



## **AGENDA ITEM COVER PAGE**

**File ID: #4465**

**Ordinance**

**Second Reading**

**Sponsored by: Francis Suarez, Mayor, Ken Russell, Vice Chair**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), ENTITLED "BICYCLES, SKATEBOARDS, SCOOTERS, AND OTHER SIMILAR DEVICES," TO INCLUDE SECTIONS 8-1 TO SECTION 8-7 IN A NEWLY RENUMBERED ARTICLE I, ENTITLED "GENERALLY," MORE PARTICULARLY BY AMENDING SECTION 8-5, ENTITLED "PARENTS AND GUARDIANS NOT TO PERMIT VIOLATIONS OF CHAPTER," TO ADD A SAFE DRIVING REQUIREMENT, ESTABLISHING A NEW ARTICLE II, ENTITLED "MOTORIZED SCOOTERS," ESTABLISHING A SIX (6) MONTH PILOT PROGRAM FOR MOTORIZED SCOOTERS WITHIN COMMISSION DISTRICT 2; PROVIDING RULES AND REGULATIONS FOR THE OPERATION OF MOTORIZED SCOOTER SHARING SYSTEMS WITHIN THE CITY OF MIAMI ("CITY"), SPECIFICALLY PROVIDING FOR APPLICABILITY, POLICY STATEMENT, DEFINITIONS, PURPOSE, SCOPE, PROCEDURES, MINIMUM FLEET SIZE, ADJUSTMENTS OF FLEET SIZE, OPERATING REGULATIONS, PARKING, OPERATIONS DATA SHARING, INFRASTRUCTURE FUNDING, AND MINIMUM LICENSE REQUIREMENTS (INCLUDING A NON-REFUNDABLE LICENSING FEE, A MOTORIZED SCOOTER FEE, INDEMNIFICATION, INSURANCE AND BONDING), CODE ENFORCEMENT, REMOVAL OF SCOOTERS, AND OTHER REMEDIES, RESPECTIVELY; PROVIDING FOR COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS; PROVIDING FOR A REGULATORY FEE ; PROVIDING FOR A RESERVATION OF RIGHTS TO ISSUE A REQUEST FOR PROPOSALS (RFP) OR SIMILAR DOCUMENT; PROVIDING FOR A RESERVATION OF RIGHTS TO ESTABLISH NO SCOOTERS ZONE(S); PROVIDING A SUNSET PROVISION OF APRIL 30, 2019; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.



**City of Miami**  
**Legislation**  
**Ordinance**

**File Number: 4465**

**Final Action Date:**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), ENTITLED "BICYCLES, SKATEBOARDS, SCOOTERS, AND OTHER SIMILAR DEVICES," TO INCLUDE SECTIONS 8-1 TO SECTION 8-7 IN A NEWLY RENUMBERED ARTICLE I, ENTITLED "GENERALLY," MORE PARTICULARLY BY AMENDING SECTION 8-5, ENTITLED "PARENTS AND GUARDIANS NOT TO PERMIT VIOLATIONS OF CHAPTER," TO ADD A SAFE DRIVING REQUIREMENT, ESTABLISHING A NEW ARTICLE II, ENTITLED "MOTORIZED SCOOTERS," ESTABLISHING A SIX (6) MONTH PILOT PROGRAM FOR MOTORIZED SCOOTERS WITHIN COMMISSION DISTRICT 2; PROVIDING RULES AND REGULATIONS FOR THE OPERATION OF MOTORIZED SCOOTER SHARING SYSTEMS WITHIN THE CITY OF MIAMI ("CITY"), SPECIFICALLY PROVIDING FOR APPLICABILITY, POLICY STATEMENT, DEFINITIONS, PURPOSE, SCOPE, PROCEDURES, MINIMUM FLEET SIZE, ADJUSTMENTS OF FLEET SIZE, OPERATING REGULATIONS, PARKING, OPERATIONS DATA SHARING, INFRASTRUCTURE FUNDING, AND MINIMUM LICENSE REQUIREMENTS (INCLUDING A NON-REFUNDABLE LICENSING FEE, A MOTORIZED SCOOTER FEE, INDEMNIFICATION, INSURANCE AND BONDING), CODE ENFORCEMENT, REMOVAL OF SCOOTERS, AND OTHER REMEDIES, RESPECTIVELY; PROVIDING FOR COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS; PROVIDING FOR A REGULATORY FEE ; PROVIDING FOR A RESERVATION OF RIGHTS TO ISSUE A REQUEST FOR PROPOSALS (RFP)OR SIMILAR DOCUMENT; PROVIDING FOR A RESERVATION OF RIGHTS TO ESTABLISH NO SCOOTERS ZONE(S); PROVIDING A SUNSET PROVISION OF APRIL 30, 2019; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there have been a profusion of motorized scooters operating without any true regulations, permits or approvals in the City of Miami ("City"); and

