A bill to be entitled
An act relating to personal delivery devices; amending
s. 316.003, F.S.; defining the terms “personal
delivery device,” “personal delivery device operator,”
and “agent”; conforming a cross-reference; amending s.
316.008, F.S.; authorizing the operation of personal
delivery devices within county or municipal
jurisdictions under certain circumstances; providing
for construction; prohibiting the operation of
personal delivery devices on the Florida Shared-Use
Nonmotorized Trail Network; creating s. 316.82, F.S.;
requiring a personal delivery device operator to
maintain an insurance policy that provides general
liability coverage of at least a specified amount for
damages arising from the operation of a personal
delivery device; amending s. 320.02, F.S.; exempting
personal delivery devices from certain registration
and insurance requirements; requiring a personal
delivery device operator to maintain a specified
insurance policy; amending ss. 316.2128, 316.545,
316.613, and 655.960, F.S.; conforming provisions to
changes made by the act; conforming cross-references;
providing an effective date.

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

Section 1. Present subsections (51) through (97) of section
316.003, Florida Statutes, are renumbered as subsections (53)
through (99), respectively, present subsection (55) of that
section is amended, and new subsections (51) and (52) are added
to that section, to read:

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

(51) PERSONAL DELIVERY DEVICE.—A motorized device for use primarily on sidewalks and crosswalks at a maximum speed of 10 miles per hour, which weighs 50 pounds or less excluding cargo, and which is capable of all of the following:

(a) Transporting items with or without a personal delivery device operator directly controlling the device.

(b) Identifying and yielding to pedestrians, bicyclists, and other lawful users of public space.

(c) Identifying and yielding to property.

(d) Navigating public thoroughfares.

(e) Interpreting traffic signals and signs at crosswalks.

(f) Directing a personal delivery device operator to assume actual physical control over the navigation and control of the device, and coming to an off-roadway controlled stop in the event an operator is unable to assume actual physical control of the device. A personal delivery device must include a plate or marker that identifies the name and contact information of the personal delivery device operator.

(52) PERSONAL DELIVERY DEVICE OPERATOR.—An entity or its agent that exercises direct physical control over the navigation system and operation of a personal delivery device. The personal delivery device operator is legally responsible for the navigation and operation of a personal delivery device. For the purposes of this subsection, the term “agent” means a person charged by the entity with the responsibility of navigating and operating the device. The term “personal delivery device
operator” does not include any person or entity that requests, or contracts for, the services of a personal delivery device for the purpose of transporting property.

(57) (55) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (79) (77) (b), any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Section 2. Subsection (7) of section 316.008, Florida Statutes, is amended to read:

316.008 Powers of local authorities.—

(7)(a) A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

(b)1. Except as provided in subparagraph 2., the operation of personal delivery devices within county or municipal jurisdictions is authorized when such use is permissible under federal law, unless a county or municipality enacts an ordinance to prohibit such operation. This paragraph does not restrict a county or municipality from otherwise adopting regulations for the safe operation of personal delivery devices.

2. The operation of personal delivery devices on the Florida Shared-Use Nonmotorized Trail Network created under s. 339.81 is prohibited.

Section 3. Section 316.82, Florida Statutes, is created to
read:

Section 4. Subsection (19) is added to section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(19) A personal delivery device as defined in s. 316.003 is not required to satisfy the registration and insurance requirements of this section, except that a personal delivery device operator must maintain an insurance policy as provided in s. 316.82.

Section 5. Subsection (1) of section 316.2128, Florida Statutes, is amended to read:

316.2128 Operation of motorized scooters and miniature motorcycles; requirements for sales.—

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

Section 6. Paragraph (b) of subsection (2) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(2) The officer or inspector shall inspect the license plate or registration certificate of the commercial vehicle to determine whether its gross weight is in compliance with the declared gross vehicle weight. If its gross weight exceeds the declared weight, the penalty shall be 5 cents per pound on the difference between such weights. In those cases when the commercial vehicle is being operated over the highways of the state with an expired registration or with no registration from this or any other jurisdiction or is not registered under the applicable provisions of chapter 320, the penalty herein shall apply on the basis of 5 cents per pound on that scaled weight which exceeds 35,000 pounds on laden truck tractor-semitrailer combinations or tandem trailer truck combinations, 10,000 pounds on laden straight trucks or straight truck-trailer combinations, or 10,000 pounds on any unladen commercial motor vehicle. A driver of a commercial motor vehicle entering the state at a designated port-of-entry location, as defined in s. 316.003(54), or operating on designated routes to a port-of-entry location, who obtains a temporary registration permit shall be assessed a penalty limited to the difference between its gross weight and the declared gross vehicle weight at 5

CODING: Words stricken are deletions; words underlined are additions.
cents per pound. If the license plate or registration has not been expired for more than 90 days, the penalty imposed under this paragraph may not exceed $1,000. In the case of special mobile equipment, which qualifies for the license tax provided for in s. 320.08(5)(b), being operated on the highways of the state with an expired registration or otherwise not properly registered under the applicable provisions of chapter 320, a penalty of $75 shall apply in addition to any other penalty which may apply in accordance with this chapter. A vehicle found in violation of this section may be detained until the owner or operator produces evidence that the vehicle has been properly registered. Any costs incurred by the retention of the vehicle shall be the sole responsibility of the owner. A person who has been assessed a penalty pursuant to this paragraph for failure to have a valid vehicle registration certificate pursuant to the provisions of chapter 320 is not subject to the delinquent fee authorized in s. 320.07 if such person obtains a valid registration certificate within 10 working days after such penalty was assessed.

Section 7. Paragraph (a) of subsection (2) of section 316.613, Florida Statutes, is amended to read:

(2) As used in this section, the term “motor vehicle” means a motor vehicle as defined in s. 316.003 that is operated on the roadways, streets, and highways of the state. The term does not include:

(a) A school bus as defined in s. 316.003(e) 316.003(68).

Section 8. Subsection (1) of section 655.960, Florida Statutes, is amended to read:
655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) “Access area” means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(79)(a) or s. 316.003(77)(a) or (b), including any adjacent sidewalk, as defined in s. 316.003.

Section 9. This act shall take effect July 1, 2017.