

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 382

INTRODUCER: Senator Truenow

SUBJECT: Electric Bicycles, Scooters, and Motorcycles

DATE: January 16, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shutes	Vickers	TR	<u>Pre-meeting</u>
2.		ATD	
3.		FP	

I. Summary:

SB 382 makes various changes to statutory provisions governing the operation of electric bicycles, scooters, and motorcycles. Specifically, the bill includes the following provisions:

- Requires a valid driver or learner's license for the operation of a Class 3 electric bicycle.
- Creates a non-criminal traffic infraction for modifying an electric bicycle.
- Creates the requirement for a verbal warning prior to issuing a noncriminal traffic infraction for specified offenses.
- Creates a definition for the term "electric motorcycle."
- Updates crash report requirements to incorporate crash data involving electric bicycles, motorized scooters, and electric motorcycles.
- Updates driver education requirements to include certain content relating to electric bicycles, motorized scooters and other vulnerable road users.
- Alters driver examination requirements to require that a specified number of questions must address electric bicycle and motorized scooter safety.

The bill will have an indeterminate fiscal impact on private and governmental sectors. See Section V., Fiscal Impact Statement for details.

The bill takes effect July 1, 2027.

II. Present Situation:

Electric Bicycle Regulations

An electric bicycle is defined as a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

- “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.¹

Florida law provides that an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including those of traditional bicycle regulations.² An electric bicycle is a vehicle to the same extent as a bicycle.³ Florida law allows local governments to adopt ordinances governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under or within the local government’s jurisdiction.⁴ It prevents a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network.⁵ It also prevents a municipality, county, or agency of the state having jurisdiction over a beach or dune, from restricting or prohibiting the operation of an electric bicycle on such beach or dune.⁶

An electric bicycle, or an operator of an electric bicycle, is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.⁷

Beginning in January 2021, manufacturers and distributors of electric bicycles were mandated to apply a label to be permanently affixed in a prominent location to each electric bicycle. The label contains the classification number, top assisted speed, and motor wattage of the electric bicycle.⁸ A person is prohibited from tampering with or modifying an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification number is replaced under certain requirements.⁹

Under Federal Law, an electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission under 16 C.F.R. part 1512.

An electric bicycle must operate in the following manner:

¹ Section 316.003(23), F.S.

² Section 316.20655(1), F.S.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Section 316.20655(2), F.S.

⁸ Section 316.20655(3), F.S.

⁹ Section 316.20655(4), F.S.

- The electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied;
- Operators may ride an electric bicycle where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths.¹⁰

A local government may adopt an ordinance providing one or more minimum age requirements to operate an electric bicycle and may adopt an ordinance requiring an operator of an electric bicycle to possess a government-issued photographic identification while operating the electric bicycle.¹¹ Also, a local government may provide training on the safe operation of electric bicycles and compliance with the traffic laws of this state that apply to electric bicycles.¹²

Motorized Scooter Regulations

A motorized scooter is defined as any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.¹³

The operator of a motorized scooter or micromobility device generally has all of the rights and duties applicable to the rider of a bicycle. Local governments may adopt an ordinance governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction.¹⁴

A motorized scooter or micromobility device is not required to satisfy registration and insurance requirements.¹⁵ Similarly, a person is not required to have a driver license to operate a motorized scooter or micromobility device.¹⁶ A local government may adopt an ordinance providing one or more minimum age requirements to operate a motorized scooter or micromobility device and may adopt an ordinance requiring a person who operates a motorized scooter or micromobility device to possess a government-issued photographic identification while operating the motorized scooter or micromobility device.¹⁷ A local government may provide training on the safe operation of motorized scooters and micromobility devices and compliance with the traffic laws of this state that apply to motorized scooters and micromobility devices.¹⁸

Definition of Motorcycle and Moped

A motorcycle is defined as any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an autocycle, but does not include a tractor, a moped, an electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National

¹⁰ Section 316.20655(6) and (7), F.S.

¹¹ Section 316.20655(8), F.S.

¹² Section 316.20655(9), F.S.

¹³ Section 316.003(48), F.S.

¹⁴ Section 316.2128(1), F.S.

¹⁵ Section 316.2128(2), F.S.

¹⁶ Section 316.2128(3), F.S.

¹⁷ Section 316.2128(7), F.S.

¹⁸ Section 316.2128(8), F.S.