WHEREAS, the regulated and permitted operation of motorized scooters is recognized as an alternative and efficient means of personal transportation; and

WHEREAS, it is in the City's best interest to regulate such operations of motorized scooters in a uniform and reasonable manner protect and enhance the quality of life for city's residents and the public health, safety, and general welfare; and

WHEREAS, Section 316.008, Florida Statutes, entitled "Powers of local authorities" provides that a county or municipality may enact an ordinance to permit, control or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices with certain limitations; and

WHEREAS, pursuant to Section 316.2128, Florida Statutes, the operation of motorized scooters **may not be operated on sidewalks** unless authorized by an ordinance enacted pursuant to Sections 316.008(7)(a) or 316.212(8); and

WHEREAS, the City Commission may create legislative pilot programs within the City for a limited period of time not to exceed one (1) year, this pilot program will be a six (6) month period, which may be reinstated for one (1) additional year; and

WHEREAS this pilot program is limited to the area of the City identified and known as City Commission District 2;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Chapter 8 of the Code of the City of Miami, Florida, as amended ("City Code"), is further amended in the following particulars:<sup>1</sup>

"CHAPTER 8

BICYCLES, SKATEBOARDS, SCOOTERS AND OTHER SIMILAR DEVICES

ARTICLE I – GENERALLY

\* \* \* \*

Sec. 8-5. - Parents and guardians not to permit violations of chapter; safe driving.

No parent of any minor child and no guardian of any minor ward shall authorize or knowingly permit any such minor child or ward to violate any of the provisions of this chapter.

All Operators of Motorized Scooters as referenced in this Chapter shall abide by applicable laws, ordinances, and regulations governing their operation. Motorized Scooters will be operated in a safe and prudent manner and shall be operated defensively to avoid bicyclists, pedestrians, and any items, such as bus benches or trash receptacles, in the Sidewalk Furniture Zone.

\* \* \* \*

ARTICLE II - MOTORIZED SCOOTERS

Sec. 8-8. Applicability, Policy Statement and Purpose.

This Article is supplemental to the general laws of the State of Florida, including Chapter 316, Florida Statutes, entitled "State Uniform Traffic Control." All definitions from Section 316.003, Florida Statutes, are incorporated herein by reference, including the definition of "Motorized Scooter." This Article shall apply to any and all Motorized Scooters and Motorized Scooter Services operating within the corporate limits of the City of Miami ("City"), as permitted. This Article is intended to govern the operation of Motorized Scooters and Motorized Scooter Services within the City to ensure that they are consistent with the safety and well-being of all bicyclists, pedestrians, and other users of the public rights-of-way. This Article shall not apply to any sidewalk/sidewalk area funded by the Federal Government except as expressly allowed by United States Department of Transportation Secretary or as expressly allowed by 23 United States Code Section 217(h). The Pilot Program under this Article shall apply to the area of the

<sup>1</sup> Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

City within City Commission District 2. Motorized Scooters are not authorized by the Pilot Program under this Article in any area of the City other than City Commission District 2.

Sec. 8-9. Definitions.

As used in this Article the following definitions apply:

Application Programming Interface Key. The term “Application Programming Interface Key” (“API Key”) shall mean a code passed in by computer programs calling an application programming interface (“API”) to identify the calling program, its developer, or its user to the web site.

Bike Lane. The term “Bike Lane” shall mean a part of the road which is intended to be used in part by people riding bicycles.

