

# Things That Move: Micromobility Devices, Golf Carts and the State of the Law

JUSTIN E. CARON

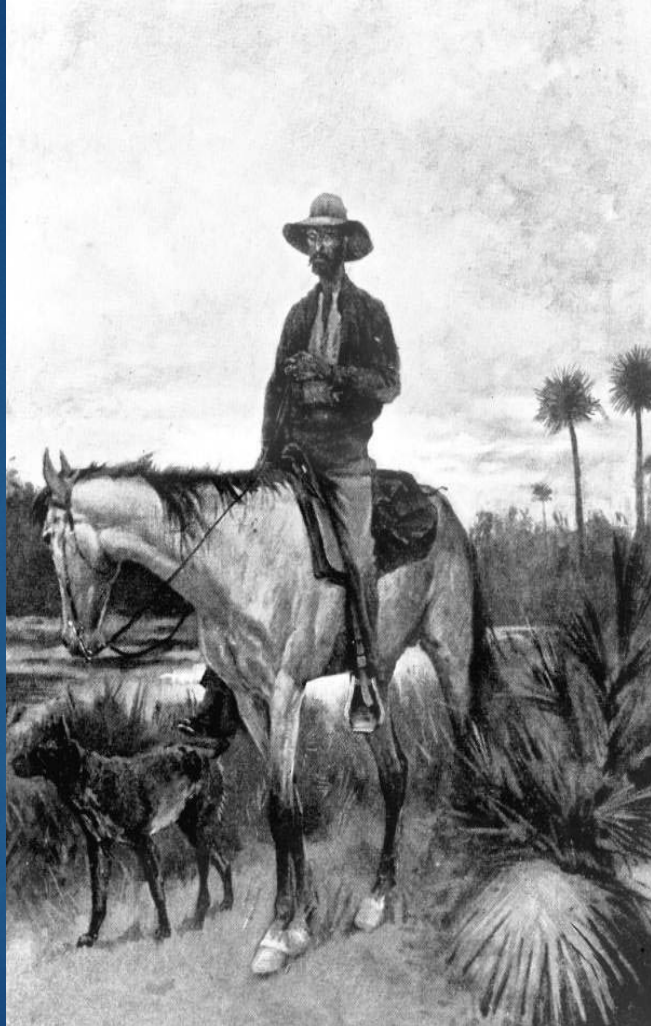
OSCEOLA COUNTY



This presentation will focus on the growing area of micromobility devices including rental scooters and golf carts in urban areas.

Discussion will focus on the current state and local regulations of these devices, how different communities are addressing usage and where the State of the Law appears to be headed.

# How Do We Get There?



Smithsonian



Leesburg, Fla. Steamer Alligator in the Canal.

# Florida Then



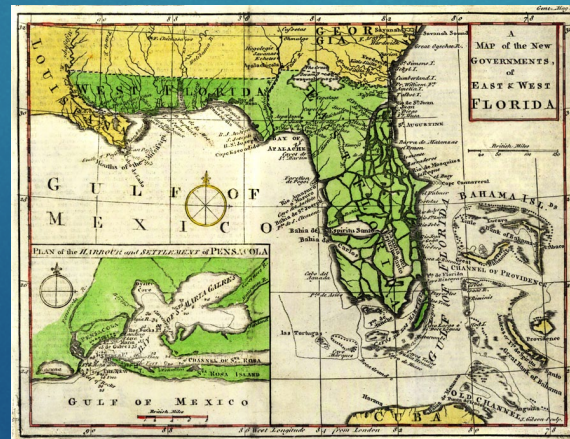
*The new Expressway leading through Downtown Orlando, Florida*