Highway Traffic Safety Administration for a motorcycle.¹⁹ Any person who is under the age of 16 years old is prohibited from operating a motorcycle that has motor that is more than 150 cubic centimeters displacement.²⁰

A moped is defined as any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.²¹

Written Reports of Crashes and Crash Report Forms

Section 316.066, F.S., provides that a Florida Traffic Crash Report, Long Form must be completed and submitted to the Department of Highway Safety and Motor Vehicles (DHSMV) within 10 days after an investigation is completed by the law enforcement officer. The Florida Crash Report Long Form must include the following information:

- The date, time, and location of the crash;
- A description of the vehicles involved;
- The names and addresses of the parties involved, including all drivers and passengers, and the identification of the vehicle in which each was a driver or a passenger;
- The names and addresses of witnesses;
- The name, badge number, and law enforcement agency of the officer investigating the crash; and
- The names of the insurance companies for the respective parties involved in the crash.²²

In any crash for which a Florida Traffic Crash Report, Long Form is not required and which occurs on the public roadways of this state, the law enforcement officer must complete a short-form crash report or provide a driver exchange-of-information form, to be completed by all drivers and passengers involved in the crash, which requires the identification of each vehicle that the drivers and passengers were in.²³ The short-form crash report contains the same information as listed above in the long-form.

Every crash report required to be made in writing must be made on the appropriate form approved by DHSMV and must contain all the information from the long and short forms.²⁴

¹⁹ Section 316.003(47), F.S.

²⁰ Section 316.2085, F.S.

²¹ Section 316.003(44), F.S.

²² Section 316.066, F.S.

²³ Section 316.066(c), F.S.

²⁴ Section 316.068, F.S.

Learner's Driver License and Examination Questions

An applicant must be at least 15 years old to apply and obtain a Class E learner's license. A signed and notarized Parental Consent Form is also required if the applicant is under the age of 18. If a person is 18 or older, they may apply for a Class E driver's license.²⁵

The applicant must show proof of completion of a department approved driver education traffic safety course (DETS). Department approved driver education courses cover topics regarding traffic laws and regulations, rules of the road, safe driving techniques, and the effects of drugs and alcohol on driving. The specific content varies by course, with requirements for first-time drivers under 18 including a six-hour DETS course, while other programs focus on areas like basic driver improvement or traffic law and substance abuse education.²⁶

The applicant must pass the Class E knowledge exam which consists of 50 multiple choice questions about traffic laws and traffic signs. A passing score of 80% is required.²⁷

In addition, the applicant must pass a vision and hearing test at a department driver license office or a county tax collector's office, provide proof of identification, social security number, and proof of address.²⁸

For the applicant of a Class E driver license, the examination questions shall include all of the following:

- A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic;
- His or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated;
- His or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances; and
- At least 25 questions within the bank of test questions must address bicycle and pedestrian safety.²⁹

The department may issue a learner's driver license to a person who is at least 15 years of age and who:

- Passed the written examination for a learner's driver license;
- Passed the vision and hearing examination administered as stated above under s. 322.12 (c), F.S.
- Satisfactorily completed a driver education course approved by DHSMV which meets or exceeds the Department of Education Driver Education/Traffic Safety-Classroom 1900300

²⁵ DHSMV, 2026 Legislative Bill Analysis: SB 382 (October 24, 2025) at p. 5 (on file with the Senate Committee on Transportation).

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ Section 322.12(3)(c), F.S.

course version description, and which includes content on sharing the road with bicycles, including electric bicycles, motorized scooters, and other vulnerable road users; and

- Meets all other requirements set forth in law and by rule of the department.³⁰

Driver Education Licensing Assistance

The Driver Education Licensing Assistance Program (DELAP) is designed to assist high school students become safety-conscious and competent drivers. This is accomplished by a blend of classroom and behind the wheel experiences. The course is open to all enrolled high school students who are at least 15 years old.³¹

Not all counties within Florida have an active DELAP program and many utilize alternative training to educate first time drivers. Currently, 36 school boards conduct DELAP training in Florida. Florida Virtual School utilizes the Driver Improvement Certificate Issuance System to update course completions and make the information available through the Department's Online Registration and Identity Operating Network.³²

Florida's Department of Education (FLDOE) defines a driver education course whose standards and objectives are superior to the TLSAE objectives described in s. 322.095, F.S. Furthermore, Florida mandates that each school district offers driver education.³³