Bike Path. The Term “Bike Path” shall mean a bikeway separated from motorized traffic and dedicated to cycling or shared with pedestrians or other users.

License. The term “License” shall mean the document by which a privilege is granted by the City to authorize a person to operate a Motorized Scooter Service within its corporate limits. Any License issued in accordance with this Article shall be nonexclusive.

Motorized Scooter(s). The term “Motorized Scooter(s)” shall have the meaning ascribed to it in Section 316.003, Florida Statutes, as amended. Motorized Scooter(s) 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 fifteen (15) miles per hour without the application of human power on a level surface.

Motorized Scooter Service. The term “Motorized Scooter Service” shall mean a system in which Motorized Scooters are made available for shared use to individuals on a short-term basis for a price or fee.

Operator. The term “Operator” shall mean an individual or company that has been issued a License pursuant to this Article and/or pursuant to any appropriate procurement process, if approved by the City Commission, as may be later determined by the City Commission to be applicable, as outlined in Chapter 18 of this Code.

Rebalance. The term “Rebalance” shall mean moving Motorized Scooters from an area of low demand to an area of high demand.

Sidewalk. The term “Sidewalk” means that portion of the public right-of-way between the back of curb lines or the lateral lines of a non-driving lane separated by curb and the adjacent property lines, where a three-foot minimum clearance is available to pedestrians and intended for public use. There may also be a median strip or road verge (a strip of vegetation, grass or bushes or trees or a combination of these) either between the sidewalk and the roadway or between the sidewalk and the adjacent property line (also described as Right of Way line or Building Baseline).

Sidewalk Area. The term “Sidewalk Area” includes Bike Lanes and Bike Path, as well as the sidewalk width perpendicular to the road times the sidewalk length along and parallel to the road.

Transit Facility. The term “Transit Facility” means a facility providing accommodations by public, private, or nonprofit entities for the conveyance of persons from one place to another by means of a transportation system, including but not limited to: bus terminal, railroad station, freight terminal, airport, helistop or seaport.

Sec. 8-10. Rules and Regulations.

a. The City Manager, or his or her designee, may administratively issue, promulgate and establish additional rules and regulations, consistent with this Article and applicable state and federal laws, as determined to affect the policy of this Article. All additional rules and regulations shall be made available on the City's website.

b. Pilot Program: The City hereby establishes a six (6) month pilot program (the "Pilot Term") for the operation of temporary Pilot Program Licenses within the boundaries of Commission District 2.

1. Operators shall have a maximum initial fleet of one hundred (100) Motorized Scooters. Each Operator will deploy no more than fifty (50) Motorized Scooters during the first two weeks of the Pilot Program.
2. The City shall allow Operators to increase their fleet size on a monthly basis by a maximum of 25 percent (25%) if Operator's usage data demonstrates that their fleet provides on average more than three (3) rides per Motorized Scooter per day. The increase in vehicles on the street shall not exceed the amount required to keep usage rates at or above three (3) rides per Motorized Scooter per day. The City may also require Operators to reduce their fleet size on a monthly basis by 25 percent (25%) if Operator's usage data demonstrates that their fleet provides on average less than two (2) rides per Motorized Scooter per day.
3. Notwithstanding Subsection (2), the City retains the right to require Operators to reduce their fleet size or cease operations in the event that Operators repeatedly fail to timely rebalance or remove vehicles blocking the right of way or provide timely responses to complaints received by the City.
4. During the duration of the Pilot Program, Operators shall designate two (2) Fleet Coordinators who will be responsible for fielding complaints, addressing technical difficulties, coordinating the rebalancing and removal of scooters parked illegally, and providing public education.
5. On or before the expiration of this Pilot Program, the City Manager or his designee shall report to the City Commission on the status of the Pilot Program. Following the City Manager's report, the City Commission will consider the City's options relative to the Pilot Program including: discontinuing, reinstating, or expanding the Pilot Program, authorizing the City Manager to issue a competitive solicitation for a more permanent Motorized Scooter License program, or such other measures as determined to be in the City's best interests .

