

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WITHDRAWN \_\_\_\_\_ (Y/N)  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: State Affairs Committee  
2 Representative Toledo offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsections (38) through (43) of section  
7 316.003, Florida Statutes, are renumbered as subsections (39)  
8 through (44), respectively, and subsections (44) through (101)  
9 are renumbered as subsections (46) through (103), present  
10 subsections (4), (44) and (59) are amended, and new subsections  
11 (38) and (45) are added to that section, 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 (4) BICYCLE.—Every vehicle propelled solely by human

Amendment No.

17 ~~power, and every motorized bicycle propelled by a combination of~~  
18 ~~human power and an electric helper motor capable of propelling~~  
19 ~~the vehicle at a speed of not more than 20 miles per hour on~~  
20 ~~level ground upon which any person may ride,~~ having two tandem  
21 wheels, and including any device generally recognized as a  
22 bicycle though equipped with two front or two rear wheels. The  
23 term does not include such a vehicle with a seat height of no  
24 more than 25 inches from the ground when the seat is adjusted to  
25 its highest position or a scooter or similar device. ~~A person~~  
26 ~~under the age of 16 may not operate or ride upon a motorized~~  
27 ~~bicycle.~~

28 (38) MICROMOBILITY DEVICE.—Any motorized transportation  
29 device, including a motorized scooter or motorized bicycle, made  
30 available for private use by reservation through an online  
31 application, website, or software for point-to-point trips,  
32 which is incapable of traveling at speeds greater than 20 miles  
33 per hour on level ground when powered solely by the motor.

34 (45) MOTORIZED BICYCLE.—A vehicle propelled by a  
35 combination of human power and an electric helper motor capable  
36 of propelling the vehicle at a speed of not more than 20 miles  
37 per hour on level ground upon which any person may ride, having  
38 two tandem wheels, and including any device generally recognized  
39 as a bicycle though equipped with two front or two rear wheels.  
40 The term does not include such a vehicle with a seat height of  
41 no more than 25 inches from the ground when the seat is adjusted

479183 - h0453-strike.docx

Published On: 4/9/2019 6:12:13 PM

Amendment No.

42 to its highest position or a scooter or similar device. A person  
43 under the age of 16 may not operate or ride upon a motorized  
44 bicycle.

45 ~~(46)-(44)~~ MOTORIZED SCOOTER.—Any vehicle that is powered by  
46 a motor with or without ~~not having~~ a seat or saddle for the use  
47 of the rider, designed to travel on not more than three wheels,  
48 and not capable of propelling the vehicle at a speed greater  
49 than ~~20~~ 30 miles per hour on level ground when powered solely by  
50 the motor.

51 ~~(61)-(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
52 provided in paragraph ~~(82) (b) (81) (b)~~, any privately owned way  
53 or place used for vehicular travel by the owner and those having  
54 express or implied permission from the owner, but not by other  
55 persons.

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

58 316.008 Powers of local authorities.—

59 (9) (a) A county or municipality may regulate the operation  
60 of micromobility devices; however, any such regulation may not  
61 conflict with this chapter or federal law and may not be more  
62 restrictive than the county's or municipality's regulation of  
63 bicycles, except as provided in this section.

64 (b) A county or municipality may restrict, for limited  
65 periods of time, the use of micromobility devices upon certain  
66 sidewalks the county or municipality designate as high

479183 - h0453-strike.docx

Published On: 4/9/2019 6:12:13 PM

Amendment No.

67 pedestrian traffic areas, or upon sidewalks which are 5 feet or  
68 less in width. Regulations shall not prohibit the parking of  
69 micromobility devices for parking purposes.

70 (c) A county or municipality may require a person offering  
71 micromobility devices to be licensed. The license must be  
72 granted if the applicant for licensure provides proof of:

73 1. Commercial general liability insurance coverage with a  
74 limit of at least \$1 million per occurrence and with a \$2  
75 million aggregate limit; and

76 2. If the applicant employs persons within the  
77 jurisdiction of the county or municipality, workers'  
78 compensation coverage that meets the minimum requirements under  
79 chapter 440 and the Florida Insurance Code.

80 (d) A county or municipality may designate locations where  
81 operators of micromobility devices may not stage shared devices  
82 provided that staging is authorized in at least one location on  
83 each side of each city block in a commercial or business  
84 district.

85 (e) Except as provided in this section, regulation of  
86 micromobility devices is exclusively controlled by state and  
87 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.

Amendment No.

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; securing of shared  
103 micromobility devices; requirements for sales of miniature  
104 motorcycles.-

105 (1) The operator of a micromobility device has all of the  
106 rights and duties applicable to the rider of a bicycle under s.  
107 316.2065, except the duties imposed by s. 316.2065(2), (3)(b),  
108 and (3)(c), which by their nature do not apply. As such, a  
109 micromobility device may ride upon any bicycle path, sidewalk,  
110 sidewalk area, bicycle lane or highway permissible for bicycle  
111 use.

112 (2) A micromobility device is not required to satisfy the  
113 registration and insurance requirements of s. 320.02 or the  
114 licensing requirements of s. 316.605.

115 (3) A person is not required to have a valid driver  
116 license to operate a micromobility device.

479183 - h0453-strike.docx

Published On: 4/9/2019 6:12:13 PM

Amendment No.

