



BPAC AGENDA

Bicycle/Pedestrian Advisory Committee

NOTE: THIS IS AN IN-PERSON MEETING

IT Training Room, 5th Floor Collier

County Government Center Administration Building (F)

3299 Tamiami Trail East, Naples, FL, 34112

March 18, 2025

9:00 a.m.

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of the February 18, 2025 Meeting Minutes
5. Open to the Public for Comment on Items not on the Agenda
6. Agency Updates
 - A. FDOT
 - B. MPO
7. Committee Action
 - A. Bicycle & Pedestrian Master Plan (BPMP) – Review and Comment on Draft Plan – Continued from February Meeting
8. Reports & Presentations (May Require Committee Action)
9. Member Comments
10. Distribution Items
 - A. County Attorney Memo on Florida E-Bike Laws and Ordinances
11. Topics for Future Meetings
12. Next Meeting Date

Joint meeting with the Lee County MPO's Bicycle and Pedestrian Coordinating Committee (BPCC)

April 22, 2025 – 10:00 a.m.
Location: Collier County Government Services Center at Heritage Bay Meeting Room, 15450 Collier Boulevard, Naples, FL 34120
13. Adjournment

PLEASE NOTE:

The meetings of the advisory committees of the Collier Metropolitan Planning Organization (MPO) are open to the public and citizen input is encouraged. Any person wishing to speak on any scheduled item may do so upon recognition of the Chairperson. Any person desiring to have an item placed on the agenda should contact the MPO Director at least 14 days prior to the meeting date. Any person who decides to appeal a decision of the advisory committee will need a record of the proceedings pertaining thereto, and therefore may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should contact the Collier Metropolitan Planning Organization 72 hours prior to the meeting by calling (239) 252-5814. The MPO's planning process is conducted in accordance with Title VI of the Civil Rights Act of 1964 and Related Statutes. Any person or beneficiary who believes that within the MPO's planning process they have been discriminated against because of race, color, religion, sex, age, national origin, disability, or familial status may file a complaint with the Collier MPO Title VI Coordinator, Ms. Suzanne Miceli, (239) 252-5814 or by email at: Suzanne.Miceli@colliercountyfl.gov, or in writing to the Collier MPO, attention: Ms. Miceli, at 2885 South Horseshoe Dr., Naples, FL 34104.

**BICYCLE & PEDESTRIAN ADVISORY COMMITTEE of the
COLLIER METROPOLITAN PLANNING ORGANIZATION
Collier County Government Center, Administration Building (F)
IT Training Room, Fifth Floor
3299 Tamiami Trail East, Naples, FL, 34112
February 18, 2024 - 9:00 A.M.
Meeting Minutes**

1. Call to Order

Mr. Matonti called the meeting to order at 9:01 a.m.

2. Roll Call

Ms. Miceli called roll and confirmed a quorum was present.

Members Present

Anthony Matonti (Chair)
Michelle Sproviero (Vice-Chair)
Andrea Halman
Joe Bonness
Kevin Dohm
Mark Komanecky
Robert Phelan
Robert Vigorito
Dayna Fendrick
Patty Huff
David Sutton

Members Absent

Al Musico

MPO Staff Present

Anne McLaughlin, Executive Director
Sean Kingston, Principal Planner
Suzanne Miceli, Operations Support Specialist II

Others Present

Bonita Schwan, Councilor, City of Marco Island and MPO Board Member
Michelle Avola-Brown, Naples Pathways Coalition
Kathy Eastley, Collier County Transportation Planning (arrived during 7B)
Lorraine Lantz, Collier County Transportation Planning
Anthony Arfuso, Capitol
Victor Nguyen, Capitol

3. Approval of the Agenda

Mr. Matonti noted that staff had suggested the agenda be amended to move item 7A (election of Chair and Vice-Chair after item 3 (approval of the agenda)).

Mr. Dohm moved to approve the amended agenda. Seconded by Ms. Fendrick. Carried unanimously.

4. Approval of the Minutes

4.A. Approval of the November 19, 2024 Meeting Minutes

Ms. Halman asked that the minutes be modified to clarify that safety concerns continue to be an issue in Immokalee.

Mr. Matonti moved to approve the November 19, 2024 minutes as modified. Seconded by Mr. Dohm. Carried unanimously.

5. Open to the Public for Comment on Items Not on the Agenda

None.

6. Agency Updates

A. FDOT

FDOT: Ms. Merkle Tanya Merkle reported that no SUN Trail applications were received from Collier County for this cycle. Collier to Polk Trail is still underway, getting consultant teams together to start the PD&E. Signal 4 Bicycle and Pedestrian data for 2024 shows 37 serious injuries and 16 fatalities for Collier County. Safety is at the forefront, looking to any improvements already programmed to incorporate safety.

A group discussion followed regarding bicycle safety measures that FDOT, Collier County, and local municipalities are implementing; more signage, directional street paint, and education is needed for tourists who don't know the area; e-bike riders especially need education on how to ride safely; and drivers need to be more mindful of bicyclists.

Ms. Merkle said FDOT has safety programs in place to address these issues.

Ms. Huff pointed out that bicyclists should be considered when FDOT and local governments are repairing bridges

Councilor Schwan observed that the MPO Board is trying to deal with e-bikes and that it's important to communicate with bicyclists and drivers, and that educating hotel concierge staff is an important way to reach tourists. The City of Marco Island has added bollards on sidewalks and shared use paths where they intersect with roadways, as a way to make bicyclists and e-bike riders slow down and stop at stop signs. The bollards have glow-in-the-dark stripes, so they are visible at night.

B. MPO

Ms. McLaughlin mentioned the revised meeting calendar included as a distribution item in the agenda packet reflects changes to the BPAC regularly scheduled April meeting. **Mr. Kingston** described the scheduling change to accommodate the committee's joint meeting with their Lee MPO counterpart in April.

7. **Committee Action**

A. Annual Election of Chair and Vice Chair

Mr. Matonti indicated his willingness to serve as Chair for another term and noted his appreciation for the committee's hard work throughout the past year. **Ms. Sproviero**, when asked, indicated she also would be willing to serve another term as Vice-Chair.

Ms. Sproviero moved to elect Mr. Matonti as Chair. Seconded by Ms. Halman. Motion passed unanimously.

Ms. Fendrick moved to elect Ms. Sproviero as Vice-Chair. Seconded by Mr. Komanecy. Passed unanimously.

B. Bicycle & Pedestrian Master Plan (BPMP) – Review and Comment on the Draft Plan

Mr. Kingston said that MPO's consultant for the Bicycle & Pedestrian Master Plan (BPMP), Capital Solutions, had prepared the first draft of the BPMP for the committee's review and comment and that the committee may extend the review into next month's meeting to allow sufficient time to read all of it.

Mr. Matonti suggested going around the table so each committee member could provide comments on the draft.

Ms. Fendrick commented that the section on the Everglades City Bike-Ped Master Plan needs to be examined to make corrections where needed to street names and asked whether language referring to equity will cause issues with getting the BPMP approved.

Ms. McLaughlin replied that the MPO is awaiting guidance. The plans in process now are based on current federal law, if the laws change, staff is prepared to respond by quickly modifying the plans to keep them compliant with federal law.

A group discussion followed regarding the importance of compliance and aligning the BPMP scoring matrix accordingly.

Ms. Fendrick questioned how scoring based on costs exceeding initial budgets would work, given that when the committee reviews and scores projects the only cost information available is the projects initial cost estimate.

A group discussion followed, and the recent Marco Island project involving utility relocation expenses came up.

Mr. Arfuso explained that FDOT will not fund utility and drainage costs if they exceed a certain percentage of the project as a whole.

Ms. McLaughlin noted that the cost item can be revisited so that it applies to the initial scoring exercise. When a project later comes in over budget, the MPO and FDOT would prefer to keep the project moving forward if sufficient funds are available, assuming that state and/or federal funds have already

been spent on design. The committee might want to clarify that lower cost projects should rise to the top of the ranking.

Mr. Matonti said if the cost percentage of moving utilities in a project is high, maybe it's time to rethink it.

Mr. Arfuso committed to looking at the criteria again.

Ms. McLaughlin suggested taking an existing project that was ranked by the committee previously and running it through the scoring matrix to see how well it performs, and whether the scoring criteria is having the effect the committee wants.

Mr. Phelan commented, we discussed the aspects we wanted in the plan, and they are here.

Mr. Bonness noted the Plan's cover photo is of a boardwalk at the CREW Bird Rookery Swamp Trails boardwalk and it would be a great location for a feasibility study to connect the Collier to Polk Trail to the Paradise Coast Trail and up into Lee County.

Mr. Vigorito – no comments.

Ms. Sproviero based on low attendance at the BPMP public meetings so far, what can be done to get more outreach to the public? Marco Island has been successful reaching out at farmers markets.

Ms. McLaughlin noted ongoing efforts including upcoming participation at the Golden Gate Community Market and the Cattle Drive Jamboree event in Immokalee.

Mr. Matonti observed that people come out to events when a project negatively affects them.

Ms. Sproviero concurred with the need to rethink the scoring matrix and weight percentages more safety education and outreach, include HOAs.

Ms. Huff, regarding the table on p. 9, the data for Everglades City and Chokoloskee are wrong. There is no transit to Everglades City and the majority of residents bike and walk. The income ranges are too high; the Harry Chapin Food Pantry serves about 100 people (25% of the population) a week who qualify for services; and a high percentage of elementary students qualify for free lunches.

Ms. Halman the income ranges are too high for Immokalee as well.

Mr. Arfuso made a commitment to review the socioeconomic data again.

Mr. Komanecky agreed that the data does not look correct and that there may be missing data due to small population size. Would like to see graphics added for key data so most important elements are well communicated. Otherwise, it's a good start.

Mr. Arfuso confirmed that graphics and photos were to be added after the text is substantially completed and approved by the committee.

Mr. Dohm clarified that a shared use path shown as scheduled for construction in 2024 on the Marco Island map has been completed and the map should be updated.

Mr. Arfuso will ask the City to provide an updated map if one is available.

Ms. Halman stated, there is no safe place to ride on Immokalee Road.

Ms. McLaughlin when the Immokalee Loop Rd is completed it should alleviate traffic on Immokalee Rd and provide an opportunity to add more bicycle facilities there.

Ms. Halman responded the Loop Road won't reduce traffic because the casino is there.

Ms. McLaughlin we can add safe bike facilities on Immokalee rd. as a priority in the plan.

Ms. Halman noted this would be her last meeting. She is retiring from BPAC and other committee responsibilities.

Mr. Arfuso asked committee members to send in their comments and noted public comments are still accepted on the MPO's website.

8. Reports & Presentations (May Require Committee Action)

None.

9. Member Comments

Ms. Huff, the Trail Town designation gives Everglades City attention as demonstrated by the Florida Greenways and Trails Council coming to Everglades City April 10 and 11, 2025. Conference topics include bike-ped projects approved by the MPO Board. This coming Friday at 1pm there will be a groundbreaking ceremony for the Bank of the Everglades renovation by the Historical Society.

Mr. Dohm mentioned that the Trail Town organizers are coming to Marco Island to advise the city.

Ms. Avola-Brown mentioned the Naples Pathway Coalition's annual bike and pedestrian walk/run event is coming up.

10. Distribution Items

- A. Letter of Support for BERT SUN Trail Application
- B. Updated 2025 MPO Meeting Calendar.

11. Topics for Next Meeting

Continuation of review of BPMP.

12. Next Meeting Date

March 18, 2025 – 9:00 a.m. Location: Collier County Government Center, Admin. Bldg. F, IT Training Room, 5th Floor, 3299 Tamiami Trail East, Naples, 34112

13. **Adjournment**

Mr. Matonti adjourned the meeting at 11:05 a.m.

EXECUTIVE SUMMARY
COMMITTEE ACTION
ITEM 7A

Bicycle and Pedestrian Master Plan (BPMP) – Review and Comment on First Draft – Continued from February Meeting

OBJECTIVE: For the committee to continue its review and comment on the draft BPMP.

CONSIDERATIONS: Capital has prepared a PPT presentation highlighting potential changes to the draft plan based on comments received from the Bicycle and Pedestrian, Citizens, and Technical Advisory Committees thus far. **Attachment 1.**

Next Steps:

- Review of draft by TAC on March 24 and MPO Board on April 11
- Second public meeting
- Second round of virtual tribal meetings with Miccosukee Tribe on Wednesday, April 2 and Seminole Tribe of Florida on Tuesday, April 8
- Review of final draft by TAC/CAC on May 19, BPAC May 20, and MPO Board on June 13

STAFF RECOMMENDATION: Provided for committee to continue its review and comment on the draft plan submitted last month.

Prepared By: Sean Kingston, AICP, PMP, Principal Planner

ATTACHMENTS:

- 1) Capital Solutions March 18 2025 Presentation to BPAC

COLLIER MPO BICYCLE-PEDESTRIAN MASTER PLAN 2025 DRAFT PROPOSED REVISIONS



CAPITAL



February 18TH BPAC Recap

Requested Revisions and Corrections

Everglades City

- Correct inaccurate/skewed population data
- Update road and park facility names

Evaluation Criteria Matrix

- Reallocate criteria weight to emphasize safety and education
- Reevaluate cost criteria metrics for clarity

DEI References

- Proposed removal of all DEI language (e.g., EJ or Environmental Justice)
- Implement changes in the scoring criteria and throughout the draft document

General Comments

- Define shared-use path
- Include pictures and infographics



Revised Naming and Definitions

Existing Draft

Priority Projects for Everglades City:

- **Everglades City Bike Lanes and Shared Paths:**
 - Expanding existing bike lanes along key corridors such as East 1st Street and Everglades Boulevard to provide safer routes for cyclists and pedestrians.
 - Development of shared-use paths to connect residential areas to the downtown district, local parks, and other key amenities.
- **Enhanced Safety Measures:**
 - Implementation of traffic calming measures, including improved crosswalks and pedestrian signals, particularly on high-traffic roads like State Road 29, to ensure the safety of vulnerable road users.
- **Connecting to Regional Networks:**
 - Developing connections to regional bicycle and pedestrian facilities, such as linking local routes to the SUN Trail Network, to allow seamless access for cyclists traveling through the area.
- **Everglades City Park Pathway:**
 - A proposed multi-use pathway around Everglades City Park, promoting walking and cycling while providing a safe and scenic route for local trips and recreational activities.

