

CHAPTER 2019-109

Committee Substitute for Committee Substitute for House Bill No. 453

An act relating to mobility devices and motorized scooters; amending s. 316.003, F.S.; defining the term “micromobility device”; revising the definition of the term “motorized scooter”; conforming a cross-reference; amending s. 316.1995, F.S.; conforming a provision to changes made by the act; amending s. 316.2128, F.S.; providing that the operator of a motorized scooter or micromobility device has all of the rights and duties applicable to the rider of a bicycle, except the duties imposed by specified provisions that by their nature do not apply; providing for construction; exempting a motorized scooter or micromobility device from certain registration, insurance, and licensing requirements; providing that a person is not required to have a driver license to operate a motorized scooter or micromobility device; requiring a person who offers motorized scooters or micromobility devices for hire to be responsible for securing all such devices located in any area of the state where a certain warning has been issued by the National Weather Service; deleting specified requirements for the sale of motorized scooters; amending s. 316.2225, F.S.; exempting electric personal assistive mobility devices and motorized scooters from certain emblem requirements; amending s. 320.01, F.S.; revising the definition of the term “motor vehicle”; amending s. 655.960, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Present subsections (38) through (101) of section 316.003, Florida Statutes, are redesignated as subsections (39) through (102), respectively, a new subsection (38) is added to that section, and present subsections (44) and (59) of that section are amended, 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:

(38) MICROMOBILITY DEVICE.—Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.

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

~~(60)(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph ~~(82)(b)~~ ~~(81)(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. Section 316.1995, Florida Statutes, is amended to read:

316.1995 Driving upon sidewalk or bicycle path.—

(1) Except as provided in s. 316.008, ~~or s. 316.212(8)~~, or s. 316.2128, a person may not drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(2) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

(3) This section does not apply to motorized wheelchairs.

Section 3. Section 316.2128, Florida Statutes, is amended to read:

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

(1) The operator of a motorized scooter or micromobility device has all of the rights and duties applicable to the rider of a bicycle under s. 316.2065, except the duties imposed by s. 316.2065(2), (3)(b), and (3)(c), which by their nature do not apply. However, this section may not be construed to prevent a local government, through the exercise of its powers under s. 316.008, from adopting an ordinance governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction.

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

(3) A person is not required to have a driver license to operate a motorized scooter or micromobility device.

(4) A person who offers motorized scooters or micromobility devices for hire is responsible for securing all such devices located in any area of the state where an active tropical storm or hurricane warning has been issued by the National Weather Service.

~~(5)(4)~~ 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.

~~(6)(2)~~ Any person selling or offering a ~~motorized scooter or~~ a miniature motorcycle for sale in violation of this section commits an unfair and deceptive trade practice as defined in part II of chapter 501.

Section 4. Subsection (7) of section 316.2225, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

(1) "Motor vehicle" means:

(a) An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power

other than muscular power, but the term does not include traction engines, road rollers, motorized scooters, micromobility devices, personal delivery devices and mobile carriers as defined in s. 316.003, special mobile equipment as defined in s. 316.003, vehicles that run only upon a track, bicycles, swamp buggies, or mopeds.

Section 6. 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(82)(a) or (b) ~~s. 316.003(81)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

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

Approved by the Governor June 18, 2019.

Filed in Office Secretary of State June 18, 2019.