

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  
 30 an effective date.

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

33  
 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  
 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 Micromobility devices, ~~Operation of~~ 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.

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  
91 micromobility devices for hire is responsible for securing all  
92 such devices located in any area of the state where an active  
93 tropical storm or hurricane warning has been issued by the  
94 National Weather 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  
 117 stated under the conditions stated in s. 316.217.

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

126 | miles per hour and which is operated on a public highway, there  
 127 | must be:

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

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

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

141 | Section 5. Paragraph (a) of subsection (1) of section  
 142 | 320.01, Florida Statutes, is amended to read:

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

145 | (1) "Motor vehicle" means:

146 | (a) An automobile, motorcycle, truck, trailer,  
 147 | semitrailer, truck tractor and semitrailer combination, or any  
 148 | other vehicle operated on the roads of this state, used to  
 149 | transport persons or property, and propelled by power other than  
 150 | muscular power, but the term does not include traction engines,

151 road rollers, motorized scooters, micromobility devices,  
152 personal delivery devices and mobile carriers as defined in s.  
153 316.003, special mobile equipment as defined in s. 316.003,  
154 vehicles that run only upon a track, bicycles, swamp buggies, or  
155 mopeds.

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

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

161 (1) "Access area" means any paved walkway or sidewalk  
162 which is within 50 feet of any automated teller machine. The  
163 term does not include any street or highway open to the use of  
164 the public, as defined in s. 316.003(82) (a) or (b) ~~s.~~  
165 ~~316.003(81) (a) or (b)~~, including any adjacent sidewalk, as  
166 defined in s. 316.003.

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