Florida Highway Patrol (FHP) Enforcement

According to DHSMV, the FHP policy regarding enforcement authorizes members to make custodial arrests or issue notices to appear, uniform traffic citations, written warnings, or faulty equipment notices, as appropriate to the violation.³⁴ Verbal warnings are not utilized by the Florida Highway Patrol and written warnings are utilized as a form of documentation for the traffic stop and action.³⁵ The enforcement policy encourages leniency for newly enacted laws with an emphasis on educating the public about those laws. Written warnings are not submitted to the Department and are not included in a driver's record.³⁶

III. Effect of Proposed Changes:

Definition of Electric Motorcycle (Sections 1, 7 and 8)

The bill amends s. 316.003, F.S., to define an “electric motorcycle” as any motorcycle powered by an electric motor of 750 watts or more that is capable of a speed greater than 28 miles per hour. It also includes the “electric motorcycle” in the definition of “motorcycle.”

³⁰ Section 322.615, F.S.

³¹ DHSMV, *supra* note 25, at 4.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

The bill also amends ss. 320.01 and 322.01, F.S. to make technical changes to the definition of a “motorcycle” to include an electric motorcycle.

Crash Reports (Sections 2, 3, and 4)

The bill amends ss. 316.066, 316.068, and 316.069, F.S. to require a crash report if the vehicle involved in the crash is a motorized scooter, electric bicycle, or electric motorcycle. Crashes involving motorized scooters, electric bicycles or electric motorcycles will also be tabulated in crash facts summary reports.

Electric Bicycle Regulations (Section 5)

The bill amends s. 316.0655, F.S., to provide that tampering with an electric bicycle to change its motor-powered speed capability constitutes a non-criminal traffic infraction, punishable by a fine of \$100. Any person who commits a second or subsequent violation within three years is subject to a \$250 fine.

Any person operating or renting a Class 3 electric bicycle is required to possess a valid learner's license or driver's license and must present the same upon request by a law enforcement officer. A person who fails to comply must first receive a verbal warning. Following a verbal warning, a person who fails to comply commits a noncriminal traffic infraction, punishable as a nonmoving violation.

Any person operating an electric bicycle on a shared pathway that is not adjacent to a roadway must yield to pedestrians and give an audible signal before overtaking or passing a pedestrian.

Operation of Motorcycles/Mopeds (Section 6)

The bill amends s. 316.2085, F.S. to prohibit a person under 16 from operating a motorcycle that has an electric motor of 750 watts or more of power.

Driver License Examination (Section 9)

The bill amends s. 322.12, F.S. to require the knowledge examination related to a Class E driver license examination test bank to include at least 25 questions addressing bicycle and pedestrian safety and stipulates that at least five of the 25 questions must specifically cover safe electric bicycle and motorized scooter operation.

Driver License Education Content (Section 10)

The bill amends s. 322.1615, F.S. to require the Driver Education Traffic Safety (DETS) education course to include content on sharing the road with bicycles, including electric bicycles, motorized scooters, and other vulnerable road users.

Conforming and Drafting Provisions (Sections 11 and 12)

The bill amends ss. 316.306, F.S., and 655.960, to make various conforming and drafting changes.

Effective Date (Section 13)

The bill takes effect July 1, 2027.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

A person who unlawfully and knowingly modifies an electric bicycle would commit a noncriminal traffic infraction, punishable by a fine of \$100. A person who commits a second or subsequent violation within three years would commit a noncriminal traffic infraction, punishable by a fine of \$250.

C. Government Sector Impact:

According to DHSMV, the provisions in the bill requiring changes to crash reporting would impact the federal funding received under the State Electronic Data Collection (SEDC) Grant.³⁷ Specifically, DHSMV reports that implementation and timelines could

³⁷ The grant award mandates compliance with the National Highway Traffic Safety Administration's Model Minimum Uniform Crash Criteria (MMUCC). DHSMV noted that the MMUCC allows flexibility for categorizing electric motorcycles, but requires strict adherence to definitions for scooters and bicycles.

affect grant timelines and compliance requirements.³⁸ However, the fiscal impact is indeterminate.

DHSMV has estimated that the bill will require approximately \$24,455 in associated information technology programming and implementation.³⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.066, 316.068, 316.069, 316.20655, 316.2085, 320.01, 322.01, 322.12, 322.1615, 316.306 and 655.960.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

³⁸ DHSMV, *supra* note 30 at 8.

³⁹ *Id.*