Proposed Changes

Priority Projects for Everglades City:

- **Everglades City Bike Lanes and Shared Paths:**
 - Expanding existing bike lanes along key corridors such as **Broadway Avenue** and **Copeland Avenue** to provide safer routes for cyclists and pedestrians.
 - Development of shared-use paths to connect residential areas to the downtown district, local parks, and other key amenities.
- **Enhanced Safety Measures:**
 - Implementation of traffic calming measures, including improved crosswalks and pedestrian signals, particularly on high-traffic roads like State Road 29, to ensure the safety of vulnerable road users.
- **Connecting to Regional Networks:**
 - Developing connections to regional bicycle and pedestrian facilities, such as linking local routes to the SUN Trail Network, to allow seamless access for cyclists traveling through the area.
- **Everglades City Park Pathway:**
 - A proposed multi-use pathway around **McLeod Park**, promoting walking and cycling while providing a safe and scenic route for local trips and recreational activities.

Revised Naming and Definitions

Shared Use Paths (for example)

- **Current Definition**

“Shared use paths, including side paths, are paved pathways for cyclists and pedestrians, typically 8 to 14 feet wide. They can run independently of roadways or parallel to them, separated by buffers like landscaping, curbs, or fencing for safety. Wider than sidewalks, they accommodate higher-speed users like cyclists while supporting pedestrians....”

- **Proposed Changes**

“Shared use paths, including side paths, are paved pathways for cyclists and pedestrians, typically 8 to 14 feet wide, **under current standards**. They can be independent or parallel to roadways, separated by buffers like landscaping, curbs, or fencing for safety. Wider than sidewalks, they accommodate cyclists and pedestrians. **These paths meet modern safety and accessibility standards for all users. Paths that may not meet current width standards but share other features, such as separation from traffic and spaces for both cyclists and pedestrians, will still be recognized as shared use paths.**”



Scoring Matrix (Local Projects)

Reallocated Weight Percentages & Removal of DEI Reference

Criteria	Weight (%)	Description
Safety	30	Evaluates the project's potential to enhance safety for all users. This includes the analysis of high-risk areas using crash data and fatality statistics, the implementation of Safe Routes to Schools, the incorporation of targeted safety improvements, the adoption of a Safe System Approach, and the inclusion of public education initiatives aimed at promoting safe behaviors.
Multimodal and Local Connections	25	Assesses the project's integration with other modes of transportation (e.g., transit, biking, walking) and its ability to enhance regional connectivity. Projects that create seamless links between different transportation modes and improve regional mobility will score higher.
Cost	15	Evaluates the financial feasibility of the project, including both initial construction costs, long-term maintenance expenses, and the cost per capita. Projects that demonstrate cost-effectiveness, efficient use of available funds, and provide a reasonable cost per person impacted will score higher.
Equity	15	Assesses the extent to which the project provides equal access to nonmotorized facilities for all users, with a particular focus on underserved and marginalized communities. Projects that eliminate barriers, enhance ADA accessibility, and promote inclusivity for individuals of all abilities will receive higher scores.
Public Involvement and Support	5	Evaluates the level of community engagement and support for the project. Projects with strong public involvement, transparent processes, and demonstrated community backing will receive higher scores.
Micromobility	5	Evaluates the project's support for micromobility options such as e-scooters, e-bikes, and other small, lightweight transportation devices. Projects that integrate infrastructure and policies to promote micromobility will score higher.
Economic Development	5	Assesses the project's potential to stimulate economic growth, revitalize communities, and attract tourism. Projects that demonstrate clear economic benefits and support local revitalization efforts will score higher.

Proposed Options:

1. Reassign 5 points to Safety and introduce a new Education category worth 10 points.
2. Reassign 5 points to Safety, 5 points to Local Connections, and add an Education category worth 5 points



Scoring Matrix (Local Projects)

Proposed Education Criterion Description

Equity  Education

Education – 10 Points

“This criterion evaluates the efforts to educate and engage the community regarding bicycle and pedestrian safety, benefits, and infrastructure. Projects that incorporate educational programs, workshops, outreach efforts, or materials promoting safe and sustainable transportation practices will be considered. Consideration will also be given to initiatives that partner with local schools, organizations, and other stakeholders to raise awareness and foster a culture of safety.”



Scoring Matrix (Regional Projects)

Reallocated Weight Percentages & Removal of DEI Reference

Criteria	Weight (%)	Description
Safety	30	Evaluates the project's potential to enhance trail user safety by reducing conflicts with vehicles, addressing high-risk areas for bicycle and pedestrian injuries, and correcting existing safety deficiencies along the trail.
Cost	25	Assesses the cost-effectiveness of the project by considering the expenses for the PD&E (Project Development and Environment) Study, planning, initial construction, and long-term maintenance. Additionally, the evaluation includes the cost in relation to the population benefiting from the proposed improvement, particularly those residing within approximately 5 miles of the trail corridor.
Connectivity	20	Evaluates how effectively the project links to existing trails, transportation networks, or key destinations, and whether it creates a new connection between areas or populations that were previously disconnected.
Equity	15	Evaluates how the project benefits underserved communities along the SUN Trail Network, including low-income, minority, and transit-dependent populations. Projects that enhance access to safe and affordable transportation options or connect these communities to essential services—such as schools, jobs, and healthcare—will be prioritized and scored higher.
Economic Development	5	Analyzes the potential for the project to promote local economic growth, including tourism and business opportunities.
Project Phase	5	Prioritize projects that are construction-ready, with all necessary documents and plans approved and slated for construction. Projects in advanced phases will be ranked higher, especially when funding is limited, compared to projects that are still in the planning or pre-construction stages.

Proposed Options:

1. Introduce a **Feasibility** criterion worth **10 points** and increase the Safety score by **5 points**.
2. Reallocate the 15 points across the existing criteria without adding a new one.



Scoring Matrix (Regional Projects)

Proposed Feasibility Criterion Description

Equity  Feasibility

Feasibility – 10 Points

“This criterion evaluates the practicality of the regional trail project by looking at technical, financial, and logistical factors. It considers whether the project can be built given the terrain and existing infrastructure, if the estimated budget is realistic, and whether it can be completed within an achievable timeline. It also assesses the likelihood of obtaining necessary permits and approvals from local agencies and stakeholders.”



Master Plan Goals

Removal of DEI Reference

Safety	Promote policies and infrastructure improvements that enhance safety for cyclists, pedestrians, and micromobility users.
Connectivity	Develop a seamless network that connects key points of interest, ensuring accessibility and ease of use for all modes of transportation.
Economy	Develop bicycle-pedestrian facilities to support local businesses, attract tourists, and provide affordable transportation options, contributing to economic growth and community vitality.
Equity	Ensure that all neighborhoods, particularly underserved communities, have access to safe and high-quality bicycle and pedestrian facilities.
Environment	Reduce emissions and congestion by promoting the use of bicycles, walking, and micromobility, while minimizing the environmental cost of expanding roads and reducing dependency on nonrenewable energy.
Health	Design pathways that encourage active transportation and support public health initiatives.
Interactive Map	Create and maintain a continuously updated, interactive map that is accessible for cyclists and pedestrians to download and share, serving as a valuable resource for navigation and planning.

Proposed Options:

1. Replace **Equity** with **Education**
2. Replace **Environment** with **Efficiency**



Master Plan Goals

Proposed Goals with the Removal of DEI Reference

- **Education**

Promote safety, awareness, and responsible use of bicycle and pedestrian facilities through educational programs, outreach efforts, and community engagement, empowering users with the knowledge to navigate the network safely and effectively.

- **Efficiency**

Ensure the safety, accessibility, and longevity of existing bike and pedestrian facilities through regular maintenance and timely upgrades, keeping them functional and safe for users while extending their service life.



Next Steps

- **Continue to make revisions based on comments received including:**
 - **Additional definitions related to design guidelines and inventory**
 - **Recommended additions to proposed connections by BPAC and CAC**
 - **Addressing County comments and any new comments received**
- **Scoring Demonstration**
- **TAC second review 3/24/25**
- **MPO Board presentation 4/11/25**
- **Virtual Public Meeting (April/May)**



EXECUTIVE SUMMARY
DISTRIBUTION
ITEM 10A

Deputy County Attorney Memo on Florida E-Bike Laws and Ordinances

OBJECTIVE: For the committee to receive a copy of the County Attorney's memo reporting on E-Bike Regulations.

CONSIDERATIONS: At the request of the MPO Board at the February meeting, the Deputy County Attorney conducted additional research into County and municipal ordinances regulating the operation of E-Bikes on public sidewalks and adjacent roadways. **Attachment 1.**


STAFF RECOMMENDATION: Provided for informational purposes.

Prepared By: Anne McLaughlin, MPO Director

ATTACHMENTS:

- 1) Deputy County Attorney Memo on Florida E-Bike Laws and Ordinances

**OFFICE OF THE COUNTY ATTORNEY
INTEROFFICE MEMORANDUM**

TO: Anne McLaughlin, Executive Director – Collier MPO
FROM: Scott R. Teach, Deputy County Attorney 
DATE: February 24, 2025
RE: Memo: Survey of Florida E-Bike Laws and Ordinances

Anne,

At the request of the MPO at the February meeting, I conducted some additional research into County and municipal ordinances regulating the operation of E-Bikes on public sidewalks and adjacent roadways. The following represents a sample review of existing local government ordinances concerning E-Bikes. Please feel free to email this additional information to the MPO Board members on my behalf.

A. Electric Bicycles – Background Information

Florida Statutes, § 316.003(23) defines an Electric Bicycle (“E-Bike”) as a bicycle “with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts. . [.]” There are three classifications of E-Bikes.

Class 1 E-Bikes in Florida: This class of E-Bike has a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bike reaches 20 miles per hour. Class 1 E-Bikes are considered the same as traditional bicycles.

Class 2 E-Bikes in Florida: This class of E-Bike is equipped with a motor that may be used to exclusively propel the bicycle and ceases to provide assistance when the bicycle reaches 20 miles per hour.

Class 3 E-Bikes in Florida: This class of E-Bike has a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bike reaches the speed of 28 miles per hour.

Florida Statutes, § 316.20655 sets forth the Electric Bicycle Regulations. Local governments may adopt ordinances governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction or over bicycle paths, multiuse paths, trail networks, beaches or dunes as permitted by Section 316.008, Florida Statutes. In part, Section 316.008(7)(a), states:

- (a) A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, electric bicycles, and electric personal assistive mobility devices on sidewalks or

sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

In the absence of a local ordinance, an operator of an electric bicycle may ride “where bicycles are allowed, including but not limited to, street, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths.” (*see* § 316.20655(7), Fla. Stat.)

B. Sample of Jurisdictions Regulating E-Bikes Through Ordinances

A number of counties and municipalities currently have enacted ordinances regulating the operation of E-Bikes. Note that many of those jurisdictions include extensive regulations in their ordinances that address the rental of micromobility devices and other such matters. For the sake of brevity, I have not included complete versions of each jurisdiction’s ordinance but rather just excerpts that directly address the operation of E-Bikes on sidewalks and the adjacent roadway. Along with the attached relevant highlighted/underscored portions of those ordinances, I am providing the below summary annotations for each jurisdiction. This is just a sample of jurisdictions that regulate the operation of E-Bikes and does not represent a complete analysis of all such Counties and municipalities.

1. City of Bradenton, Florida

- Bradenton restricts the operation of E-Bikes and bicycles on public sidewalks where there is signage prohibiting their operation, and expressly restricts their operation on two defined streets. The law also prohibits their operation within any public or private parking garage or within any area designated for pedestrians only. E-Bikes and bicycles cannot be operated by any user under the age of 16. E-Bikes and bicycles can only have one rider.
- E-Bikes, bicycles, scooters, and micromobility devices shall not exceed 15 MPH on any sidewalk (where allowed) and shall not exceed 10 MPH on the Riverwalk or on any sidewalk in two other specified locations.
- Micromobility devices are include motorized scooters and bicycles in its definition.

2. City of Daytona Beach, Florida

- No bicycles can be operated upon any public sidewalk in a business district.
- Bicycles can be operated upon any public sidewalk in a residential district.

3. City of Estero, Florida

- Micromobility devices include motorized bicycles and scooters.
- No person can drive or operate an E-Bike upon any public sidewalk or path, except:

1. Government personnel on official business, including emergency vehicles.
2. Motorized wheelchairs or similar mobility devices.
3. A person 18 years of age or older operating a Class 1 pedal-assisted bicycle that is restricted to motor assisted speeds of 20 MPH.

4. City of Fort Myers, Florida

- E-Bikes (included within the definition of a micromobility device, as well as scooters and skateboards) are prohibited on public sidewalks but may be operated on public streets in the downtown area only.
- E-Bikes may be operated on public streets and public sidewalks outside of the downtown area.
- E-Bikes shall not be operated within any area designated for pedestrians only.
- E-Bikes shall not be operated within any public or private parking garage.
- E-Bikes shall not be operated by riders under the age of 16.
- E-Bikes must not inhibit pedestrian movement, inhibit the ingress and egress of vehicles parked on or off-street, or create a conditions that are a threat to public safety.

5. City of Key West, Florida

Article XIX – Electric Bicycle, Motorized Scooters and Micromobility Devices

- All public sidewalks and/or pedestrian pathways shall only be available for use by pedestrians or non-motorized or non-electric bicycles unless said public sidewalk or pathway has been designated for multi-use and/or shared use. All motorized bicycles are limited to 15 MPH on a public multi-use and/or shared path.
- Notwithstanding the above provision, an individual utilizing a device pursuant to the Americans with Disabilities may operate those devices on any city street, multi-use/shared-use path or sidewalk, regardless of designation.

6. Miami-Dade County, Florida

- The operation of E-Bikes upon a public sidewalk or walkway is prohibited except for the purpose of parking the device in a location designated for such device by the County or applicable municipality.
- E-Bikes shall only be operated within bike lanes, if available, or upon streets with a posted speed limit of 30 MPH or less.
- The maximum speed of an E-Bike on a County-owned right-of-way is limited to 20 MPH.
- Allows municipalities to enter into interlocal agreements with the County to enforce the provisions of the Ordinance as it relates to roads within the boundaries of such

municipality. The municipality may adopt additional rules regarding the operation of such E-Bikes / micromobility devices but they must be included in the interlocal agreement and the municipality shall be responsible for providing a method of enforcement of such additional restrictions. A municipality is also required to conduct a public information awareness campaign for no fewer than 60 days to educate its residents and visitors about the provisions of the Ordinance section.