Sec. 8-11. Application for Pilot Program License

- a. A person may not operate, or cause or permit the operation of, a Motorized Scooter Service for the duration of the Pilot Program without first having obtained a valid Pilot Program License issued under this Article.
- b. A person desiring to obtain a License shall make a written application in a form prescribed by the City Manager, or his or her designee, with the applicant being the person who will own, control, or operate the proposed Motorized Scooter Service.
- c. An applicant shall file with the City a verified application statement that, at a minimum, contains the following:

- i. The address of the applicant's operations center within the City, and the address of the applicant's corporate headquarters, if different from the address of the operations center;
  - ii. A witnessed signature of the applicant;
  - iii. Documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the insurance required by the Article;
  - iv. Documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the payment and performance bond or irrevocable letter of credit required by this Article;
  - v. Documentary evidence indicating that the applicant has applied for and received a current Certificate of Use, Business Tax Receipt, Occupational License, and similar permits and approvals, as applicable;
  - vi. An agreement to indemnify the City, in a form acceptable to the City ;
  - vii. The name of the person designated to receive any and all notices sent by the City to the Operator, including their mailing address, telephone number, and e-mail address;  
and
  - viii. The name of the person designated to Rebalance, remove, and/or relocate Motorized Scooter(s), including their mailing address, telephone number, and e-mail address.
- d. The application shall be accompanied by a non-refundable licensing fee of \$50,000, which shall be used to offset any costs to the City and/or the Department of Off-Street Parking, also referred to as the Miami Parking Authority ("MPA") related to enforcement of this Section. Any excess licensing fees shall be designated for sidewalk and/or street improvements within the Pilot Program Area.
- e. A Pilot Program License shall expire six (6) months from the date it is issued.
- f. In the event that the Pilot Program is reinstated by vote of the City Commission, Pilot Program License(s) may be renewed following the same process set forth in this Section.
- g. The City Manager, or his or her designee, reserves the right to cancel any License, if there is a violation of the Article, violations involving public health, safety or general welfare, failure to maintain the required insurance or bonding or otherwise comply with this Article, or for other good and sufficient cause as determined by the City Manager in his or her sole discretion.

Sec. 8-12. Motorized Scooter Fee.

In addition to the non-refundable licensing fee set forth in Section 8-11, Operators shall remit to the City a Motorized Scooter Fee in an amount equivalent to one dollar (\$1.00) per Motorized Scooter per day. The Motorized Scooter Fee shall be calculated monthly based on usage data. During the duration of the Pilot Program, this Motorized Scooter Fee shall be designated for sidewalk and/or street improvements within Pilot Program Area.

Sec. 8-13. Motorized Scooter Parking.

- a. Motorized Scooters must be parked on a Sidewalk or other hard surface, beside a bicycle rack, or at a city-owned location. Motorized Scooters may only be parked on private property with the permission of the property owner.
- b. Motorized Scooters may not be parked at bicycle docking stations located on City and/or MPA property with an existing franchise agreement .

- c. Motorized Scooters must be upright while parked.
- d. Motorized Scooters may not be parked in a manner that would impede normal and reasonable pedestrian access on a Sidewalk or in any manner that would reduce the minimum clear width of a Sidewalk to less than 3 feet.
- e. Motorized Scooters may not be parked in a manner that would impede vehicular traffic.
- f. Motorized Scooters may not be parked in a manner that would impose a threat to public safety or security.
- g. Motorized Scooters may not be parked on a block where the Sidewalk is at any point less than 6 feet in width, or on a block that does not have Sidewalks.
- h. Motorized Scooters may not be parked in a visibility triangle as defined in Section 54-1 of this Code, measured in accordance with Section 3.8.4 of Miami 21 Code, the Zoning Ordinance of the City of Miami, Florida, as amended.
- i. Motorized Scooters must be parked in a manner that is compliant with the applicable provisions of the Americans with Disabilities Act of 1990.
- j. Motorized Scooters may not be parked in a way that blocks:
  - i. Fire hydrants call boxes or other emergency facilities;
  - ii. Transit Facilities;
  - iii. Loading spaces or zones;
  - iv. Passenger loading spaces or zones, or valet parking service areas;
  - v. Railroad tracks or crossings;
  - vi. Disabled or prohibited parking zones;
  - vii. Street furniture that requires pedestrian access (for example, benches, parking pay stations, or bicycle/news racks);
  - viii. Window Displays;
  - ix. Building entryways; or
  - x. Vehicular driveways.
- k. Motorized Scooters that are parked in an incorrect manner must be re-parked, removed and/or relocated by an Operator within thirty (30) minutes of receiving notification from the City.
- l. The City or the MPA may identify designated Motorized Scooter parking zones in order to guide riders to preferred parking zones and assist with the orderly parking of Motorized Vehicles throughout the City.

