

By the Committee on Infrastructure and Security; and Senator Brandes

596-03530-19

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1 A bill to be entitled
2 An act relating to mobility 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. 316.1995, F.S.; conforming a
7 provision to changes made by the act; amending s.
8 316.2128, F.S.; providing that the operator of a
9 motorized scooter or micromobility device has all of
10 the rights and duties applicable to the rider of a
11 bicycle, except the duties imposed by specified
12 provisions that by their nature do not apply;
13 providing for construction; exempting a motorized
14 scooter or micromobility device from certain
15 registration, insurance, and licensing requirements;
16 providing that a person is not required to have a
17 driver license to operate a motorized scooter or
18 micromobility device; requiring a person who offers
19 motorized scooters or micromobility devices for hire
20 to be responsible for securing all such devices
21 located in any area of the state where a certain
22 warning has been issued by the National Weather
23 Service; deleting specified requirements for the sale
24 of motorized scooters; amending s. 316.2225, F.S.;
25 exempting electric personal assistive mobility devices
26 and motorized scooters from certain emblem
27 requirements; amending s. 320.01, F.S.; revising the
28 definition of the term "motor vehicle"; amending s.
29 655.960, F.S.; conforming a cross-reference; providing

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30 an effective date.

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

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

39 316.003 Definitions.—The following words and phrases, when
40 used in this chapter, shall have the meanings respectively
41 ascribed to them in this section, except where the context
42 otherwise requires:

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

49 (45) ~~(44)~~ MOTORIZED SCOOTER.—Any vehicle or micromobility
50 device that is powered by a motor with or without ~~not having~~ a
51 seat or saddle for the use of the rider, which is designed to
52 travel on not more than three wheels, and which is not capable
53 of propelling the vehicle at a speed greater than 20 ~~30~~ miles
54 per hour on level ground.

55 (60) ~~(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
56 provided in paragraph (82) (b) ~~(81) (b)~~, any privately owned way
57 or place used for vehicular travel by the owner and those having
58 express or implied permission from the owner, but not by other

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59 persons.

60 Section 2. Section 316.1995, Florida Statutes, is amended
61 to read:

62 316.1995 Driving upon sidewalk or bicycle path.—

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

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

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

71 Section 3. Section 316.2128, Florida Statutes, is amended
72 to read:

73 316.2128 ~~Operation of Micromobility devices, motorized~~
74 ~~scooters, and miniature motorcycles; requirements for sales.—~~

75 (1) The operator of a motorized scooter or micromobility
76 device has all of the rights and duties applicable to the rider
77 of a bicycle under s. 316.2065, except the duties imposed by s.
78 316.2065(2), (3) (b), and (3) (c), which by their nature do not
79 apply. However, this section may not be construed to prevent a
80 local government, through the exercise of its powers under s.
81 316.008, from adopting an ordinance governing the operation of
82 micromobility devices and motorized scooters on streets,
83 highways, sidewalks, and sidewalk areas under the local
84 government's jurisdiction.

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

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

90 (4) A person who offers motorized scooters or micromobility
91 devices for hire is responsible for securing all such devices
92 located in any area of the state where an active tropical storm
93 or hurricane warning has been issued by the National Weather
94 Service.

95 (5)~~(1)~~ A person who engages in the business of, serves in
96 the capacity of, or acts as a commercial seller of ~~motorized~~
97 ~~scooters or~~ miniature motorcycles in this state must prominently
98 display at his or her place of business a notice that such
99 vehicles are not legal to operate on public roads, may not be
100 registered as motor vehicles, and may not be operated on
101 sidewalks unless authorized by an ordinance enacted pursuant to
102 s. 316.008(7) (a) or s. 316.212(8). The required notice must also
103 appear in all forms of advertising offering ~~motorized scooters~~
104 ~~or~~ miniature motorcycles for sale. The notice and a copy of this
105 section must also be provided to a consumer prior to the
106 consumer's purchasing or becoming obligated to purchase a
107 ~~motorized scooter or~~ a miniature motorcycle.

108 (6)~~(2)~~ Any person selling or offering a ~~motorized scooter~~
109 ~~or~~ a miniature motorcycle for sale in violation of this section
110 commits an unfair and deceptive trade practice as defined in
111 part II of chapter 501.

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

114 316.2225 Additional equipment required on certain
115 vehicles.—In addition to other equipment required in this
116 chapter, the following vehicles shall be equipped as herein

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117 stated under the conditions stated in s. 316.217.

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

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

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

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

140 Section 5. Paragraph (a) of subsection (1) of section
141 320.01, Florida Statutes, is amended to read:

142 320.01 Definitions, general.—As used in the Florida
143 Statutes, except as otherwise provided, the term:

144 (1) "Motor vehicle" means:

145 (a) An automobile, motorcycle, truck, trailer, semitrailer,

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146 truck tractor and semitrailer combination, or any other vehicle
147 operated on the roads of this state, used to transport persons
148 or property, and propelled by power other than muscular power,
149 but the term does not include traction engines, road rollers,
150 motorized scooters, micromobility devices, personal delivery
151 devices and mobile carriers as defined in s. 316.003, special
152 mobile equipment as defined in s. 316.003, vehicles that run
153 only upon a track, bicycles, swamp buggies, or mopeds.

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

156 655.960 Definitions; ss. 655.960-655.965.—As used in this
157 section and ss. 655.961-655.965, unless the context otherwise
158 requires:

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

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