City Data



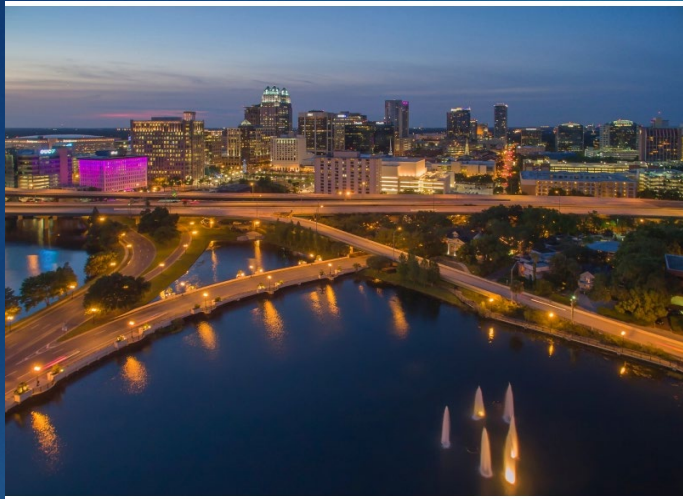
RIVERSIDE DRIVE ROCKLEDGE FL 121

Florida Backroads Travel



USF

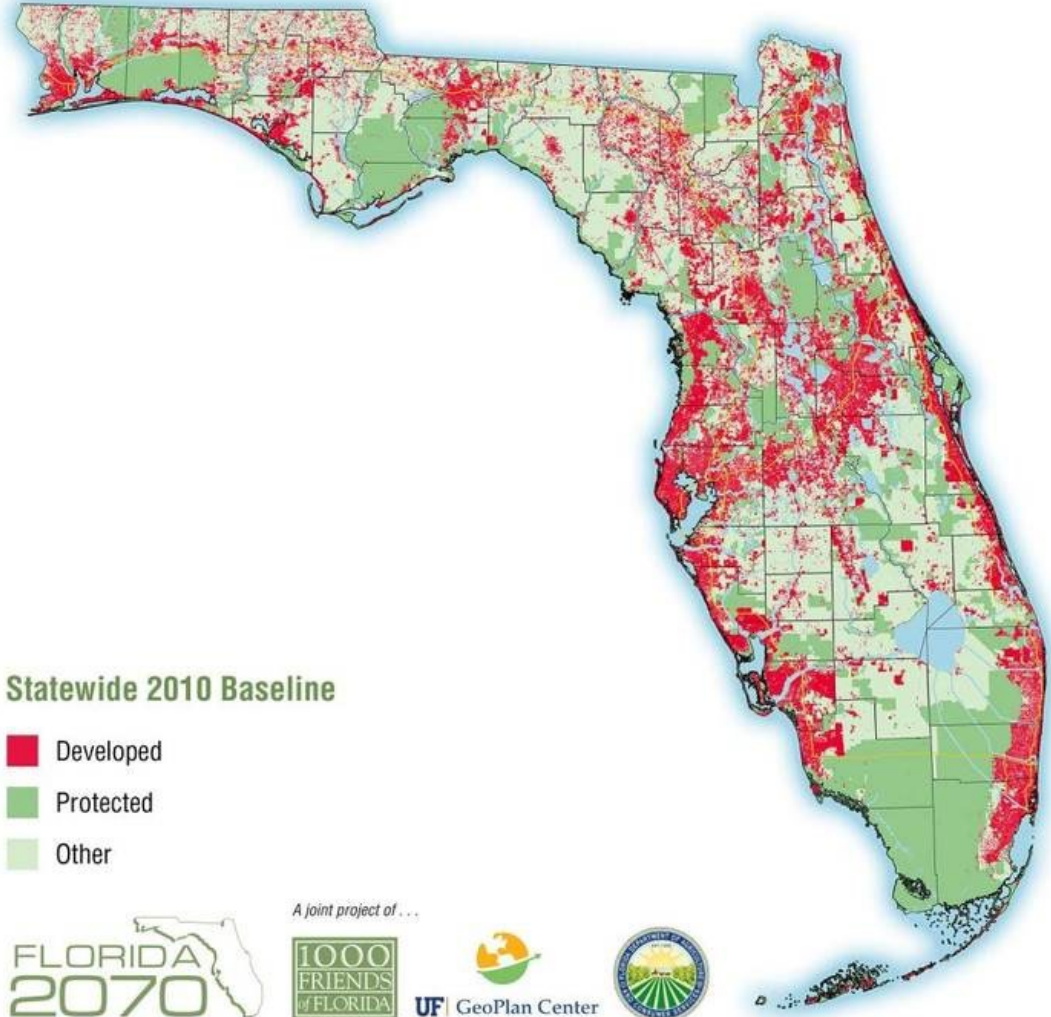
# Florida Now



Visit Orlando



USF



# Golf Carts

Viera, Florida

The Villages



Florida Today



Village News

# What is a golf cart?

- ▶ Golf Carts were first invented in the 1930's but started gaining popularity in the 1950's.
- ▶ In the 1970's golf carts used off the golf course in small communities or islands where car travel was ineffective .
- ▶ Florida Statutes Chapter 320

A motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.

# What is a Low Speed Vehicle

Florida Statutes Chapter 320  
Any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles.

Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122.

Florida Department of Highway Safety and Motor Vehicles

## Guide to Owning LOW SPEED VEHICLES

A low speed vehicle (LSV) is a vehicle with a top speed greater than 20 MPH, but not greater than 25 MPH. **LSVs must be registered, titled and insured** with personal injury protection (PIP) and property damage liability (PDL) insurance. **Any person operating an LSV must have a valid driver license. LSVs may only be operated on streets where the posted speed limit is 35 MPH or less.**

**LSVs must be equipped with the following safety equipment:**





# Seeing more “golf carts” on your commute?


- ▶ Two types of vehicles and two sets of rules


Golf Carts and Low Speed Vehicles – both defined by Chapter 320, Florida Statutes. Golf cart specifics can be found in area of F.S. 316.212.

Golf Carts	Low Speed Vehicles
Defined as not being able to exceed 20 mph	Defined as being able to go between 20 and 25 mph
Age requirement – 14 and older	Must have a valid license to drive
Not required to be titled, registered or have an insured driver	Must be registered, titled and insured
Can only operate on roadways that are designated by local government on roads that are 30 mph or less	Can operate on roadways marked 35 mph or less and no government designation needed

# How can a County designate a roadway for golf cart use?

- ▶ Prior to making such a designation, the county must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street.
- ▶ Relevant Questions:
- ▶ How does the County determine safety? A formal study? And through which department?
- ▶ Should policies be adopted so that there is uniformity in the determination?
- ▶ Should we create an application?
- ▶ How should we adopt the designation – by ordinance or by resolution?