7. Nassau County, Florida

- The stated purpose of its Ordinance is to “protect “regular” bicycle users, walkers and joggers from Class I, Class II and III electric bicycles that generate higher rates of speed.”
- The Ordinance allows E-Bikes on county sidewalks, maintained multi-path trails and trail networks but limits their maximum speed to 10 MPH.
- A violation is subject to a penalty of a second-degree misdemeanor punishable by a five hundred dollar (\$500) fine and/or sixty (60) days in jail.

8. Orange County, Florida

- All classes of E-Bikes may be operated on a sidewalk but must travel at a speed no greater than 10 MPH.
- At the discretion of the County Traffic Engineer, the County may restrict Class 1 and 2 E-Bikes from operating on shared use paths, where prohibited by clearly marked signage. Class 3 E-Bikes are prohibited from any shared use path.

9. City of Orlando, Florida

- The Ordinance defines a bicycle (whether propelled solely by human power or motorized) to fall within the definition of a micromobility device.
- The Ordinance makes it unlawful to ride a bicycle, scooter or other micromobility device on a sidewalk or bicycle path where prohibited by visible signs or markings sufficient to give riders reasonable notice of the prohibition. The law does not apply to governmental officials operating such devices within their lawful authority.

10. City of St. Augustine, Florida

- All public sidewalks, pedestrian pathways, courtyards, arcades, promenades, seawalls, and boardwalks shall only be available for use by pedestrians or non-motorized or non-electric bicycles except for the following:
 1. Areas under the control of the federal government or the State of Florida, FDOT, in which case the following their regulations apply.

2. Shared use paths, as designated by the city manager, and marked by signage, shall be open to all restricted vehicles (restricted vehicles include traditional bicycles and E-Bikes) and devices.
3. Sidewalks that are at least 8 feet wide unless the sidewalk is:
 - a. An internal walkway of the Plaza de la Constitucion;
 - b. Any walkways on or adjacent to the St. George Street between Orange Street and Cathedral Place is only open to pedestrians; and
 - c. The seawall along Avenida Menendez. However, non-motorized and non-electric bicycles may be used on the seawall except the area immediately adjacent to the municipal marina, whereat the riders are required to disembark and walk the bicycles in that area.

11. City of Venice, Florida

- The operation of bicycles and E-Bikes are restricted on specifically designated sidewalks but may be “walked” on those sidewalks.
- The prohibition does not apply to bicycles and other devices required for ambulatory assistance.

City of Bradenton, Florida

Bradenton, Florida
PART II - CODE OF ORDINANCES
Chapter 62 - STREETS AND SIDEWALKS
ARTICLE VI. MICROMOBILITY SYSTEM AND DEVICES

ARTICLE VI. MICROMOBILITY SYSTEM AND DEVICES

Sec. 62-130. Intent and purpose.

- (a) *Ordinance.* This article shall be known and may be cited as the "City of Bradenton Micromobility System Ordinance."
- (b) *Intent.* This article is intended to permit and regulate a micromobility system and devices in the city.
- (c) *Multimodal options.* This article is intended to provide for multimodal transportation options and reduce reliance upon motor vehicles through commercial micromobility systems and programs and to ensure that micromobility devices are used in a safe manner and do not impede accesses within public rights-of-way and publicly accessible areas.
- (d) *Micromobility system operators.* This article is intended to ensure that micromobility system operators work with the city in a cooperative manner and comply with all federal, state and local regulations and provide safe, functioning and properly maintained micromobility devices that provide mobility options to the city's residents, businesses and visitors. This article shall also ensure that the city is held harmless for any incidents that occur to persons or property because of the use of commercial micromobility devices and that operators provide adequate insurance to address incidents.
- (e) *Micromobility device rebalancing.* This article is intended to ensure that micromobility system operators rebalance the distribution of micromobility devices per the requirements of their approved permits. This article also includes regulations related to the pick-up and storage of damaged or inoperable devices, the removal of devices during emergency events and the relocation of vehicles which impede access in public rights-of-way and in publicly accessible areas.
- (f) *Micromobility device operations.* This article is also intended to ensure that commercial micromobility operations are equitable and accessible, and that operators protect the privacy of persons using micromobility devices and that operators provide multiple means in which persons may contact the operators. This article also established requirements that micromobility operators provide ridership data to the city, and make the data accessible to the public, and as appropriate, with third parties, to allow for improvements to public right-of-way and adequate places to park micromobility devices.
- (g) *Micromobility device definition.* Florida Statutes have defined micromobility devices as the for-rent use of these devices by a company. The more commonly accepted definition of micromobility devices is a broad description of electric and motorized personal mobility devices such as electric bicycles and scooters. In review of legislative staff, committee and subcommittee analysis related to House Bill 453, adopted in 2019, it is clear that the definition of micromobility devices was intended to replace the more commonly known description of bicycle share programs and scooter share programs. Should the legislature amend Florida Statutes, the intent of the Micromobility Share Ordinance is to regulate the programs and services related to the short-term rental of micromobility devices, as defined in Florida Statutes, bicycles, electric bicycles, motorized scooters, personal electric mobility devices, and scooters.

(Ord. No. 3092, § 2, 12-15-21)

Sec. 62-131. Applicability.

- (a) *Micromobility system operators.* The provisions of this article shall apply to commercially operated micromobility systems and to the operators and customers of such systems. For the purpose of this article, the permittee, managing agent or micromobility system operator, and system owner shall be jointly and severally liable for complying with the provisions of this article, the permit, and the permit and license agreement.
- (b) *Tour operators.* This article shall not apply to the rental and use of personal electric assistive mobility devices, personal electric mobility devices, bicycles or scooters used solely as part of an organized tour, accompanied by a tour director, and which departs and returns from the same location.
- (c) *Bicycle operation.* The provisions of this article related to the operation, rules, and use of a bicycle on public rights-of-way and on easements and rights-of-way accessible to the public, shall also apply to the operation of micromobility devices, electric personal assistive mobility devices, personal electric mobility devices, electric bicycles, skateboards or scooters.
- (d) *Electric bicycle.* The provisions of this article related to bicycles and micromobility devices shall also apply to electric and motorized bicycles. In 2020, the Florida Legislature through Senate Bill 1148 replaced the definition of motorized bicycle with electric bicycle. However, references to motorized bicycle have not been amended uniformly throughout Florida Statutes.

(Ord. No. 3092, § 2, 12-15-21)

Sec. 62-132. Definitions.

The following definitions are applicable to this article. Other terms shall have the meanings defined in this Code. In the event of any conflict, the term as defined in this article shall control for purposes of this article.

Bicycle shall mean every vehicle propelled solely by human power, 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.

Bicycle lane shall mean a portion of a roadway designated for the preferential or exclusive use of bicyclists and designated by a bicycle symbol pavement marking and signage in accordance with Florida Department of Transportation and standards and the Manual of Uniform Traffic Control Devices.

Bicycle path shall mean any road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within a public or publicly accessible right-of-way or within an independent right-of-way.

Corral shall mean facilities that can accommodate parking for a group of micromobility devices typically installed on-street in lieu of vehicle parking spaces.

Customer or user shall mean the person who rents or uses a micromobility device provided by an operator.

Deployment areas shall mean the geographical area within the city where a micromobility system operator may offer service for its users/customers under a micromobility system permit.

Dock shall mean a fixed location rack or station that is controlled by information technology or a smartphone application that requires users to enter a code or scan an RFID tag to unlock the device from the rack and requires the user to place the device back into the rack to end a trip.

Dockless system shall mean a system that places GPS directly in the micromobility device. The micromobility device features a self-contained locking device that is unlocked from a smartphone application by either entering a

unique identification number or scanning a RFID tag. The micromobility devices typically are placed in predetermined locations within a defined deployment area.

Electric bicycle shall mean a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

- (a) *"Class 1 electric bicycle"* shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- (b) *"Class 2 electric bicycle "* means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- (c) *"Class 3 electric bicycle "* means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

Electric person assistive mobility device shall mean any self-balancing, two-non-tandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (one horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. Electric personal assistive mobility devices are not vehicles as defined by Florida Statutes.

Geofencing shall mean the use of GPS or RFID technology to create a virtual geographic boundary that enables software to trigger a response when a mobile device enters or leaves an area.

Greenway shall mean a linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridgeline, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; any natural or landscaped course for pedestrian or bicycle passage; an open space connector linking parks, nature reserves, cultural features, or historic sites with each other and populated areas; or a local strip or linear park designated as a parkway or greenbelt.

Mobility impaired person shall mean any person with a permanent or temporary physical impairment that limits their mobility and requires the assistance of an electric, motorized or person powered devices for mobility.

Micromobility device shall 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 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 article.

Micromobility system or service shall mean a fleet of micromobility devices, which may also include non-motorized bicycles and scooters, operated by one or more private entities that provides the public the ability to rent docked or dockless micromobility devices for short-term trips where users pay on either a per trip basis, by purchase of a pass for a specified period, or pay for a subscription service, regardless of whether such devices may be used point to point or must be returned to specified locations or the original location.

Micromobility system operator shall mean a private entity, authorized to do business in the state, that holds a micromobility system permit and operates a city-permitted micromobility service or micromobility system. The micromobility system operator shall be responsible for the rental, deployment, maintenance, rebalancing, relocation, recharging, repairing, and replacing of micromobility devices, bicycles and scooters, along with additional obligations, under a micromobility system permit.

Micromobility system permit shall mean the permit required to operate a micromobility service within the city.

Motorized scooter shall mean any vehicle or micromobility device that is powered by a motor with or without 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 miles per hour on level ground. The term does not include an electric bicycle.

Personal electric mobility device shall include any motorized, electric, or pedal-assisted transportation device with one, two, three, or four wheels, designed to transport only one person and which is generally not designed to travel at a speed greater than 25 miles per hour on level ground, and is not otherwise defined in this article or Florida Statutes. This term does not apply to any device designed to transport a mobility impaired person.

Rack shall mean a metal or aluminum fixture, securely attached to the ground, upon which a micromobility device can be locked or tethered.

Rebalancing shall mean the process by which micromobility devices are redistributed to ensure availability throughout a service area and to prevent excessive buildup of devices at certain locations throughout the city.

Road shall mean a way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.

Scooter shall mean a device of not more than three wheels, with a floorboard designed to be stood upon when riding and powered by human propulsion. The device may have handlebars and/or a driver's seat that does not interfere with the ability of the rider to stand and ride.

Sidewalk shall mean the portion of a street between the curblineline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

Station shall mean a stationary fixture to which a micromobility device can be securely attached to prevent theft and ensure the device is properly parked and which includes a roof and may feature enclosed walls on one or more sides.

Trail shall mean any linear corridors and any adjacent support parcels on land or water providing public access for recreation or authorized alternative modes of transportation.

(Ord. No. 3092, § 2, 12-15-21)

**[Ordinance Sections regarding Permit Requirements for Micromobility Operators
Removed to Focus on Rider/User Requirements]**

Sec. 62-139. Regulations regarding use of micromobility devices, bicycles and scooters.

- (a) *General operating requirements.* All persons operating micromobility devices, bicycles and/or scooters within the city shall comply with the following regulations:
- (1) Micromobility devices, bicycles and scooters shall comply with all bicycle regulations of F.S. § 316.2065.
 - (2) Micromobility devices, bicycles and scooters shall not be operated on public sidewalks where there are signs or markings indicating that use of micromobility devices, bicycles and scooters are prohibited, or on the following sidewalks:
 - a. Old Main Street between 1st Avenue West and 6th Avenue West; and
 - b. 12th Street West between 9th Avenue West and 13th Avenue West.

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- c. This restriction does not apply to mobility impaired persons.
 - d. This restriction does not apply to children 12 years old or younger from riding a self-propelled bicycle, scooter or other wheeled device designed for children 12 years old or younger.
- (3) Micromobility devices, bicycles and scooters shall be secured within a corral, dock, rack or station and not blocking pedestrian use of the sidewalk. Users shall right a fallen device, bicycles or scooter.
 - (4) Micromobility devices, bicycles and scooters shall be permitted on all roads where bicycles are permitted to operate.
 - (5) Micromobility devices, bicycles and scooters operated by a micromobility system operator shall only be operated within the geo-fenced permitted deployment area established in the micromobility system permit and license agreement. The deployment area for the micromobility system operator maybe expanded as a condition of the micromobility system permit. The deployment area shall be re-evaluated annually based on user data and demand. The city may elect to expand or contract the deployment area each year after review of user data and demand, or as otherwise determined to be in the best interests of the city.
 - (7) Micromobility devices, bicycles and scooters shall not be operated within any public or private parking garage.
 - (8) Micromobility devices, bicycles and scooters shall not be operated within any area designated for pedestrians only.
 - (9) Micromobility devices shall not be operated by users under the age of 16.
 - (10) Micromobility devices, bicycles and scooters shall have only one rider.
 - (11) Use of public sidewalks for scooters must not:
 - a. Inhibit pedestrian movement;
 - b. Inhibit the ingress and egress of vehicles parked on-street or in off-street parking areas;
 - c. Create conditions which are a threat to public safety and security.
 - (12) Use of public sidewalks for parking micromobility devices, bicycles or scooters must not create conditions which are a threat to public safety and security.
 - (13) Micromobility devices, bicycles and scooters shall not exceed 15 MPH on any sidewalk and shall not exceed ten MPH on the Riverwalk or any sidewalk in the following locations:
 - a. Within a portion of Downtown whose boundaries are established as 1st Avenue West to the north, 9th Street West to the east, 6th Avenue West to the south and 15th Street West to west; and
 - b. Within a portion of the Village of the Arts whose boundaries are established as 9th Avenue West to the north, 9th Street West to the east, 17th Avenue West to the south and 14th Street West to west.

(Ord. No. 3092, § 2, 12-15-21; Ord. No. 4002, § 2.C., 8-10-22)

Sec. 62-140. Enforcement.

- (a) *Violations.* Violations of this article may be enforced for in section 1-15. Nothing contained in this article shall prohibit the city from enforcing its codes or ordinances by any other means.

(c) *Traffic laws.* Violations of the traffic and parking laws of the state and city may be enforced in accordance with chapter 50 of this Code and as otherwise provided by law. Notices of the issuance of tickets and/or citations for such violations may be reported to the micromobility system operator.

(Ord. No. 3092, § 2, 12-15-21; Ord. No. 4002, §§ 2.D., 2.E., 8-10-22)

City of Daytona Beach, Florida

PART II - CODE OF ORDINANCES
Chapter 94 - TRAFFIC AND MOTOR VEHICLES
ARTICLE VIII. - BICYCLES, MOTORIZED SCOOTERS, AND MICROMOBILITY
SCOOTER DEVICES

DIVISION 1. GENERALLY

Sec. 94-251. Penalties.

