-  
142 drawn vehicle, or other machinery designed for use and speeds  
143 less than 25 miles per hour, excluding micromobility devices and  
144 motorized scooters, but including all road construction and  
145 maintenance machinery except when engaged in actual construction  
146 or maintenance work either guarded by a flagger or a clearly  
147 visible warning sign, which normally travels or is normally used  
148 at a speed of less than 25 miles per hour and which is operated  
149 on a public highway, there must be:

150 ~~(a)~~ a triangular slow-moving vehicle emblem SMV as

151 described in, and displayed as provided in, this subsection  
 152 ~~paragraph (b)~~.

153 (a) The requirement of the emblem shall be in addition to  
 154 any other equipment required by law. The emblem shall not be  
 155 displayed on objects which are customarily stationary in use  
 156 except while being transported on the roadway of any public  
 157 highway of this state.

158 (b) The Department of Highway Safety and Motor Vehicles  
 159 shall adopt such rules and regulations as are required to carry  
 160 out the purpose of this section. The requirements of such rules  
 161 and regulations shall incorporate the current specifications for  
 162 SMV emblems of the American Society of Agricultural Engineers.

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

165 655.960 Definitions; ss. 655.960-655.965.—As used in this  
 166 section and ss. 655.961-655.965, unless the context otherwise  
 167 requires:

168 (1) "Access area" means any paved walkway or sidewalk  
 169 which is within 50 feet of any automated teller machine. The  
 170 term does not include any street or highway open to the use of  
 171 the public, as defined in s. 316.003(82) (a) or (b) ~~s.~~  
 172 ~~316.003(81) (a) or (b)~~, including any adjacent sidewalk, as  
 173 defined in s. 316.003.

174 Section 7. This act shall take effect upon becoming a law.