#### Sec. 8-14. Operations

- a. No one under the age of 18 shall operate a Motorized Scooter.
- b. Operators shall comply with all applicable rules, regulations, and laws, including any additional rules and regulations promulgated by the City Manager, or his or her designee.

Persons operating Motorized Scooters shall be subject to all rules, regulations, and laws, including any additional rules and regulations promulgated by the City Manager, or his or her designee, applicable to an Operator, except those which, by their very nature, can have no application. The City Manager may consider the following factors in promulgating the rules: The National Association of City Transportation Officials recommendations inclusive of: cities should require Licensees to come to agreement with the city on procedures and protocols for:

- extreme weather (e.g. blizzards, hurricanes, floods)
- emergencies (e.g. earthquakes, fires, etc.)
- special events (e.g. marathons, events, parades, film shoots, etc.)
- maintenance (e.g. debris and trash removal) for small vehicle parking zones.

Operators shall at all times maintain a staffed operations center within the City;

- c. Operators shall maintain a twenty-four (24) hour customer service phone number prominently posted on each Motorized Scooter for customers and citizens to report safety concerns, make complaints, ask questions, or request that a Motorized Scooter(s) be relocated.
- d. Operators shall provide the City with the contact information for someone who can Rebalance, remove, and/or relocate Motorized Scooter(s). The Operator shall Rebalance, remove, and/or relocate a Motorized Scooter(s) within thirty (30) minutes of receiving notification from the City. An Operator shall notify the City within 24 hours of a change in contact information.
- e. Any Motorized Scooter that is removed due to maintenance or safety issues shall be repaired before being returned to service.
- f. The City and/or MPA may, without prior notice to the Operator, remove any Motorized Scooter(s) that is/are visibly damaged or non-functional, or blocking the public right of way, or located outside the Pilot Program Area, and take it to a MPA or other City facility for storage, at the sole expense of an Operator. The City and/or MPA shall charge a fee of not to exceed \$25.00 per scooter for removal and storage. The City and/or the MPA shall invoice the Operator for the cost of removal and storage. Any Motorized Scooter that remains unclaimed with the City and/or MPA for five (5) days is subject to sale pursuant to the procedures for abandoned or lost property set forth in Section 705.103, Florida Statutes, or by any other method allowed by the laws of the State of Florida or the City.
- g. Motorized Scooters must be well maintained and in good operating condition.
- h. Motorized Scooters must be of a high quality and sturdily built to withstand the effects of weather and constant use for a period of no less than five (5) years.
- i. Motorized Scooters must be rebalanced on a daily basis.
- j. Motorized Scooters shall not display any third-party advertising.
- k. Each Motorized Scooter shall be equipped with active global positioning system (GPS) technology.
- l. Each Motorized Scooter shall display the name of the Operator, (and if it can be accommodated the local business address) along with a unique identification number.
- m. Operators shall educate persons operating Motorized Scooters regarding the rules, regulations and laws applicable to riding, operating, and parking a Motorized Scooter. An Operator's mobile application must provide information notifying a user that:
  - i. Motorized Scooters may be operated on streets or sidewalks in a manner similar to bicycles;
  - ii. Motorized Scooters are to be operated at a person's own risk, and that no representation is being made by the City as to the condition of any Sidewalk or Sidewalk Area;
  - iii. Motorized Scooters shall at all times yield to pedestrians and shall give an audible signal before overtaking and passing such pedestrian;
  - iv. The use of helmets while operating a Motor Scooter is strongly encouraged; and
- n. Operators will implement marketing and targeted community outreach plans, at their own expense, and to the satisfaction of the City, to promote the use of Motorized Scooters, particularly in low-income communities, and provide education regarding the rules, regulations and laws applicable to riding, operating, and parking a Motorized Scooter, as well as safe, prudent, defensive, and courteous operation.
- o. Operators shall work with local businesses or other organizations to promote the use of helmets by persons operating Motorized Scooters through partnerships, promotional credits, and other incentives.
- p. Operators shall not place or attach any fixtures, structures, or personal property, other than a Motorized Scooter, in the public right-of-way without the written permission of the



City Manager or his or her designee. Permission to place any items in the public right-of-way must be incorporated into the License.