- (a) Any person who violates section 94-301 shall be punished as provided in section 1-14.
- (b) Any person who violates any section of this article, other than section 94-301, shall be deemed to have committed an infraction and shall be punished as provided in F.S. § 318.18, pertaining to bicycle infractions.
- (c) Impoundment.
 - (1) The police department may impound any micromobility scooter device, or privately owned motorized scooter operated or located upon a public right-of-way in violation of section 94-301, 94-302(i), or 94-302(j), as applicable.
 - (2) The police department may impound any bicycle, micromobility scooter device, or privately owned motorized scooter upon a public right-of-way that is inoperable/damaged, abandoned, improperly parked, or presents a public safety hazard.
 - (3) Any bicycle, micromobility scooter device, or privately owned motorized scooter so impounded, if unclaimed by the rightful owner, may be disposed of in accordance with article III of chapter 42. The owner or the owner's authorized agent may claim a bicycle upon presentation of proof of ownership and payment of an impoundment fee in the amount of \$25.00. The owner or the owner's authorized agent may claim a micromobility scooter device, or privately owned motorized scooter, upon presentation of proof of ownership and payment of an impoundment fee in the amount of \$200.00.

(Code 1970, § 11-15; Ord. No. 2020-274, § 1, 9-9-2020)

DIVISION 2. BICYCLES

Sec. 94-252. Manner of riding.

No rider of a bicycle shall remove both hands from the handlebars or both feet from the pedals or practice any acrobatics while riding on any street within the city.

(Code 1970, § 11-13)

Sec. 94-253. Operation on sidewalks.

- (a) No bicycle shall be operated upon any public sidewalk in a business district as defined in F.S. § 316.003.
- (b) Bicycles may be operated upon any public sidewalk in a residential district as defined in F.S. § 316.003. Any bicycle operated on a public sidewalk within a residential district shall be operated in a prudent manner, and no bicycle shall travel abreast or parallel to another bicycle on the sidewalk. Pedestrians upon the sidewalk and vehicles upon the sidewalks which are intersecting with the sidewalk while traveling upon rights-of-way, alleys, or driveways shall have the primary right-of-way upon the sidewalks, and bicycles shall yield the right-of-way to the pedestrians and vehicles.

(Code 1970, § 11-11)

Cross reference(s)—Streets, sidewalks and other public places, ch. 86.

(Code 1970, § 11-14)

City of Estero, Florida

PART II - CODE OF ORDINANCES
Chapter 32 TRAFFIC AND VEHICLES

Chapter 32 TRAFFIC AND VEHICLES¹

ARTICLE I. IN GENERAL

Sec. 32-1. Prohibition on use of micromobility devices and motorized scooters.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Micromobility devices means 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. **The term "micromobility devices" includes motorized scooters and motorized bicycles.**

Motorized scooters means any vehicle or micromobility device that is powered by a motor with or without 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 miles per hour on level ground.

- (b) **No person shall drive or operate a micromobility device or motorized scooter or any vehicle operated in any manner other than by human power upon any public sidewalk or path, except:**
- (1) **Governmental personnel on official business, emergency vehicles, or the use of special mobile equipment for repair or maintenance of the sidewalk areas.**
 - (2) **Motorized wheelchairs or similar mobility device having three or more wheels being operated by a person disabled for mobility purposes who is either permanently or temporarily unable to walk without the use of a mobility device.**
 - (3) **A person age 18 years or older operating a Class 1 pedal-assisted bicycle, defined as an electric-assisted bicycle equipped with a motor that provides assistance only when the rider is peddling and ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.**
- (c) **No micromobility device, motorized scooter, or Class 1 pedal-assisted bicycle shall be rented or offered to rent for use upon any sidewalk, bicycle path or shared use path.**
- (d) **Violation of any provision of this chapter herein for first time offenders shall result in the issuance of a written warning by enforcement officers. All subsequent violations of any**

¹State law reference(s)—Municipal Home Rule Powers Act, F.S. ch. 166; Florida Uniform Traffic Control Law, F.S. ch. 316; powers of local authorities, F.S. §§ 316.007, 316.008.

provision of this chapter shall result in a fine not to exceed \$500.00, in addition to any penalty that may be imposed under State law.

(Ord. No. 2020-01, § 2, 1-22-2020)

City of Fort Myers, Florida

Chapter 86 TRAFFIC AND VEHICLES¹

ARTICLE I. IN GENERAL

Sec. 86-1. Bicycle and unicycle use restricted.

- (a) No person shall ride a bicycle or unicycle on a sidewalk in the downtown area, more specifically described as follows:
- (1) Area A, downtown. Beginning at the intersection of the northerly right-of-way line of Dr. Martin Luther King, Jr. Boulevard and the westerly right-of-way line of Lee Street; thence along the westerly right-of-way line of said Lee Street northwesterly to the intersection of the southerly right-of-way line of Edwards Drive; thence along the southerly line of said Edwards Drive southwestwardly to the intersection of the easterly line of Monroe Avenue; thence along the easterly line of said Monroe Avenue to the intersection of the southerly right-of-way line of Main Street with the easterly right-of-way line of Monroe Avenue; thence along the southerly right-of-way line of said Main Street southwestwardly to the intersection of the easterly right-of-way line of Heitman Street; thence along the easterly right-of-way line of said Heitman Street to the intersection of the northerly right-of-way line of Dr. Martin Luther King, Jr. Boulevard; thence along the northerly right-of-way line of Dr. Martin Luther King, Jr. Boulevard to the intersection of the westerly right-of-way line of Lee Street, said intersection being the point and place of beginning.
 - (2) Area B, West First Street. Beginning at the intersection of the easterly right-of-way line of Monroe Street with the centerline of West First Street; thence along the centerline of said West First Street westerly and southerly to the intersection of the centerline of McGregor Boulevard; thence along the centerline of McGregor Boulevard westerly to the intersection of said centerline of McGregor Boulevard with the extension of the easterly property line of the Edison Estate; thence along the easterly property line of said Edison Estate northerly to the city bulkhead line on the south bank of the Caloosahatchee River; thence along the city bulkhead line of the south bank of the Caloosahatchee River easterly to the extension of the westerly property line of Centennial Park; thence along the westerly property line of said Centennial Park southerly to the northerly right-of-way line of West First Street; thence along the northerly right-of-way line of West First Street easterly to the intersection of the easterly right-of-way line of Monroe Avenue; thence along the easterly right-of-way line of said Monroe Avenue southerly to the intersection

of the centerline of West First Street, said intersection being the point and place of beginning.

- (b) Any person may ride a bicycle on a sidewalk outside of the areas more specifically described in subsection (a) of this section within the corporate limits of the city, but shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.
- (c) Violations of this section shall be subject to a fine of \$25.00.
(Code 1963, § 23-4; Code 1991, § 17-1; Ord. No. 3016, § 1, 8-20-2001)

ARTICLE IV. MICROMOBILITY SYSTEM AND DEVICES

Sec. 86-152. Intent and purpose.

- (a) This article shall be known and may be cited as the "City of Fort Myers Micromobility System and Devices Ordinance."
- (b) This article is intended to permit and regulate micromobility system(s) and the use of micromobility devices on city rights-of-way.
- (c) This article is intended to provide for multimodal transportation options and reduce reliance upon motor vehicles through commercial micromobility systems and programs and to ensure that micromobility devices are used in a safe manner and do not impede accesses within public rights-of-way and publicly accessible areas.
- (d) This article is intended to ensure that micromobility system operators work with the city in a cooperative manner and comply with all federal, state and local regulations and provide safe, functioning and properly maintained micromobility devices that provide mobility options to the city's residents, businesses and visitors. This article shall also ensure that the city is held harmless for any incidents that occur to persons or property because of the use of commercial micromobility devices and that operators provide adequate insurance to address incidents.
- (e) This article is intended to ensure that micromobility system operators rebalance the distribution of micromobility devices per the requirements of their agreement with the city. This article also includes regulations related to the pick-up and storage of damaged or inoperable devices, the removal of devices during emergency events and the relocation of vehicles which impede access in public rights-of-way and in public ally accessible areas.
- (f) This article is also intended to ensure that commercial micromobility operations are equitable and accessible, and that operators protect the privacy of persons using micromobility devices and that operators provide multiple means in which persons may contact the operators. This article also established requirements that micromobility operators provide ridership data to the city, and make the data accessible to the public, and as appropriate, with third parties, to allow for improvements to public right-of-way and adequate places to park micromobility devices.

(Ord. No. 3995, 9-18-2023)

Sec. 86-153. Applicability.

The provisions of this article shall apply to personal users of micromobility devices and commercially operated micromobility systems and to the operators and customers of such systems. For the purpose of this article, the permittee, managing agent or micromobility system operator, and system owner shall be jointly and severally liable for complying with the provisions of this article, and any agreement.

- (a) This article shall not apply to the rental and use of segways or other micromobility devices, bicycles or scooters used solely as part of an organized tour, accompanied by a tour director, and which departs and returns from the same location.
- (b) This article shall not apply to the provision or rental of bicycles or other micromobility devices by hotels for their hotel guests who depart and return to the same location, provided the micromobility devices clearly display the hotel's name and/or logo.

(Ord. No. 3995, 9-18-2023)

Sec. 86-154. Definitions.

The following definitions are applicable to this article. Other defined terms shall have the meanings defined in this Code, including but not limited to Chapter 142 Definitions. In the event of any conflict, the term as defined in this article shall control for purposes of this article.

Micromobility device means a range of small, lightweight vehicles operating at speeds 15 mph or less and driven by users personally. **Micromobility devices include electrically propelled bicycles,** tricycles, scooters, and skateboards. Golf carts are not considered to be micromobility devices.

(Ord. No. 3995, 9-18-2023)

Sec. 86-160. Regulations regarding use of micromobility devices.

- (a) *General operating requirements.* **All persons operating micromobility devices within the city shall comply with the following regulations:**
 - (1) **Micromobility devices shall not be operated on public sidewalks and may be operated on public streets in the downtown area only.**
 - (2) **Micromobility devices shall not be operated on public streets and may be operated on public sidewalks outside of the downtown area.**
 - (3) Micromobility devices shall not be operated within any public or private parking garage.
 - (4) **Micromobility devices shall not be operated within any area designated for pedestrians only.**

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- (5) Micromobility devices are permitted for use on all bike lanes, buffered bike lanes and protected bicycle lanes, unless otherwise posted.
 - (6) Micromobility devices shall not be operated by users under the age of 16.
 - (7) Helmets shall be worn by users in compliance with Florida law.
 - (8) Micromobility devices shall have only one rider per seat.
 - (9) Users of micromobility devices shall always yield the right-of-way to pedestrians and mobility impaired individuals using a mobility assisted device.
 - (10) Use of public sidewalks for micromobility devices must not:
 - a. Inhibit pedestrian movement:
 - b. Inhibit the ingress and egress of vehicles parked on- or off-street:
 - c. Create conditions which are a threat to public safety and security.
 - (11) Use of public sidewalks for parking micromobility devices, bicycles or scooters must not create conditions which are a threat to public safety and security.

(Ord. No. 3995, 9-18-2023)

Sec. 86-161. Enforcement.

- (a) Violations of this article may be enforced by one or more of the means set forth in this section. The provisions Chapter 2, Article 5, are additional and supplemental means of enforcing city codes or ordinances. Nothing contained in this article shall prohibit the city from enforcing its codes or ordinances by any other means.
- (b) Traffic laws. Violations of the traffic and parking laws of the state and city may be enforced as provided by such laws and in accordance with Chapter 86 of this Code and as otherwise provided by law. Notices of the issuance of tickets and/or citations for such violations may be reported to the micromobility system operator.

(Ord. No. 3995, 9-18-2023)

City of Key West, Florida

Key West, Florida

ARTICLE XIX. –

ELECTRIC BICYCLE, MOTORIZED SCOOTERS
AND MICROMOBILITY DEVICES

Sec. 70-901. - Definitions.

The following words, terms and phrases, when used in article IX, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Recreational devices shall mean electric bicycle, motorized scooter or other micromobility devices. This term shall not mean bicycles, mopeds or any self-propelled or motorized vehicle capable of exceeding 28 mph.

(Ord. No. 21-12, § 15, 7-20-2021)

• **Sec. 70-902. - Device use.**

(a) All public sidewalks and/or pedestrian pathways, shall be only available for use by pedestrians or non-motorized or non-electric bicycles unless said public sidewalk or pathway has been designated for multi-use and/or shared use as defined in Code of Ordinances 70-1.

(1) Notwithstanding the above provision, an individual utilizing a Recreational Device pursuant to the Americans with Disabilities Act (ADA) may operate those devices on any city street, multi-use/shared-use path or sidewalk, regardless of designation.

(b) The riding and operating of recreational devices is permissible upon all multi-use and/or shared use paths a bicycle may legally travel, located on or within City of Key West limits, with restrictions as follows:

(1) Recreational devices shall be restricted to a maximum speed of 15 miles per hour when operating on a public multi-use and/or shared path.

(2) A person operating a Recreational Device upon and along a sidewalk, sidewalk area, or across a roadway upon and along a crosswalk, has all the rights and duties applicable to a bicyclist under the same circumstances, and shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(b) Violations of Article IX-Electric Bicycle, Motorized Scooters and Micromobility Devices shall be penalized as provided in section 1-15 and subject to prosecution and fine under civil citation procedures of sections 2-676 through 2-680.

(Ord. No. 21-12, § 15, 7-20-2021)

Miami-Dade County, Florida

Miami-Dade County, Florida

Sec. 2-98.3. - Regulation of Micromobility Devices, Electric Bicycles, and Motorized Scooters.