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

121 (5) A person offering shared micromobility devices is  
122 responsible for securing all devices offered by such person  
123 within any area of the state for which a tropical storm or  
124 hurricane warning has been issued by the National Weather  
125 Service.

126 (6)~~(1)~~ A person who engages in the business of, serves in  
127 the capacity of, or acts as a commercial seller of ~~motorized~~  
128 ~~scooters or~~ miniature motorcycles in this state must prominently  
129 display at his or her place of business a notice that such  
130 vehicles are not legal to operate on public roads, may not be  
131 registered as motor vehicles, and may not be operated on  
132 sidewalks unless authorized by an ordinance enacted pursuant to  
133 s. 316.008(7) (a) or s. 316.212(8). The required notice must also  
134 appear in all forms of advertising offering ~~motorized scooters~~  
135 ~~or~~ miniature motorcycles for sale. The notice and a copy of this  
136 section must also be provided to a consumer before ~~prior to~~ the  
137 consumer's purchasing or becoming obligated to purchase a  
138 ~~motorized scooter or~~ a miniature motorcycle.

139 (7)~~(2)~~ Any person selling or offering a ~~motorized scooter~~  
140 ~~or~~ a miniature motorcycle for sale in violation of this section  
141 commits an unfair and deceptive trade practice as defined in

479183 - h0453-strike.docx

Published On: 4/9/2019 6:12:13 PM

Amendment No.

142 part II of chapter 501.

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

145 316.2225 Additional equipment required on certain  
146 vehicles.—In addition to other equipment required in this  
147 chapter, the following vehicles shall be equipped as herein  
148 stated under the conditions stated in s. 316.217.

149 (7) On every slow-moving vehicle or equipment, animal-  
150 drawn vehicle, or other machinery designed for use and speeds  
151 less than 25 miles per hour, excluding micromobility devices,  
152 but including all road construction and maintenance machinery  
153 except when engaged in actual construction or maintenance work  
154 either guarded by a flagger or a clearly visible warning sign,  
155 which normally travels or is normally used at a speed of less  
156 than 25 miles per hour and which is operated on a public  
157 highway, there must be:

158 ~~(a)~~ a triangular slow-moving vehicle emblem SMV as  
159 described in, and displayed as provided in, this subsection  
160 ~~paragraph (b).~~

161 (a) The requirement of the emblem shall be in addition to  
162 any other equipment required by law. The emblem shall not be  
163 displayed on objects which are customarily stationary in use  
164 except while being transported on the roadway of any public  
165 highway of this state.

166 (b) The Department of Highway Safety and Motor Vehicles

479183 - h0453-strike.docx

Published On: 4/9/2019 6:12:13 PM

Amendment No.

167 shall adopt such rules and regulations as are required to carry  
168 out the purpose of this section. The requirements of such rules  
169 and regulations shall incorporate the current specifications for  
170 SMV emblems of the American Society of Agricultural Engineers.

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

173 655.960 Definitions; ss. 655.960-655.965.—As used in this  
174 section and ss. 655.961-655.965, unless the context otherwise  
175 requires:

176 (1) "Access area" means any paved walkway or sidewalk  
177 which is within 50 feet of any automated teller machine. The  
178 term does not include any street or highway open to the use of  
179 the public, as defined in s. 316.003(82)(a) or (b) ~~s.~~  
180 ~~316.003(81)(a) or (b)~~, including any adjacent sidewalk, as  
181 defined in s. 316.003.

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

184 -----

185 **T I T L E A M E N D M E N T**

186 Remove everything before the enacting clause and insert:  
187 An act relating to micromobility devices; amending s. 316.003,  
188 F.S.; defining the terms "micromobility device" and "motorized  
189 bicycle"; revising the definition of the term "motorized  
190 scooter"; conforming a cross-reference; amending s. 316.008,  
191 F.S.; authorizing a county or municipality to regulate the



Amendment No.

192 operation of micromobility devices, subject to certain  
193 restrictions; authorizing a county or municipality to require  
194 that a person offering micromobility devices be licensed;  
195 requiring that such license be granted if the applicant for  
196 licensure provides certain proof of insurance coverage;  
197 providing requirements for designation of staging locations for  
198 shared micromobility devices; providing that, except for  
199 specified provisions, regulation of micromobility devices is  
200 exclusively controlled by state and federal law; amending s.  
201 316.1995, F.S.; conforming a provision to changes made by the  
202 act; amending s. 316.2128, F.S.; providing that the operator of  
203 a micromobility device has all of the rights and duties  
204 applicable to the rider of a bicycle, except the duties imposed  
205 by specified provisions that by their nature do not apply;  
206 exempting a micromobility device from certain registration,  
207 insurance, and licensing requirements; providing that a person  
208 is not required to have a valid driver license to operate a  
209 micromobility device; authorizing the parking of a micromobility  
210 device on a sidewalk, subject to certain requirements; requiring  
211 a person offering shared micromobility devices to secure such  
212 devices under certain circumstances; deleting specified  
213 requirements for the sale of motorized scooters; amending s.  
214 316.2225, F.S.; exempting micromobility devices from certain  
215 emblem requirements; amending s. 655.960, F.S.; conforming a  
216 cross-reference; providing an effective date.

479183 - h0453-strike.docx

Published On: 4/9/2019 6:12:13 PM