- q. If the City incurs a cost in addressing or abating any violation of this Article, or incurs any cost of repair or maintenance of any public property resulting from the use of Motorized Scooters, the Operator shall reimburse the City for the full cost within thirty (30) days of receiving written notification from the City.

Sec. 8-15. Data Sharing

- a. Operators shall cooperate with the City in the collection and analysis of aggregated data concerning its operations.  
Operators shall provide the City with real-time information on all Motorized Scooters operating within its boundaries through a documented API. Operators shall provide the City Manager, or his or her designee, with the procedure and credentials to authenticate to the API.
- b. Operators shall publish to the API (1) the point location, and (2) identification number for each Motorized Scooter. The City shall be permitted to display real-time data provided via the API and may publish real-time Motorized Scooter availability data to the public.
- c. Operators shall publish to the API (1) the point location, and (2) identification number for each Motorized Scooter. The City shall be permitted to display real-time data provided via the API and may publish real-time Motorized Scooter availability data to the public.
- d. Operators shall also provide the following anonymized data for each trip record through the API

<u>Field Name</u>	<u>Format</u>	<u>Description</u>
<u>Company Name</u>	<u>[Company Name]</u>	<u>N/A</u>
<u>Trip Record Number</u>	<u>XXX0001, XXX0002, XXX0003, ...</u>	<u>3-Letter Company Acronym + Consecutive Trip Number</u>
<u>Trip Duration</u>	<u>MM:SS</u>	<u>N/A</u>
<u>Trip Distance</u>	<u>Feet</u>	<u>N/A</u>
<u>Start Date</u>	<u>MM/DD/YYYY</u>	<u>N/A</u>
<u>Start Time</u>	<u>HH:MM:SS (00:00:00 –</u>	<u>N/A</u>
<u>End Date</u>	<u>MM/DD/YYYY</u>	<u>N/A</u>
<u>End Time</u>	<u>HH:MM:SS (00:00:00 –</u>	<u>N/A</u>
<u>Start Location</u>	<u>XY or Lat/Lon Coordinates</u> <u>XY or Lat/Lon Coordinates</u>	<u>N/A</u>
<u>End Location</u>	<u>XY or Lat/Lon Coordinates</u>	<u>N/A</u>
<u>Identification Number</u>	<u>xxxx1, xxxx2, ...</u>	<u>Unique Identification for Every Motorized Scooter</u>

Route: Licensee will create a GeoJSON Feature Collection where every observed point in the route, plus a time stamp, should be included. The route must include at least two (2) points, a start point and end point. Additionally, it must include all possible GPS samples collected by a provider.

Standard Cost: The cost, in cents that it would cost to perform that trip in the standard operation of the System.

Actual Cost: The actual cost in cents paid by the user for the trip.

Sec. 8-16. Insurance Requirements

- a. An Operator shall procure and keep in full force and effect no less than the insurance coverage required by this Section through a policy or policies written by an insurance