- (1) *Legislative Intent.* It is the intent of this section to, under certain circumstances, authorize municipal regulation of the operation of micromobility devices, electric bicycles, and motorized scooters upon County maintained roads and sidewalks in certain incorporated areas of the County. Adoption of this section shall not be relied upon as a determination that the operation of micromobility devices, electric bicycles, and motorized scooters on roads or public sidewalks is safe or advisable. All persons operating micromobility devices, electric bicycles, and motorized scooters do so at their own risk, and must be observant of, and attentive to, the safety of themselves and other motorists, bicyclists and pedestrians.
- (2) *Applicability.*
 - (a) This section shall be applicable to Crandon Boulevard between the northern limits of the Village of Key Biscayne to the northern entrance of Bill Baggs Cape Florida State Park, upon the municipality through which such road traverses entering into an interlocal agreement as provided in this section.
 - (b) This section shall not be construed to regulate "wheelchairs" or "other power-driven mobility devices" as defined under the Americans with Disabilities Act (ADA), 28 CFR § 35.104, as may be amended.
- (3) *Definitions.* As used in this section:
 - (a) "County-owned" means (i) property in which the County has a property interest, such as fee simple ownership or an easement, and (ii) property that the County maintains regardless of ownership, such as rights-of-way that are in incorporated areas but are maintained by the County.
 - (b) "Director" shall be as defined in Section 2-99.
 - (c) "Electric bicycle" or "e-bike" means a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts. This term includes devices defined as electric bicycles pursuant to section 316.003(23), Florida Statutes, as may be amended. However, this term does not include "wheelchairs" or "other power-driven mobility devices" as defined under the ADA, 28 CFR s. 35.104, as may be amended.
 - (d) "Motorized scooter" or "scooters" means any vehicle or micromobility device, other than an electric bicycle, that is powered by a motor with or without 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 miles per hour on level ground. This term includes those devices defined as motorized scooters pursuant to

section 316.003(48), Florida Statutes, as may be amended. However, this term does not include "wheelchairs" or "other power-driven mobility devices" as defined under the ADA, 28 CFR s. 35.104, as may be amended.

- (e) "Micromobility device" means motorized scooters and electric bicycles as defined herein, and shall include any motorized transportation device which is incapable of traveling at speeds greater than 20 miles per hour on level ground. This term shall also include those devices defined in section 316.003(41), Florida Statutes, as may be amended. However, this term does not include "wheelchairs" or "other power-driven mobility devices" as defined under the ADA, 28 CFR § 35.104, as may be amended.
- (f) "*Rider*" or "*operator*" means a person riding, driving, or otherwise operating a micromobility device.
- (g) "*Right-of-way*" means land devoted to or required for use as a roadway, sidewalk, or other associated feature, and includes, without limitation, (i) all existing or dedicated road rights-of-way and (ii) all proposed dedications of road rights-of-way set forth on official grading and drainage plans approved pursuant to tentative plats.
- (h) "*Sidewalk*" means that portion of a right-of-way between the curbline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.
- (4) *Operation and parking.*
 - (a) Riders of micromobility devices shall comply with all applicable state and County traffic laws, rules, and regulations as may be applicable to such devices.
 - (b) Ridership of more than one person on any micromobility device is prohibited, unless such micromobility device is specifically designed to carry more than one person. This restriction shall not be construed to prohibit an adult rider from carrying a child securely attached to his or her person in a backpack or sling.
 - (c) The maximum speed of a micromobility device on a County-owned right-of-way shall be limited to 20 miles per hour.
 - (d) The operation of micromobility devices upon a public sidewalk or walkway is prohibited except for the purpose of parking the device in a location designated for the parking of such devices by the County or applicable municipality.
 - (e) Micromobility devices shall only be operated within bike lanes, if available, or upon streets with a posted speed limit of 30 mph or less.
 - (f) Micromobility devices shall not be parked:
 - (i) upon any County-owned roadway or sidewalk, except in a location designated for such parking;

- (ii) in a manner that obstructs the ingress or egress from any park or parking location; or
- (iii) in a manner that prevents any sidewalk or walkway from maintaining at least 3 feet of walkway clearance.

(g) Riders of micromobility devices may be ticketed for traffic violations, as applicable, in the same manner as motor vehicles.

- (5) Enforcement by municipalities. A municipality may, upon approval by the Board of County Commissioners of an interlocal agreement between the County and such municipality, enforce the provisions of this section as it relates to roads within the boundaries of said municipality. The agenda item approving such interlocal agreement shall be sponsored by a district commissioner in whose district any portion of such municipality lies.
- (6) *Enforcement.*
 - (a) Any person violating a provision of this chapter shall be subject to the penalties and remedies provided in Section 1-5 and Chapter 8CC and any other penalties or remedies provided by law.
 - (b) Each violation, and each day, or portion thereof, that a violation of this section exists shall constitute a separate offense.
 - (c) Pursuant to Section 8CC-3 and subject to entering into an interlocal agreement as provided in this section, a municipality may designate code inspectors to issue civil violation notices for violations of this article.
 - (d) A municipality entering into an interlocal agreement as provided in this section may in the alternative provide for enforcement in accordance with its own procedures.
- (7) *Municipal regulations.*
 - (a) A municipality may adopt additional rules restricting micromobility devices on County-owned roads within the boundaries of such municipality, subject to the following:
 - (i) Any such additional restrictions shall be included in the interlocal agreement with the County authorizing the municipality's enforcement of the provisions of this section.
 - (ii) Such additional restrictions shall not be enforceable until adopted by municipal ordinance in accordance with section 316.008, Florida Statutes, as may be amended.
 - (iii) The municipality shall be responsible for providing a method of enforcement for any such additional restrictions.

(b) A municipality entering into an interlocal agreement with the County for the enforcement of this section shall:

(i) prior to its enforcement of this section, be required to carry out a public information and awareness campaign of no fewer than 60 days to educate its residents and visitors about the provisions of this section; and

(ii) be responsible for posting appropriate signage providing notice to riders of the applicable regulations.

(Ord. No. 24-45, § 2, 5-7-24)

Nassau County, Florida

Nassau County
Code of Ordinances
Chapter 18 – Motor Vehicles

Sec. 18-11. Electric bicycle restriction.

- (a) *Title.* This section shall be known as the "Electric Bicycle Restriction Ordinance."
- (b) *Purpose.* The purpose of this section is to protect "regular" bicycle users, walkers and joggers from Class I, Class II and III electric bicycles that generate higher rates of speed.
- (c) *Restrictions.* The use of electric bicycles classified as Class I/Personal Assist Electric Bicycles, Class II/Personal Assist Electric Bicycles and Class III/Personal Assist Electric Bicycles as defined by Florida Statutes, are permitted on county sidewalks, county-maintained multi-path trails, and trail networks.
 - (1) The maximum speed for bicycles, including Class I/Personal Assist Bicycles, Class II/Personal Assist Electric Bicycles and Class III/Personal Assist Electric Bicycles, shall be ten (10) miles per hour on any county sidewalks, county maintained multi-path trails and trail networks.
- (d) *Penalty.* A violation of this section shall subject the violator to a penalty of a second-degree misdemeanor punishable by a five hundred dollar (\$500.00) fine and/or sixty (60) days in jail.

(Ord. No. 2020-25, §§ 1—3, 8-24-20; Ord. No. 2021-09, 6-28-21)

Editor's note(s)—Ord. No. 2020-25, §§ 1—3, adopted Aug. 24, 2020, did not specify manner of inclusion; hence, codification as § 18-11 was at the discretion of the editor.

Orange County, Florida

Orange County, Florida

ARTICLE VII. - ELECTRIC BICYCLES

Sec. 35-90. - Definitions.

An electric bicycle shall mean a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than seven hundred fifty (750) watts, as defined in Section 316.003(22), Florida Statutes, but not a micromobility device as defined in Section 316.003(39), Florida Statutes. Electric bicycles shall meet the requirements of one (1) of the following three (3) classifications:

(a) Class 1 electric bicycle means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of twenty (20) miles per hour.

(b) Class 2 electric bicycle means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of twenty (20) miles per hour.

(c) Class 3 electric bicycle means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of twenty-eight (28) miles per hour.

(Ord. No. 2021-31, § 3D, 7-13-21)

• Sec. 35-91. - Operation of electric bicycles on County roadways.

(a) Electric bicycles may be operated on County streets, highways, roadways, shoulders, sidewalks, bicycle lanes, bicycle paths, and shared use paths as follows:

(1) Class 1 electric bicycles may be operated on bicycle paths, shared use paths, bicycle lanes, streets, highways, roadways, and shoulders.

(2) Class 2 electric bicycles may be operated on bicycle paths, shared use paths, bicycle lanes, streets, highways, roadways, and shoulders.

(3) Class 3 electric bicycles may be operated in bicycle lanes, bicycle paths, streets, highways, roadways, and shoulders.

(4) At the discretion of the County Traffic Engineer, the County may restrict Class 1 and 2 electric bicycle operations on shared use paths, where prohibited by clearly visible signs or markings sufficient to give riders reasonable notice of the prohibition. Class 3 electric bicycles are prohibited from any shared use path.

(5) **All classes of electric bicycles may be operated on a sidewalk but must travel at a speed no greater than ten (10) miles per hour.**

(b) An electric bicycle or an operator of an electric bicycle must operate consistent with all applicable provisions of Section 316.20655, Florida Statutes, and has all the rights and duties applicable to a bicycle or the operator of a bicycle. A person propelling a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian, and shall give an audible signal before overtaking and passing such pedestrian.

(Ord. No. 2021-31, § 3D, 7-13-21)

- **Sec. 35-92. - Operation of electric bicycles on County trails.**

(a) Class 1 and Class 2 electric bicycles may be operated on County paved trails unless prohibited by clearly visible signs or markings sufficient to give riders reasonable notice of the prohibition.

(b) Class 1 and Class 2 electric bicycles, when operated or operating on County paved trails, must travel at speeds consistent with any speed limits that may be posted on individual trail facilities to ensure safety and reduce conflicts with other trail users.

(c) Class 3 electric bicycles are prohibited from all County trails.

(d) Class 1 and Class 2 electric bicycles may be prohibited based on individual trail facilities' operational and/or safety conditions or restrictions due to state funding of the facility.

(Ord. No. 2021-31, § 3D, 7-13-21)

- **Secs. 35-93—35-95. - Reserved**

- **Sec. 35-97. - Definitions.**

As used in this Article, the following words, terms, and phrases shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Bicycle shall have the meaning ascribed to it in F.S. § 316.003(4), as it may be amended.

Bicycle path shall have the meaning ascribed to it in F.S. § 316.003(6), as it may be amended.

Electric bicycle shall have the meaning ascribed to it in F.S. § 316.003(23), as it may be amended.

Rider means the operator of a micromobility device.

Right-of-Way shall have the meaning ascribed to it in Section 21-173 of the Orange County Code, as it may be amended, and means land in which the County owns the fee or has an easement devoted to, or required for, the use as a public road.

Sidewalk shall have the meaning ascribed to it in F.S. § 316.003(80), as it may be amended.

(Ord. No. 2022-07, § 1, 3-8-22)

City of Orlando, Florida

City of Orlando, Florida

Chapter 10 - BICYCLES, SCOOTERS, MICROMOBILITY DEVICES AND BICYCLE PATHS^[1]

Sec. 10.01. - Definitions.

As used in this Chapter, the term:

- (a) **Bicycle** means a 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
- (b) **Bicycle Path** means a road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.
- (f) **Micromobility Device** means 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.
- (g) **Motorized Scooter(s)** (*also referred to herein as "scooters"*) shall have the meaning ascribed to it in F.S. § 316.003, as amended. "Motorized scooter(s)" or "scooters" are further defined as a device, with an electric motor, designed to transport only one person, exclusively or in combination with the application of human power, which cannot attain a speed of more than 20 miles per hour.
- (j) **Sidewalk** means that portion of a street between the curblineline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

(Ord. of 11-1-1993, Doc. #27001; Ord. No. 2018-56, § 1, 10-8-2018, Doc. #1810081203; [Ord. No. 2019-60](#), § 2, 12-9-2019, Doc. #1912091206; [Ord. No. 2021-79](#), § 1, 12-6-2021, Doc. #2112061208)

• Sec. 10.02. - Riding on Sidewalks and Bicycle Paths.

It is hereby made unlawful and a violation of this section to ride a bicycle, scooter or other micromobility device on a sidewalk or bicycle path, or any portion thereof, where

prohibited by clearly visible signs or markings sufficient to give riders reasonable notice of the prohibition, except that this section does not apply to government officials operating a micromobility device within the scope of their lawful authority and for a public purpose.

(Ord. of 11-1-1993, Doc. #27001; Ord. No. 2018-56, § 2, 10-8-2018, Doc. #1810081203; [Ord. No. 2019-60](#), § 3, 12-9-2019, Doc. #1912091206; [Ord. No. 2020-65](#), § 1, 1-11-2021, Doc. #2101111203; [Ord. No. 2021-79](#), § 2, 12-6-2021, Doc. #2112061208)

City of St. Augustine, Florida

City of St. Augustine, Florida

Chapter 24, Article III. – Pedestrians, Bicycles, and Vehicles

Sec. 24-106. - Use of sidewalks and certain other rights-of-way.

(a) **All public sidewalks, pedestrian pathways, courtyards, arcades, promenades, seawalls, and boardwalks shall be only available for use by pedestrians or non-motorized or non-electric bicycles except for the following:**

(1) Those areas under the control of the federal government or the State of Florida, Department of Transportation (FDOT), in which cases, those regulations shall apply;

(2) **Shared use paths, as designated by the city manager, and marked by signage, shall be open to all restricted vehicles or devices;** and

(3) Sidewalks that are at least eight (8) feet wide, unless such sidewalk is:

a. An internal walkway of the Plaza de la Constitucion, whereby internal walkways do not include the perimeter sidewalk immediately adjacent to, and encircling, the Plaza shall remain open only to pedestrians;

b. Any walkways on or adjacent to St. George Street between Orange Street and Cathedral Place shall remain open only to pedestrians; and

c. The seawall along Avenida Menendez. However, non-motorized and non-electric bicycles may be used on the seawall except the area immediately adjacent to the municipal marina; riders are required to disembark from their bicycle and walk the bicycles in that area.

(b) **Restricted vehicles or devices shall include:**

(1) Electronic personal assistive mobility devices, regulated pursuant to F.S. § 316.2068, colloquially known as segways;

(2) **Bicycles, including, but not limited to, electric bicycles or motorized bicycles;**

(3) Push scooters, roller skates, rollerblades, inline skates, skateboards, and other similar devices without any motorized parts; and

(4) Electronic or motorized scooters (hereinafter referred to as e-scooters), as defined by the Florida Uniform Traffic Control Law.

(c) Prohibited vehicles or devices shall include:

(1) Shared mobility devices that have not entered into a valid franchise agreement or other contractual arrangement with the city; and

(2) Any restricted device when used with a tour guide and at least three (3) restricted devices travelling in a group, except:

a. On motor vehicle traffic lanes where allowed by the Florida Uniform Traffic Control Law; or

b. Consistent with F.S. § 316.2068, segways may operate on sidewalks. However, they must yield to pedestrians and allow sufficient space on the sidewalk for pedestrian passage.

