

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS  
FINAL BILL ANALYSIS**

**BILL #:** CS/CS/HB 453 Mobility Devices and Motorized Scooters  
**SPONSOR(S):** State Affairs Committee; Local, Federal & Veterans Affairs Subcommittee; Toledo  
**TIED BILLS:** IDEN./SIM. **BILLS:** CS/SB 542

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	14 Y, 0 N	Roth	Vickers
2) Local, Federal & Veterans Affairs Subcommittee	11 Y, 1 N, As CS	Darden	Miller
3) State Affairs Committee	21 Y, 1 N, As CS	Roth	Williamson

**FINAL HOUSE FLOOR ACTION:** 115 Y's 0 N's  
**GOVERNOR'S ACTION:** Approved

**SUMMARY ANALYSIS**

CS/CS/HB 453 passed the House on April 25, 2019, as amended, and subsequently passed the Senate on May 1, 2019.

Bicycle and motorized scooter share programs allow users to rent and ride bicycles and motorized scooters on a short-term basis, for a fee, within designated geographical areas. Local governments may contract with and regulate bicycle and motorized scooter share programs to the extent not otherwise prohibited by general law.

The bill establishes a regulatory framework for the operation of micromobility devices and motorized scooters. The bill grants certain rights and applies certain duties to the operator of a micromobility device or motorized scooter that are substantially the same as those of a bicycle rider. However, a local government is not prevented from exercising its regulatory authority with respect to the operation of micromobility devices and motorized scooters on streets, highways, and sidewalks under its jurisdiction.

The bill allows a person to operate a micromobility device or motorized scooter without a valid driver license. The bill also provides that micromobility devices and motorized scooters are exempt from vehicle registration, licensing, and insurance requirements; equipment requirements for slow moving vehicles; and motor vehicle provisions related to licensing and license-plate display.

The bill requires a person who offers motorized scooters or micromobility devices for hire to secure all such devices located in any area of the state where an active tropical storm or hurricane warning has been issued.

The bill does not appear to have a fiscal impact on the state or local governments.

The bill was approved by the Governor on June 18, 2019, ch. 2019-109, L.O.F., and became effective on that date.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Present Situation**

##### Florida Uniform Traffic Control Law

The Legislature has enacted a wide array of traffic control laws in order to standardize traffic regulation and enforcement across the state. This collection of laws is known as the “Florida Uniform Traffic Control Law” and is codified in Chapter 316, F.S. Unless expressly authorized, it is unlawful for any local government to pass or attempt to enforce any ordinance on a matter that is covered by state traffic control laws.<sup>1</sup>

##### Bicycle Regulation

Section 316.003, F.S, defines a “bicycle” as:

Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.<sup>2</sup>

Under state traffic control laws, bicyclists are considered vehicle operators and are generally required to obey the same rules of the road as other vehicle operators, including traffic signs, signals, and lane markings.<sup>3</sup> Section 316.2065, F.S., governs the operation of bicycles in Florida and provides for a number of bicycle-specific regulations, including:

- A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet.<sup>4</sup>
- A person may not knowingly rent or lease any bicycle to be ridden by a child who is under the age of 16 years unless the child possesses a bicycle helmet or the lessor provides a bicycle helmet for the child to wear.<sup>5</sup>
- Every bicycle in use between sunset and sunrise must be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear.<sup>6</sup>
- A person operating a bicycle on a sidewalk, or across a roadway on a crosswalk, must yield the right-of-way to any pedestrian and must give an audible signal before overtaking and passing the pedestrian.<sup>7</sup>

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<sup>1</sup> Ss. 316.002 and 316.007, F.S.

<sup>2</sup> S. 316.003(4), F.S.

<sup>3</sup> S. 316.2065(1), F.S.

<sup>4</sup> S. 316.2065(3)(d), F.S.

<sup>5</sup> S. 316.2065(15)(a), F.S.

<sup>6</sup> S. 316.2065(7), F.S.

<sup>7</sup> S. 316.2065(10), F.S.

A person operating a bicycle on a roadway must ride in the bicycle lane, but if there is no bicycle lane, the bicycle operator must ride as close to the right-hand curb as practicable. However, a bicycle operator may move to the center of the lane when:

- Overtaking and passing another bicycle or vehicle proceeding in the same direction;
- Preparing for a left turn at an intersection or into a private road or driveway; or
- Reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane,<sup>8</sup> which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane.<sup>9</sup>

Bicycle operators operating a bicycle on a one-way highway with two or more marked traffic lanes may ride as near to the left-hand curb as practicable<sup>10</sup> and bicycle operators may not ride more than two abreast on a roadway.<sup>11</sup>

### Local Traffic Control Authority

Although state traffic control laws broadly apply to traffic regulation across the state, state law authorizes local authorities to exercise police power to regulate a number of traffic-related activities within their jurisdictions, including:<sup>12</sup>

- The operation of bicycles;
- Restricting the use of streets;
- Establishing speed limits for vehicles in public parks;
- Regulating or prohibiting stopping, standing, or parking;
- Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
- Regulating, restricting, or monitoring traffic by security devices or personnel on public streets and highway;
- Designating and regulating traffic on play streets;
- Regulating, restricting, or prohibiting traffic within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision; and
- Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.

