

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, OPPOSING FLORIDA SENATE BILL 542 AND FLORIDA HOUSE BILL 453, WHICH WILL PREEMPT THE REGULATION OF MICROMOBILITY DEVICES AND FOR-HIRE MOTORIZED SCOOTERS TO THE STATE AND FEDERAL GOVERNMENTS AND WILL PROHIBIT THE LOCAL REGULATION OF SUCH DEVICES AND SCOOTERS THAT ARE MORE RESTRICTIVE THAN THE LOCAL REGULATION OF BICYCLES.

WHEREAS, Senate Bill 542 ("SB 542") and House Bill 453 ("HB 453") have been filed for consideration during the Florida Legislature's 2019 session by Senator Jeff Brandes (R – St. Petersburg) and Representative Jackie Toledo (R – Tampa), respectively; and

WHEREAS, SB 542 and HB 453, as filed, would preempt the regulation of micromobility devices and for-hire motorized scooters to the state and federal governments and would prohibit a local government from regulating such devices and scooters in a manner that is more restrictive than its regulation of bicycles; and

WHEREAS, SB 542 and HB 453 would grant the operators of micromobility devices or motorized scooters all of the rights and duties applicable to the rider of a bicycle under Section 316.2065 of the Florida Statutes, subject to exceptions that do not apply to motorized scooters by nature, thus, preempting local governments from requiring safety helmets to be worn by operators who are sixteen (16) years of age and older; and

WHEREAS, SB 542 and HB 453 would preempt local governments from requiring operators of micromobility devices or motorized scooters to have a valid driver license; and

WHEREAS, SB 542 and HB 453 would allow micromobility devices and for-hire motorized scooters to be operated and parked on sidewalks, endangering both pedestrians and those operating these devices and scooters; and

WHEREAS, in addition, SB 542 and HB 453 would require local governments to grant operating licenses to persons offering microbidity devices or for-hire motorized scooters as long as the applicants for licensure provide proof of (1) commercial general liability insurance coverage with a limit of at least \$1 million per occurrence and with a \$5 million aggregate limit and (2) workers' compensation coverage that meets the minimum requirements under Chapter 440 and the Florida Insurance Code; and

WHEREAS, cities across the country have seen a dramatic rise in the popularity of micromobility devices and for-hire motorized scooters because they provide an affordable and quick alternative to public transportation; and

WHEREAS, despite their popularity and cost benefits, microbidity devices and for-hire motorized scooters can pose hazards to pedestrians and operators of other motorized devices; and

WHEREAS, according to for-hire scooter share companies, users are supposed to ride scooters in bike lanes and park them near bike racks but in practice, riders often zoom along

sidewalks and roadways and park their scooters where they block pedestrian traffic, endangering and frustrating other residents; and

WHEREAS, if SB 542, HB 453, or any similar legislation is enacted, local governments may lose the ability to safeguard pedestrians, drivers, cyclists, and the users of micromobility devices and for-hire motorized scooters; and

WHEREAS, accordingly, the Mayor and the City Commission wish to express their strong opposition to Senate Bill 542 and House Bill 453, and to any similar legislation, and urge the Florida Legislature to make the defeat of such laws a legislative priority for the 2019 Florida legislative session.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby oppose Florida Senate Bill 542 and Florida House Bill 453, which will preempt the regulation of microbility devices and for-hire motorized scooters to the state and federal governments and will prohibit the local regulation of such devices and scooters that are more restrictive than the local regulation of bicycles.

PASSED and **ADOPTED** this ____ day of February, 2019.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Vice-Mayor Michael Góngora)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

Cor 2/8/19
Date