(d) If any restricted vehicle or device is specifically permitted to be used on sidewalks or other rights-of-way controlled by the state or federal government and allowed by the Florida Uniform Traffic Control Law (FUTCL), it shall not be a violation of this chapter to do so, notwithstanding the above provisions. Individuals utilizing mobility devices pursuant to the Americans with Disabilities Act (ADA) may operate those devices on any city street, sidewalk, or walkway.

(e) Any restricted vehicles or devices left unattended on public property, including in parks and rights-of-way of the FDOT or the City of St. Augustine may be impounded by the chief of police or his or her designee. A restricted vehicle or device is not considered unattended if it is secured in a designated parking area, rack, docking station, or another location or device intended for the purpose of securing such devices.

(Ord. No. 19-02, § 4, 2-25-19)

• **Sec. 24-111. - Enforcement and penalties.**

(a) *Enforcement.* Violations of this article shall be enforced as non-criminal infractions of city ordinances.

(b) *Penalties.*

(1) The amount of penalties for violations of section 24-106 shall be as provided for in F.S. § 318.18(3), as amended from time to time.

(2) Violations of section 24-107 shall be fined two hundred fifty dollars (\$250.00) for an initial offense, and five hundred dollars (\$500.00) for any repeat offenses within one year of the last offense by the same operator. Each day of non-compliance shall be a separate offense.

(3) Violations of section 24-109 shall be fined fifty dollars (\$50.00) per offense. Each day of non-compliance shall be a separate offense, unless the violation is for an undocked, unattended shared mobility device, in which case each incident is a separate offense, and the shared mobility device may be impounded in accordance with section 24-110.

(Ord. No. 19-02, § 4, 2-25-19)

City of Venice, Florida

ORDINANCE NO. 2018-37

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING CHAPTER 70, TRAFFIC AND VEHICLES, ARTICLE I, IN GENERAL, BY ADDING SECTION 70-9, OPERATION OF BICYCLES ON PUBLIC SIDEWALKS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the oversight of bicycle and other vehicles use on public sidewalks is among the responsibilities and within the authority of the City of Venice; and

WHEREAS, the city is charged with establishing and exercising regulations governing the use of public right-of-way (ROW) that protect the public interest and contribute to a safe and healthy environment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. Chapter 70, Traffic and Vehicles, Article I, In General, Section 70-9, Operation of bicycles on public sidewalks, is added as follows:

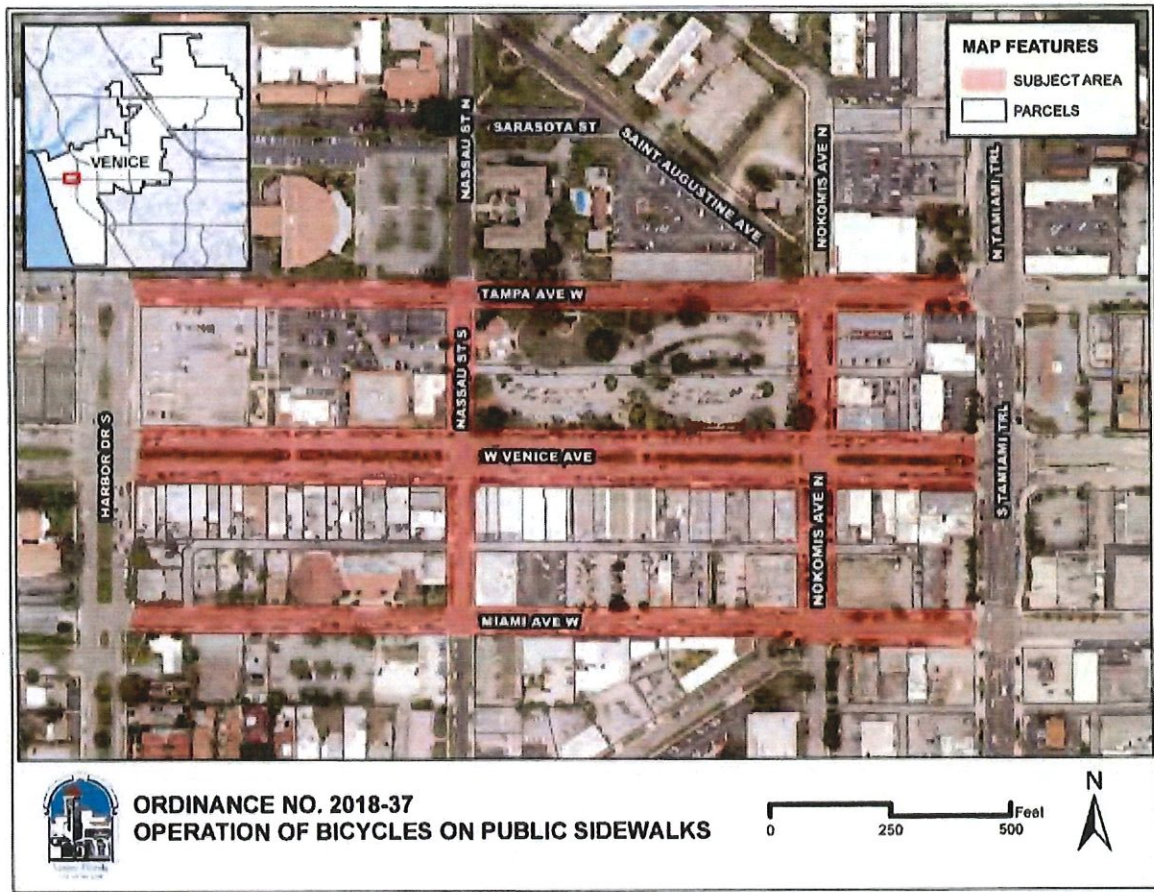
Sec. 70-9. Operation of bicycles and other vehicles on public sidewalks.

(a) Bicycle, as used in this section, means 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 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.

(b) Other vehicles, as used in this section, includes unicycles, skateboards, hoverboards, skates, scooters and other similar vehicles, whether propelled solely by human power or other forms of energy.

(c) It shall be unlawful to ride, peddle, coast or otherwise operate astride of a bicycle, or to operate other vehicles as defined herein, on sidewalks along the below street segments and as depicted below. Bicycles may be walked on these sidewalks.

- (1) Venice Avenue from S. Tamiami Trail (Business 41) to Harbor Drive**
- (2) Tampa Avenue from S. Tamiami Trail (Business 41) to Harbor Drive**
- (3) Miami Avenue from S. Tamiami Trail (Business 41) to Harbor Drive**
- (4) Nokomis Avenue from Tampa Avenue to Miami Avenue**
- (5) Nassau Street from Tampa Avenue to Miami Avenue**



(d) This section shall not apply to bicycles and other vehicles required for ambulatory assistance or support.

SECTION 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 4. If any part, section, subsection or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, such part, section, subsection or other portion, or the prescribed application thereof, shall be severable and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 5. This ordinance shall take effect immediately upon approval and adoption as provided by law.

PASSED BY THE COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 28TH DAY OF NOVEMBER, 2018.

First Reading: November 13, 2018

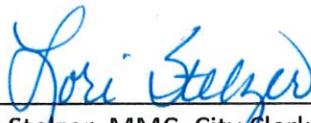
Final Reading: November 28, 2018

ADOPTION: November 28, 2018



JOHN W. HOLIC, MAYOR

ATTEST:



Lori Stelzer, MMC, City Clerk

I, LORI STELZER, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 28th day of November, 2018, a quorum being present.

WITNESS my hand and the official seal of said City this 28th day of November, 2018.



Lori Stelzer, MMC, City Clerk

Approved as to form:



Kelly Fernandez, City Attorney

Fla. Stat. § 316.20655. Electric Bicycle Regulations

Fla. Stat. § 316.20655

*** Current through the 2024 regular session.***

LexisNexis® Florida Annotated Statutes > Title XXIII. Motor Vehicles. (Chs. 316 — 325) > Chapter 316. State Uniform Traffic Control. (§§ 316.001 — 316.87)

§ 316.20655. Electric bicycle regulations.

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including [s. 316.2065](#). An electric bicycle is a vehicle to the same extent as a bicycle. 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 electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network; or to prevent a municipality, county, or agency of the state having jurisdiction over a beach as defined in [s. 161.54\(3\)](#) or a dune as defined in [s. 161.54\(4\)](#) from restricting or prohibiting the operation of an electric bicycle on such beach or dune.

(2) An electric bicycle or an operator of an electric bicycle is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.

(3) Beginning January 1, 2021, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed in a prominent location to each electric bicycle. The label must contain the classification number, top assisted speed, and motor wattage of the electric bicycle.

(4) A person may not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification number required in subsection (3) is replaced after such modification.

(5) An electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission under 16 C.F.R. part 1512.

(6) An electric bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

(7) An operator may ride an electric bicycle where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths.

History

S. 8, [ch. 2020-69](#), effective July 1, 2020; s. 2, [ch. 2021-20](#), effective July 1, 2021.

Fla. Stat. § 316.003. Definitions
State Uniform Traffic Control

[Fla. Stat. § 316.003](#)

*** Current through the 2024 regular session.***

LexisNexis® Florida Annotated Statutes > Title XXIII. Motor Vehicles. (Chs. 316 — 325) > Chapter 316. State Uniform Traffic Control. (§§ 316.001 — 316.87)

§ 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:

(1) AUTHORIZED EMERGENCY VEHICLES.— Vehicles of the fire department, fire patrol, police vehicles, emergency management vehicles, organ transport vehicles, and ambulances and emergency vehicles of municipal and county departments, volunteer ambulance services, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Health, the Department of Transportation, the Department of Agriculture and Consumer Services, and the Department of Corrections as are designated or authorized by their respective departments or the chief of police of an incorporated city or any sheriff of any of the various counties.

(2) Autocycle. A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, brakes that meet the requirements of Federal Motor Vehicle Safety Standard No. 122, a steering mechanism, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration.

(3) Automated driving system. The hardware and software that are collectively capable of performing the entire dynamic driving task of an autonomous vehicle on a sustained basis, regardless of whether it is limited to a specific operational design domain. The term:

(a) “Autonomous vehicle” means any vehicle equipped with an automated driving system.

(b) “Dynamic driving task” means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic within its specific operational design domain, if any, excluding strategic functions such as trip scheduling and selection of destinations and waypoints.

(c) “Fully autonomous vehicle” means a vehicle equipped with an automated driving system designed to function without a human operator.

(d) “Operational design domain” means a description of the specific operating domain in which an automated driving system is designed to properly operate, including, but not limited to, roadway types, speed ranges, environmental conditions such as weather and time of day, and other domain constraints.

(4) Bicycle. Every vehicle propelled solely by human power, 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 a scooter or similar device.

(5) Bicycle lane. Any portion of a roadway or highway which is designated by pavement markings and signs for preferential or exclusive use by bicycles.

- (6) Bicycle path.** Any road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.
- (7) Brake horsepower.** The actual unit of torque developed per unit of time at the output shaft of an engine, as measured by a dynamometer.
- (8) Bus.** Any motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
- (9) Business district.** The territory contiguous to, and including, a highway when 50 percent or more of the frontage thereon, for a distance of 300 feet or more, is occupied by buildings in use for business.
- (10) Cancellation.** Declaration of a license issued through error or fraud as void and terminated. A new license may be obtained only as permitted in this chapter.
- (11) Chief administrative officer.** The head, or his or her designee, of any law enforcement agency which is authorized to enforce traffic laws.
- (12) Child.** A child as defined in [s. 39.01](#), [s. 984.03](#), or [s. 985.03](#).
- (13) Commercial megacycle.** A vehicle that has fully operational pedals for propulsion entirely by human power and meets all of the following requirements:
- (a) Has four wheels and is operated in a manner similar to a bicycle.
 - (b) Has at least 5 but no more than 15 seats for passengers.
 - (c) Is primarily powered by pedaling but may have an auxiliary motor capable of propelling the vehicle at no more than 15 miles per hour.
- (14) Commercial motor vehicle.** Any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle:
- (a) Has a gross vehicle weight rating of 10,000 pounds or more;
 - (b) Is designed to transport more than 15 passengers, including the driver; or
 - (c) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).
- A vehicle that occasionally transports personal property to and from a closed-course motorsport facility, as defined in [s. 549.09\(1\)\(a\)](#), is not a commercial motor vehicle if it is not used for profit and corporate sponsorship is not involved. As used in this subsection, the term "corporate sponsorship" means a payment, donation, gratuity, in-kind service, or other benefit provided to or derived by a person in relation to the underlying activity, other than the display of product or corporate names, logos, or other graphic information on the property being transported.
- (15) Court.** The court having jurisdiction over traffic offenses.
- (16) Covered farm vehicle.** A straight truck, or an articulated vehicle, which is all of the following:
- (a) Registered in a state with a license plate, or any other designation issued by that state, which allows law enforcement officers to identify it as a farm vehicle.
 - (b) Operated by the owner or operator of a farm or ranch or by an employee or a family member of an owner or operator of a farm or ranch in accordance with [s. 316.302\(3\)](#).
 - (c) Used to transport agricultural commodities, livestock, machinery, or supplies to or from a farm or ranch.
 - (d) Not used in for-hire motor carrier operations; however, for-hire motor carrier operations do not include the operation of a vehicle meeting the requirements of paragraphs (a)-(c) by a tenant

pursuant to a crop-share farm lease agreement to transport the landlord's portion of the crops under that agreement.

(17) Crosswalk.

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(18) Daytime. The period from a half hour before sunrise to a half hour after sunset. The term "nighttime" means at any other hour.

(19) Department. The Department of Highway Safety and Motor Vehicles as defined in [s. 20.24](#). Any reference herein to the Department of Transportation shall be construed as referring to the Department of Transportation as defined in [s. 20.23](#) or the appropriate division thereof.

(20) Director. The Director of the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles.

(21) Driver. Any person who drives or is in actual physical control of a vehicle on a highway or who is exercising control of a vehicle or steering a vehicle being towed by a motor vehicle.

(22) Driver-assistive truck platooning technology. Vehicle automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle's steering control and systems command in the control of the vehicle's driver in compliance with the National Highway Traffic Safety Administration rules regarding vehicle-to-vehicle communications.