- company or companies authorized to do business in Florida, who are rated A- (V) or better per A.M. Best's Key Rating Guide.
- b. The insured provisions of the policy or policies must list the City, the MPA, their officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a Motorized Scooter.
  - c. An Operator shall maintain the following insurance coverages:
    - i. Commercial general liability with limits of \$2,000,000 per occurrence, \$5,000,000 policy aggregate affording coverage for claims resulting from bodily injury (including death) and property damage. The policy shall be written on a primary and noncontributory basis, and should insure against premises and operations, personal injury, and contingent and contractual exposures.
    - ii. Automobile/Motorcycle liability affording coverage on all motor vehicles/scooters used in connection with the operations or activities contemplated under this Article. The Operator should furnish the City with a policy affording coverage on all owned autos and scooters, including coverage for hired and non-owned auto exposures, with a combined single limit for bodily injury (including death) and property damage of \$2,000,000 per accident.
    - iii. Workers Compensation subject to the statutory limits of the State of Florida.
    - iv. The City retains the right to require additional insurance coverage in connection with the activities performed by the Operator under this Article as may be determined by the City Risk Management Director, considering the size of the fleet and other liability insurance related factors.
    - v. Failure to maintain required insurance coverage is cause for immediate cancellation of the License by the City Manager or his or her designee.
  - d. Any insurance policy required by this Section must be on file with the Risk Management Department, in a form acceptable to the City Manager, or his or her designee, prior to the issuance of a License under this Article.
  - e. Insurance required under this Section must include a cancelation provision in which the insurance company is required to notify both the Operator and City Manager, or his or her designee, in writing not fewer than thirty (30) days before cancelling any insurance policy or before making a reduction in coverage. An Operator, upon receiving said notice, shall file with the Risk Management Department, in a form acceptable to the City Manager, or his or her designee, any and all replacement insurance policies prior to the cancelation or reduction of the same.
  - f. An Operator may not be self-insured.

Sec. 8-17. Performance Bond or Irrevocable Letter of Credit.

- a. An Operator shall submit to the Risk Management Department a payment and performance bond, in a format as prescribed in Section 255.05, Florida Statutes, and in a form acceptable to the City Manager, or his or her designee, prior to the issuance of a License under this Article.
- b. Alternatively, an Operator may post an irrevocable letter of credit issued by a bank authorized to transact business in Florida.
- c. The payment and performance bond or irrevocable letter of credit shall be in the sum of \$50,000.00, and must list the Operator as principal and be payable to the City.
- d. The payment and performance bond or irrevocable letter of credit must remain in effect for the duration of the License.

e. Cancellation of the payment and performance bond or irrevocable letter of credit does not release the Operator from the obligation to meet all requirements of this Article and License. If the payment and performance bond or irrevocable letter of credit is cancelled, the License shall be suspended on the date of cancelation and the Operator shall immediately cease operations until the Operator provides the City Manager, or his or her designee, with a payment and performance bond or irrevocable letter of credit that meets the requirements of this Section.

Sec. 8-18. Indemnification.

Operators shall indemnify, defend, and hold harmless the City, the MPA, jointly and severally, and their respective officers, employees, agents and instrumentalities from any and all liability, losses or damages, including any and all attorneys' fees and costs of defense, which the City and its officers, employees, agents and instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature including, but not limited to, personal injury or wrongful death, property loss or damage, the conditions and features on all Sidewalks and Sidewalk Areas, or other areas within the City on which a Motorized Scooter is operated, to the extent arising out of or in any way connected with the operation of the Motorized Scooter Service or use of a Motorized Scooter. Operators shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the City, where applicable, including administrative, trial, and appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon. Operators shall expressly understand and agree that any insurance protection required by this Article, or otherwise provided or secured by an Operator, shall in no way limit the responsibility to indemnify, defend and hold harmless the City, the MPA, or their officers, employees, agents and instrumentalities as required by this Section. The obligation to indemnify, defend, and hold harmless will survive the revocation, cancellation, or expiration of a License. The Operators will acknowledge on the License Application Form, which will include this Indemnification in substantially the language provided by this Section, that the granting of the License is, in part, conditioned on the granting of this Indemnification which is knowingly and voluntarily given by the Operators.

Sec. 8-19. The Motorized Scooter Pilot program will automatically terminate on April 30, 2019 or six (6) months from the effective date this Ordinance, whichever occurs last.

\* \* \* \*

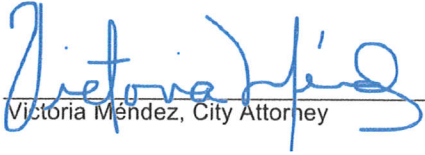
Section 3. If any section, part of a section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof.<sup>2</sup>

---

<sup>2</sup> This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.

APPROVED AS TO FORM AND CORRECTNESS:

A handwritten signature in blue ink, appearing to read "Victoria Méndez". The signature is written in a cursive style with a large initial "V".

Victoria Méndez, City Attorney

10/1/2018