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 under certain conditions.<sup>13</sup>

### Share Programs

Bicycle and motorized scooter share programs allow users to rent and ride bicycles and motorized scooters on a short-term basis, for a fee, within designated geographical areas. Bicycle and motorized scooter share programs are not regulated by the state; therefore, local governments may regulate such share programs to the extent not otherwise prohibited by general law.<sup>14</sup> As such, many local governments in Florida have entered into contracts with bicycle and motorized scooter share programs to facilitate the share programs in their jurisdiction.

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<sup>8</sup> A substandard width lane is any lane that is too narrow for a bicycle and another vehicle to travel safely side-by-side within the lane. S. 316.2065(5)(a), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> S. 316.2065(5)(b), F.S.

<sup>11</sup> S. 316.2065(6), F.S.

<sup>12</sup> S. 316.008, F.S.

<sup>13</sup> S. 316.008(7)(a), F.S.

<sup>14</sup> *See* art. VIII, ss. 1(f), 1(g), 2(b), Fla. Const.

## *Bicycle Share Programs*

Bicycle share programs are either “docked” or “dockless.” Companies offering “docked” bicycles require their bicycles to be rented from and returned to designated, unmanned docking stations.<sup>15</sup> Some jurisdictions require the bicycle share program to apply for a permit to operate and pay a rental fee for the docking stations. Rental options vary by program, but generally allow some combination of a single use rate for a flat fee, or a weekly, monthly, or annual subscription allowing the user to rent a bicycle for either an unlimited number of rides or a certain number of minutes per day during the subscription period.<sup>16</sup>

Companies offering “dockless” bicycles do not have stations located at fixed positions where the bicycles must be rented and returned. Instead, the operator unlocks the bicycle, using information provided by or transmitted from the program’s mobile application on their mobile phone (to tell the user where to find the bicycle), and the bicycle is used according to the terms of the program agreement.<sup>17</sup>

## *Motorized Scooter Share Programs*

In many of the business models, riders can use the motorized scooter share program’s app to locate and reserve a motorized scooter for a fee (typically \$1) plus a per-minute fare. Within the app, the rider can see the motorized scooters available in the surrounding area, as well as the battery charge and range of miles available on the motorized scooter. Once the motorized scooter is located, the rider can capture a barcode located on the motorized scooter via a cell phone camera to reserve and start the ride. The rider will end his or her ride by parking the motorized scooter and selecting to end the ride on the app. The rider will receive a summary of the ride with the total amount of the fare.<sup>18</sup>

These motorized scooter programs are dockless, and riders are able to leave the motorized scooters in a location of their choosing when they end their rides.<sup>19</sup> The parking of motorized scooters has resulted in concerns including:

- Crowding and obstruction of sidewalks for pedestrians;
- Restricting the use of sidewalks for people with disabilities; and
- Motorized scooters being left in the travel lanes of roadways.<sup>20</sup>

## **Effect of the Bill**

The bill defines the term “micromobility device” to mean any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and that is incapable of traveling at speeds greater than 20 miles per hour on level ground. The term includes motorized scooters and bicycles.

The bill amends the definition of the term “motorized scooter” to include any vehicle or micromobility device powered by a motor with or without a seat or saddle for the use of the rider. The definition is also revised to reduce the maximum allowable speed of such vehicles or devices on level ground from 30 miles per hour to 20 miles per hour.

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<sup>15</sup> See, e.g., Citibike, *How it Works*, <http://citibikemiami.com/how-it-works> (last visited Feb. 20, 2019).

<sup>16</sup> See, e.g., Broward B-cycle, <https://broward.bicycle.com/>; Juice Orlando Bike Share, <https://juicebikeshare.com/#about> (last visited Feb. 20, 2019).

<sup>17</sup> See, e.g., Lime, <https://www.lime/> (last visited Feb. 20, 2019).

<sup>18</sup> American Association of Motor Vehicle Administrators, *Electric Dockless Scooters Whitepaper*, 2019, at 3.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 4.

The bill excludes motorized scooters and micromobility devices from the definition of the term “motor vehicle”.

The bill provides that an operator of a motorized scooter or micromobility device has all the rights and duties applicable to the rider of a bicycle. However, this provision may not be construed to prevent a local government from adopting an ordinance governing the operation of motorized scooters and micromobility devices on streets, highways, sidewalks, and sidewalk areas under its jurisdiction.

The bill provides that a micromobility device is not required to be registered and insured like a motor vehicle. An operator of a micromobility device does not have to have a valid driver license to operate such device.

The bill provides that a person offering micromobility devices for hire is responsible for securing the devices within an area where a tropical storm or hurricane warning has been issued by the National Weather Service.

The bill removes the requirement that commercial sellers of motorized scooters display and provide notice that motorized scooters may not be operated on public roads, may not be registered as motor vehicles, and may not be operated on sidewalks unless pursuant to local ordinance.

The bill provides that electric personal assistive mobility devices and motorized scooters are not required to display slow-moving vehicle emblems.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Public access to micromobility devices may increase if the bill results in additional local markets being opened to businesses offering these services.

### **D. FISCAL COMMENTS:**

None.