(23) Electric bicycle. A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

(a) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(b) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

(c) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

(24) Electric personal assistive mobility device. Any self-balancing, two-nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of 750 watts (1 horsepower), the maximum speed of which, on a paved level surface when powered solely by such a propulsion system while being ridden by an operator who weighs 170 pounds, is less than 20 miles per hour. Electric personal assistive mobility devices are not vehicles as defined in this section.

(25) Explosive. Any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effect on contiguous objects or of destroying life or limb.

Fla. Stat. § 316.003

(26) Farm labor vehicle. Any vehicle equipped and used for the transportation of nine or more migrant or seasonal farm workers, in addition to the driver, to or from a place of employment or employment-related activities. The term does not include:

- (a) Any vehicle carrying only members of the immediate family of the owner or driver.
- (b) Any vehicle being operated by a common carrier of passengers.
- (c) Any carpool as defined in [s. 450.28\(3\)](#).

(27) Farm tractor. Any motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(28) Flammable liquid. Any liquid which has a flash point of 70 degrees Fahrenheit or less, as determined by a Tagliabue or equivalent closed-cup test device.

(29) Golf cart. A motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.

(30) Gross weight. The weight of a vehicle without load plus the weight of any load thereon.

(31) Hazardous material. Any substance or material which has been determined by the secretary of the United States Department of Transportation to be capable of imposing an unreasonable risk to health, safety, and property. This term includes hazardous waste as defined in [s. 403.703](#).

(32) House trailer.

- (a) A trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or
- (b) A trailer or a semitrailer the chassis and exterior shell of which is designed and constructed for use as a house trailer, as defined in paragraph (a), but which is used instead, permanently or temporarily, for the advertising, sales, display, or promotion of merchandise or services or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(33) Implement of husbandry. Any vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(34) Intersection.

- (a) The area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (b) Where a highway includes two roadways 30 feet or more apart, every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If the intersecting highway also includes two roadways 30 feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection.

(35) Laned highway. A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

(36) Limited access facility. A street or highway especially designed for through traffic and over, from, or to which owners or occupants of abutting land or other persons have no right or easement, or only a limited right or easement, of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be parkways from which trucks, buses, and other commercial vehicles are excluded or may be freeways open to use by all customary forms of street and highway traffic.

(37) Local authorities. All officers and public officials of the several counties and municipalities of this state.

(38) Local hearing officer. The person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under [ss. 316.0083\(1\)\(a\)](#) and [316.1896\(1\)](#), who is authorized to conduct hearings related to a notice of violation issued pursuant to [s. 316.0083](#) or [s. 316.1896](#). The charter county, noncharter county, or municipality may use its currently appointed code enforcement board or special magistrate to serve as the local hearing officer. The department may enter into an interlocal agreement to use the local hearing officer of a county or municipality.

(39) Low-speed autonomous delivery vehicle. A fully autonomous vehicle that meets the definition of a low-speed vehicle in [49 C.F.R. s. 571.3](#) and is not designed for, or capable of, human occupancy.

(40) Maxi-cube vehicle. A specialized combination vehicle consisting of a truck carrying a separable cargo-carrying unit combined with a semitrailer designed so that the separable cargo-carrying unit is to be loaded and unloaded through the semitrailer. The entire combination may not exceed 65 feet in length, and a single component of that combination may not exceed 34 feet in length.

(41) 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.

(42) Migrant or seasonal farm worker. Any person employed in hand labor operations in planting, cultivation, or harvesting agricultural crops.

(43) Mobile carrier. An electrically powered device that:

- (a) Is operated on sidewalks and crosswalks and is intended primarily for transporting property;
- (b) Weighs less than 80 pounds, excluding cargo;
- (c) Has a maximum speed of 12.5 mph; and
- (d) Is equipped with a technology to transport personal property with the active monitoring of a property owner and primarily designed to remain within 25 feet of the property owner.

A mobile carrier is not considered a vehicle or personal delivery device unless expressly defined by law as a vehicle or personal delivery device.

(44) Moped. Any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters. The term does not include an electric bicycle.

(45) Motor carrier transportation contract.

- (a) A contract, agreement, or understanding covering:
 1. The transportation of property for compensation or hire by the motor carrier;
 2. Entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or
 3. A service incidental to activity described in subparagraph 1. or subparagraph 2., including, but not limited to, storage of property.

(b) "Motor carrier transportation contract" does not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

(46) Motor vehicle. Except when used in [s. 316.1001](#), a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped. For purposes of [s. 316.1001](#), "motor vehicle" has the same meaning as provided in [s. 320.01\(1\)\(a\)](#).

(47) Motorcycle. Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground. The term includes an auticycle, but does not include a tractor, a moped, an electric bicycle, or any vehicle in which the operator is enclosed by a cabin unless it meets the requirements set forth by the National Highway Traffic Safety Administration for a motorcycle.

(48) Motorized scooter. Any vehicle or micromobility device that is powered by a motor with or without 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 miles per hour on level ground. The term does not include an electric bicycle.

(49) Nonpublic sector bus. Any bus which is used for the transportation of persons for compensation and which is not owned, leased, operated, or controlled by a municipal, county, or state government or a governmentally owned or managed nonprofit corporation.

(50) Official traffic control devices. All signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

(51) Official traffic control signal. Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(52) On-demand autonomous vehicle network. A passenger transportation network that uses a software application or other digital means to connect passengers to fully autonomous vehicles, exclusively or in addition to other vehicles, for transportation, including for-hire transportation and transportation for compensation.

(53) Operator. Any person who is in actual physical control of a motor vehicle upon the highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(54) Organ transport vehicle. Any dedicated and marked vehicle operated by an organ procurement organization, transplant center, or its contracted service provider to transport organs or surgical teams for organ recovery and transplant. An operator of such vehicle must have completed a 16-hour emergency vehicle operator course.

(55) Owner. A person who holds the legal title of a vehicle. If a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter.

(56) Park or parking. The standing of a vehicle, whether occupied or not occupied, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers as may be permitted by law under this chapter.

(57) Pedestrian. Any person afoot.

(58) Person. Any natural person, firm, copartnership, association, or corporation.

(59) Personal delivery device. An electrically powered device that:

Fla. Stat. § 316.003

- (a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;
- (b) Has a weight that does not exceed the maximum weight established by Department of Transportation rule;
- (c) Has a maximum speed of 10 miles per hour; and
- (d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle. A mobile carrier is not considered a personal delivery device. The Department of Transportation may adopt rules to implement this subsection.

(60) Personal delivery device operator. An entity or its agent that exercises direct physical control over or monitoring of the navigation system and operation of a personal delivery device. For the purposes of this subsection, the term "agent" means a person charged by the entity with the responsibility of navigating and operating the personal delivery device. The term "personal delivery device operator" does not include an entity or person who requests the services of a personal delivery device for the purpose of transporting property or an entity or person who only arranges for and dispatches the requested services of a personal delivery device.

(61) Pneumatic tire. Any tire in which compressed air is designed to support the load.

(62) Pole trailer. Any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(63) Police officer. Any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations, including Florida highway patrol officers, sheriffs, deputy sheriffs, and municipal police officers.

(65) Private road or driveway. Except as otherwise provided in paragraph (90)(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.

(65) Private road or driveway. Except as otherwise provided in paragraph (89)(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.

(66) Radioactive materials. Any materials or combination of materials which emit ionizing radiation spontaneously in which the radioactivity per gram of material, in any form, is greater than 0.002 microcuries.

(67) Railroad. A carrier of persons or property upon cars operated upon stationary rails.

(68) Railroad sign or signal. Any sign, signal, or device erected by authority of a public body or official, or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

(69) Railroad train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except a streetcar. A railroad train is not a motor vehicle for purposes of this chapter.

(70) Residence district. The territory contiguous to, and including, a highway, not comprising a business district, when the property on such highway, for a distance of 300 feet or more, is, in the main, improved with residences or residences and buildings in use for business.

(71) Revocation. Termination of a licensee's privilege to drive a motor vehicle. A new license may be obtained only as permitted by law.

(72) Right-of-way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

(73) Road tractor. Any motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

(74) Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If a highway includes two or more separate roadways, the term "roadway" refers to any such roadway separately, but not to all such roadways collectively.

(75) Saddle mount; full mount. An arrangement whereby the front wheels of one vehicle rest in a secured position upon another vehicle. All of the wheels of the towing vehicle are upon the ground, and only the rear wheels of the towed vehicle rest upon the ground. Such combinations may include one full mount, whereby a smaller transport vehicle is placed completely on the last towed vehicle.

(76) Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or so marked by adequate signs or authorized pavement markings as to be plainly visible at all times while set apart as a safety zone.

(77) Sanitation vehicle. A motor vehicle that bears an emblem that is visible from the roadway and clearly identifies that the vehicle belongs to or is under contract with a person, entity, cooperative, board, commission, district, or unit of local government that provides garbage, trash, refuse, or recycling collection.

(78) School bus. Any motor vehicle that complies with the color and identification requirements of chapter 1006 and is used to transport children to or from public or private school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children. The term "school" includes all preelementary, elementary, secondary, and postsecondary schools.

(79) School bus infraction detection system. A camera system affixed to a school bus with two or more camera sensors or computers that produce a recorded video and two or more film or digital photographic still images for the purpose of documenting a motor vehicle being used or operated in a manner that allegedly violates [s. 316.172\(1\)\(a\)](#) or (b).

(80) Semitrailer. Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

(81) Separated bicycle lane. A bicycle lane that is separated from motor vehicle traffic by a physical barrier.

(82) Sidewalk. That portion of a street between the curblin, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

(83) Special mobile equipment. Any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Fla. Stat. § 316.003

(84) Speed detection system. A portable or fixed automated system used to detect a motor vehicle's speed using radar or LiDAR and to capture a photograph or video of the rear of a motor vehicle that exceeds the speed limit in force at the time of the violation.

(85) Stand or standing. The halting of a vehicle, whether occupied or not occupied, otherwise than temporarily, for the purpose of, and while actually engaged in, receiving or discharging passengers, as may be permitted by law under this chapter.

(86) State road. Any highway designated as a state-maintained road by the Department of Transportation.

(87) Stop. When required, complete cessation from movement.

(88) Stop or stopping. When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not occupied, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal.

(89) Straight truck. Any truck on which the cargo unit and the motive power unit are located on the same frame so as to form a single, rigid unit.

(90) Street or highway.

(a) The entire width between the boundary lines of every way or place of whatever nature when any part thereof is open to the use of the public for purposes of vehicular traffic;

(b) The entire width between the boundary lines of 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, or any limited access road owned or controlled by a special district, whenever, by written agreement entered into under [s. 316.006\(2\)\(b\)](#) or (3)(b), a county or municipality exercises traffic control jurisdiction over said way or place;

(c) Any area, such as a runway, taxiway, ramp, clear zone, or parking lot, within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision, which area is used for vehicular traffic but which is not open for vehicular operation by the general public; or

(d) Any way or place used for vehicular traffic on a controlled access basis within a mobile home park recreation district which has been created under [s. 418.30](#) and the recreational facilities of which district are open to the general public.

(91) Suspension. Temporary withdrawal of a licensee's privilege to drive a motor vehicle.

(92) Swamp buggy. A motorized off-road vehicle that is designed or modified to travel over swampy or varied terrain and that may use large tires or tracks operated from an elevated platform. The term does not include any vehicle defined in chapter 261 or otherwise defined or classified in this chapter.

(93) Tandem axle. Any two axles the centers of which are more than 40 inches but not more than 96 inches apart and are individually attached to or articulated from, or both, a common attachment to the vehicle, including a connecting mechanism designed to equalize the load between axles.

(94) Tandem trailer truck. Any combination of a truck tractor, semitrailer, and trailer coupled together so as to operate as a complete unit.

(95) Tandem trailer truck highway network. A highway network consisting primarily of four or more lanes, including all interstate highways; highways designated by the United States Department of Transportation as elements of the National Network; and any street or highway designated by the Florida Department of Transportation for use by tandem trailer trucks, in accordance with [s. 316.515](#), except roads on which truck traffic was specifically prohibited on January 6, 1983.

(96) Teleoperation system. The hardware and software installed in a motor vehicle which allow a remote human operator to supervise or perform aspects of, or the entirety of, the dynamic driving task. The term "remote human operator" means a natural person who is not physically present in a vehicle equipped with an automated driving system who engages or monitors the vehicle from a remote

Fla. Stat. § 316.003

location. A remote human operator may have the ability to perform aspects of, or the entirety of, the dynamic driving task for the vehicle or cause the vehicle to achieve a minimal risk condition as defined in [s. 319.145\(2\)](#). A remote human operator must be physically present in the United States and be licensed to operate a motor vehicle by a United States jurisdiction.

(97) Terminal. Any location where:

- (a) Freight originates, terminates, or is handled in the transportation process; or
- (b) Commercial motor carriers maintain operating facilities.

(98) Through highway. Any highway or portion thereof on which vehicular traffic is given the right-of-way and at the entrances to which vehicular traffic from intersecting highways is required to yield right-of-way to vehicles on such through highway in obedience to a stop sign or yield sign, or otherwise in obedience to law.

(99) Tire width. The width stated on the surface of the tire by the manufacturer of the tire, if the width stated does not exceed 2 inches more than the width of the tire contacting the surface.

(100) Traffic. Pedestrians, ridden or herded animals, and vehicles, streetcars, and other conveyances singly or together while using any street or highway for purposes of travel.

(101) Traffic infraction detector. A vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Any notification under [s. 316.0083\(1\)\(b\)](#) or traffic citation issued by the use of a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

(102) Traffic signal preemption system. Any system or device with the capability of activating a control mechanism mounted on or near traffic signals which alters a traffic signal's timing cycle.

(103) Trailer. Any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle.

(104) Transportation. The conveyance or movement of goods, materials, livestock, or persons from one location to another on any road, street, or highway open to travel by the public.

(105) Tri-vehicle. An enclosed three-wheeled passenger vehicle that:

- (a) Is designed to operate with three wheels in contact with the ground;
- (b) Has a minimum unladen weight of 900 pounds;
- (c) Has a single, completely enclosed occupant compartment;
- (d) Is produced in a minimum quantity of 300 in any calendar year;
- (e) Is capable of a speed greater than 60 miles per hour on level ground; and
- (f) Is equipped with:
 1. Seats that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 207, "Seating systems" ([49 C.F.R. s. 571.207](#));
 2. A steering wheel used to maneuver the vehicle;
 3. A propulsion unit located forward or aft of the enclosed occupant compartment;
 4. A seat belt for each vehicle occupant certified to meet the requirements of Federal Motor Vehicle Safety Standard No. 209, "Seat belt assemblies" ([49 C.F.R. s. 571.209](#));
 5. A windshield and an appropriate windshield wiper and washer system that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard

No. 205, "Glazing materials" (49 C.F.R. s. 571.205) and Federal Motor Vehicle Safety Standard No. 104, "Windshield wiping and washing systems" ([49 C.F.R. s. 571.104](#)); and

6. A vehicle structure certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 216, "Rollover crush resistance" ([49 C.F.R. s. 571.216](#)).

