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CS/CS/HB 453, Engrossed 1

2019 Legislature

1
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

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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

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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

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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

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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

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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,

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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.