(106) Truck. Any motor vehicle designed, used, or maintained primarily for the transportation of property.

(107) Truck tractor. Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(108) Utility service vehicle. A motor vehicle that bears an emblem that is visible from the roadway and clearly identifies that the vehicle belongs to or is under contract with a person, entity, cooperative, board, commission, district, or unit of local government that provides electric, natural gas, water, wastewater, cable, telephone, or communications services.

(109) Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks.

(110) Victim services programs. Any community-based organization the primary purpose of which is to act as an advocate for the victims and survivors of traffic crashes and for their families. The victims services offered by these programs may include grief and crisis counseling, assistance with preparing victim compensation claims excluding third-party legal action, or connecting persons with other service providers, and providing emergency financial assistance.

(111) Volunteer ambulance service. A faith-based, not-for-profit charitable corporation registered under chapter 617 which is licensed under part III of chapter 401 as a basic life support service or an advanced life support service; which is not a parent, subsidiary, or affiliate of, or related to, any for-profit entity; and which uses only unpaid volunteers to provide basic life support services or advanced life support services free of charge, is not operating for pecuniary profit or financial gain, and does not distribute to or inure to the benefit of its directors, members, or officers any part of its assets or income.

(112) Work zone area. The area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes are closed to traffic.

History

S. 1, ch. 71-135; s. 1, ch. 72-179; s. 1, ch. 74-213; s. 1, ch. 76-286; s. 1, ch. 77-174; s. 1, ch. 80-316; s. 23, ch. 82-186; s. 1, ch. 83-68; s. 1, ch. 83-164; s. 1, ch. 83-188; s. 1, ch. 83-298; s. 1, ch. 84-284; s. 9, ch. 85-309; s. 2, [ch. 87-88](#); s. 5, [ch. 87-161](#); s. 1, [ch. 87-178](#); s. 1, [ch. 87-270](#); s. 3, [ch. 88-91](#); s. 2, [ch. 88-93](#); s. 4, [ch. 88-130](#); s. 63, [ch. 89-282](#); s. 3, [ch. 91-418](#); s. 8, [ch. 94-306](#); s. 893, [ch. 95-148](#); s. 1, [ch. 95-247](#); s. 26, [ch. 98-280](#); s. 2, [ch. 98-308](#); s. 86, [ch. 99-13](#); s. 80, [ch. 99-248](#); s. 5, [ch. 99-385](#); s. 41, [ch. 2000-152](#); ss. 67, 133, [ch. 2002-20](#); s. 955, [ch. 2002-387](#); s. 27, [ch. 2005-164](#); s. 1, [ch. 2005-177](#); s. 1, [ch. 2006-81](#), eff. July 1, 2006; s. 5, [ch. 2006-290](#), eff. Oct. 1, 2006; s. 1, [ch. 2007-210](#), eff. June 20, 2007; s. 62, [ch. 2008-4](#), eff. July 1, 2008; s. 1, [ch. 2008-179](#), eff. July 1, 2008; s. 2, [ch. 2010-80](#), eff. July 1, 2010; s. 1, [ch. 2010-223](#), eff. Sept. 1, 2010; s. 8, [ch. 2010-225](#), eff. July 1, 2010; s. 11, [ch. 2012-88](#), eff. July 1, 2012; s. 2, [ch. 2012-111](#), eff. July 1, 2012; ss. 15, 106, [ch. 2012-174](#), eff. July 1, 2012; s. 2, [ch. 2012-181](#), eff. Jan. 1, 2013; s. 4, [ch. 2013-160](#), eff. July 1, 2013; s. 3, [ch. 2014-216](#), effective July 1, 2014; s. 1, [ch. 2016-115](#), effective July 1, 2016; s. 3, [ch. 2016-181](#), effective July 1, 2016; s. 5, [ch. 2016-239](#), effective July 1, 2016; s. 1, [ch. 2017-150](#), effective July 1, 2017; s. 5, [ch. 2017-167](#), effective July 1, 2017; s. 11, [ch. 2017-3](#), effective July 7, 2017; s. 1, [ch. 2018-130](#), effective July 1, 2018; s. 1, [ch. 2019-101](#), effective July 1, 2019; s. 1, [ch. 2019-109](#), effective June 18, 2019; s. 1, [ch. 2019-69](#), effective July 1, 2019; s. 2, [ch. 2020-69](#), effective July 1, 2020; s. 1, [ch. 2021-90](#), effective July 1, 2021; s. 1, [ch. 2021-180](#), effective July 1, 2021; s. 1, [ch. 2021-233](#),

Fla. Stat. § 316.003

effective July 1, 2021; s. 1, [ch. 2023-174](#), effective July 1, 2023; s. 1, [ch. 2023-171](#), effective July 1, 2023; s. 1, [ch. 2024-34](#), effective July 1, 2024.

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Fla. Stat. § 316.008(7)(a). Powers of local authorities.

Ordinances regulating E-Bikes

[Fla. Stat. § 316.008](#)

*** Current through the 2024 regular session.***

LexisNexis® Florida Annotated Statutes > Title XXIII. Motor Vehicles. (Chs. 316 — 325) > Chapter 316. State Uniform Traffic Control. (§§ 316.001 — 316.87)

§ 316.008. Powers of local authorities.

- (1) The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:
- (a) Regulating or prohibiting stopping, standing, or parking.
 - (b) Regulating traffic by means of police officers or official traffic control devices.
 - (c) Regulating or prohibiting processions or assemblages on the streets or highways, including all state or federal highways lying within their boundaries.
 - (d) Designating particular highways or roadways for use by traffic moving in one direction.
 - (e) Establishing speed limits for vehicles in public parks.
 - (f) Designating any street as a through street or designating any intersection as a stop or yield intersection.
 - (g) Restricting the use of streets.
 - (h) Regulating the operation of bicycles.
 - (i) Regulating or prohibiting the turning of vehicles or specified types of vehicles.
 - (j) Altering or establishing speed limits within the provisions of this chapter.
 - (k) Requiring written crash reports.
 - (l) Designating no-passing zones.
 - (m) Prohibiting or regulating the use of controlled access roadways by any class or kind of traffic.
 - (n) 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.
 - (o) Designating hazardous railroad grade crossings in conformity to criteria promulgated by the Department of Transportation.
 - (p) Designating and regulating traffic on play streets.
 - (q) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except on a crosswalk.
 - (r) Regulating pedestrian crossings at unmarked crosswalks.
 - (s) Regulating persons upon skates, coasters, and other toy vehicles.
 - (t) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions.
 - (u) Enacting ordinances or erecting signs in the rights-of-way to control, regulate, or prohibit hitchhiking on streets or highways, including all state or federal highways lying within their boundaries.

Fla. Stat. § 316.008

- (v) Regulating, restricting, or prohibiting traffic within the boundary of any airport owned by the state, a county, a municipality, or a political subdivision and enforcing violations under the provisions of this chapter and chapter 318.
- (w) Regulating, restricting, or monitoring traffic by security devices or personnel on public streets and highways, whether by public or private parties and providing for the construction and maintenance of such streets and highways.
- (2) The municipality, through its duly authorized officers, shall have nonexclusive jurisdiction over the prosecution, trial, adjudication, and punishment of violations of this chapter when a violation occurs within the municipality and the person so charged is charged by a municipal police officer. The disposition of such matters in the municipality shall be in accordance with the charter of that municipality. This subsection does not limit those counties which have the charter power to provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities from the proper exercise of those powers pertaining to the consolidation and unification of a traffic court system within such counties.
- (3) No local authority shall erect or maintain any official traffic control device at any location so as to regulate the traffic on any state road unless approval in writing has first been obtained from the Department of Transportation.
- (4) A county or municipality may enact an ordinance providing a fine for the violation of [s. 316.1955](#) in excess of the fine specified by [s. 318.18\(6\)](#), except that such a fine may not exceed \$250. Any such ordinance may provide for the deposit of such fines in a separate county or municipal account to be used in the following manner:
- (a) One-third to be used to defray expenses for the administration of this subsection.
 - (b) Two-thirds to be used to provide funds to improve accessibility and equal opportunity to qualified persons who have disabilities in the county or municipality and to provide funds to conduct public awareness programs in the county or municipality concerning persons who have disabilities.
- (5)
- (a) A county or municipality may enact an ordinance providing a fine for the violation of [s. 316.1945\(1\)\(b\)2.](#) or 5. in excess of the fine specified by [s. 318.18\(2\)](#), except that such fine may not exceed the fine specified in [s. 318.18\(2\)](#) by more than \$3. However, such ordinance shall provide that the fines collected pursuant to this subsection in excess of the fines which would be collected pursuant to [s. 318.18\(2\)](#) for such violations shall be used by the county or municipality for the purpose of funding a firefighter education program. The amount of the fines collected pursuant to this subsection in excess of the fines which would be collected pursuant to [s. 318.18\(2\)](#) for such violations shall be reported on a monthly basis by the clerk of the court to the appropriate county or municipality.
 - (b) A county or municipality may enact an ordinance which dedicates a portion of any fine collected for a violation of such ordinance for the purpose of funding a firefighter education program, if such ordinance is limited to the regulation of parking within a firesafety zone.
- (6) A county or municipality may enact an ordinance providing for the establishment of a "combat automobile theft" program, and may charge a fee for the administration of the program and the cost of the decal. Such a program shall include:
- (a) Consent forms for motor vehicle owners who wish to enroll their vehicles.
 - (b) Decals indicating a vehicle's enrollment in the "combat automobile theft" program. The Department of Law Enforcement shall approve the color, design, and other specifications of the program decal.
 - (c) A consent form signed by a motor vehicle owner provides authorization for a law enforcement officer to stop the vehicle when it is being driven between the hours of 1 a.m. and 5 a.m., provided that a decal is conspicuously affixed to the bottom left corner of the back window of the vehicle to provide notice of its enrollment in the "combat automobile theft" program. The owner of the motor vehicle is responsible for removing the decal when terminating participation in the program, or when selling or

otherwise transferring ownership of the vehicle. No civil liabilities will arise from the actions of a law enforcement officer when stopping a vehicle with a yellow decal evidencing enrollment in the program when the driver is not enrolled in the program provided that the stop is made in accordance with the requirements of the "combat automobile theft" program.

(7)

(a) A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, electric bicycles, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

(b)

1. Except as provided in subparagraph 2., a personal delivery device and a mobile carrier may be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law. This paragraph does not restrict a county or municipality from otherwise adopting regulations for the safe operation of personal delivery devices and mobile carriers.

2. A personal delivery device may not be operated on the Florida Shared-Use Nonmotorized Trail Network created under [s. 339.81](#) or components of the Florida Greenways and Trails System created under chapter 260.

(8)

(a) A county or municipality may use traffic infraction detectors to enforce [s. 316.074\(1\)](#) or [s. 316.075\(1\)\(c\)](#)1. when a driver fails to stop at a traffic signal on streets and highways under its jurisdiction under [s. 316.0083](#). Only a municipality may install or authorize the installation of any such detectors within the incorporated area of the municipality. Only a county may install or authorize the installation of any such detectors within the unincorporated area of the county.

(b) Pursuant to paragraph (a), a municipality may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the incorporated area of the municipality, and a county may install or, by contract or interlocal agreement, authorize the installation of any such detectors only within the unincorporated area of the county. A county may authorize installation of any such detectors by interlocal agreement on roads under its jurisdiction.

(c) Pursuant to [s. 316.0083](#), a county or municipality may use traffic infraction detectors to enforce [s. 316.074\(1\)](#) or [s. 316.075\(1\)\(c\)](#)1. when a driver fails to stop at a traffic signal on state roads under the original jurisdiction of the Department of Transportation when permitted by the Department of Transportation.

(9)

(a) A county or municipality may enforce the applicable speed limit on a roadway properly maintained as a school zone pursuant to [s. 316.1895](#):

1. Within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program;
2. Within 30 minutes before through 30 minutes after the start of a regularly scheduled school session;
3. During the entirety of a regularly scheduled school session; and
4. Within 30 minutes before through 30 minutes after the end of a regularly scheduled school session

through the use of a speed detection system for the detection of speed and capturing of photographs or videos for violations in excess of 10 miles per hour over the speed limit in force at

the time of the violation. A school zone's compliance with [s. 316.1895](#) creates a rebuttable presumption that the school zone is properly maintained.

(b) A county or municipality may place or install, or contract with a vendor to place or install, a speed detection system within a roadway maintained as a school zone as provided in [s. 316.1895](#) to enforce unlawful speed violations, as specified in [s. 316.1895\(10\)](#) or [s. 316.183](#), on that roadway.

(c) A county or municipality must enact an ordinance in order to authorize the placement or installation of a speed detection system on a roadway maintained as a school zone as authorized by this subsection. As part of the public hearing on such proposed ordinance, the county or municipality must consider traffic data or other evidence supporting the installation and operation of each proposed school zone speed detection system, and the county or municipality must determine that the school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures pursuant to this subsection.

History

S. 1, ch. 71-135; s. 3, ch. 71-982; s. 1, ch. 76-72; s. 2, ch. 83-164; s. 1, ch. 84-234; s. 1, ch. 85-227; s. 1, ch. 85-325; s. 3, ch. 86-154; s. 1, [ch. 89-34](#); s. 25, [ch. 90-330](#); s. 1, [ch. 93-30](#); s. 33, [ch. 94-306](#); s. 1, [ch. 96-200](#); s. 4, [ch. 96-350](#); s. 81, [ch. 99-248](#); s. 4, [ch. 2010-80](#), eff. July 1, 2010; s. 1, [ch. 2010-163](#), eff. July 1, 2010; s. 44, [ch. 2010-223](#), eff. Sept. 1, 2010; s. 16, [ch. 2011-4](#), eff. July 6, 2011; s. 2, [ch. 2017-150](#), effective July 1, 2017; s. 2, [ch. 2018-130](#), effective July 1, 2018; s. 3, [ch. 2020-69](#), effective July 1, 2020; s. 2, [ch. 2023-174](#), effective July 1, 2023.

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