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- ▶ How Osceola County did it
  - ▶ By ordinance - harder to change but less enforcement and due process issues
  - ▶ Creation of Golf Cart Road Designation Policy – assigned to the Transportation Department
  - ▶ Golf Cart Warrant studies – county required reimbursement for studies
  - ▶ Mandatory installation of signage – county required reimbursement for signage, as well
  - ▶ Additional requirements that drivers of golf carts have a license (so over 14) and insurance (F.S. 316.212(8)(a))

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- ▶ Special considerations:
  - ▶ Extra authorized uses for municipalities under F.S. 316.2126
  - ▶ Special rules for driving on sidewalks
  - ▶ Statute that specifically addresses retirement communities and golf cart operation – F.S. 316.2125
  - ▶ Different rules for motorized scooters

# What is a Scooter?

Laws of Florida 2019-109

A micromobility device is now defined as:

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.

A motorized scooter is now defined as: 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.

Growing popularity in urban areas for the “last mile commute”



# Scooters in Florida

- ▶ What's the gist?
- ▶ Micromobility device operators now have the same rights and duties as bicyclists, which means no more than one rider per device, passengers under 16 must wear a helmet, must follow traffic signals, etc.
- ▶ They are not required to be registered or insured. A person does not have to have a driver's license to operate them.
- ▶ Vendors are required to secure all devices during tropical storms or hurricanes.
- ▶ Finally, a local government may adopt an ordinance governing the operation of micromobility devices on streets, highways, sidewalks, and sidewalk areas in the local government's jurisdiction.
- ▶ SO, if you adopt NOTHING – they are allowed to operate freely.

# What can local governments do?

- ▶ 316.2128 F.S. allows local governments to regulate pursuant to 316.008 F.S.

# Case Studies

- ▶ Some counties have adopted ordinance models where only a certain number of permit holders may operate.
- ▶ Some jurisdictions have started Pilot Programs where potential operators must attend a pre-app meeting and receive a permit to operate (Chapter 10 of City of Orlando Code).
- ▶ Docking Stations



# Fort Lauderdale

Adopted an ordinance allowing scooters in 2018, amended in 2020.

Maximum of three permits issued, up to 500 scooters per permit

Permit applications ranked and awarded based on:

- Experience
- Technology
- Community Engagement
- Safety
- Operational Plan

Insurance?



# Panama City Beach

- ▶ Some jurisdictions have banned scooters
- ▶ *Classy Cycles, Inc. v. Pan. City Beach*, 44 Fla. L. Weekly D2729 (Fla. 1st DCA November 13, 2019)
- ▶ Dissent

Now on appeal to the Florida Supreme Court

# Los Angeles



LA Curbed



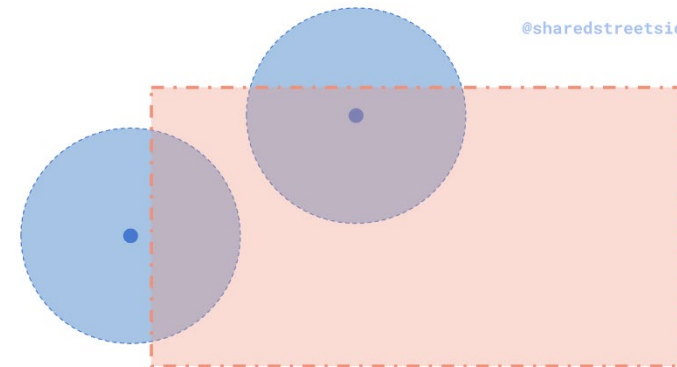
LA Times

# Geofencing

- ▶ A geofence is a virtual perimeter for a real-world geographic area. It can be dynamically generated in a radius around some point location. A geofencing involves a location-aware device of a location-based service (LBS) user entering or exiting a geofence.
- ▶ This information can be used to lower a scooters speed, stop a scooter from entering a certain area, or prohibit a user from abandoning a scooter.
- ▶ How geofencing is being used by local governments in Florida.

## Which point is inside the geofence?

@sharedstreetsio



whether a device is inside a geofence can only be estimated within a rough margin of error

this makes it difficult to use individual location data for enforcement, since there will be false positives

# Final Issues

- ▶ Who collects them?
- ▶ Dock vs. Dockless
- ▶ Geofencing
- ▶ Liability concerns?
- ▶ Is a preemption coming?



# Where are they going?

- ▶ Florida Legislature addressed the growing field in 2019
- ▶ Major cities in Florida lack a strong public transportation system found in other Metros
- ▶ As cities urbanize, solutions to the last mile commute will become more important
- ▶ Tourism
- ▶ Local governments will need to work out what is best for their community
- ▶ Views may be changing

# Florida Man Takes Golf Cart On Wild Ride Through Walmart

Police said the suspect wanted to speak to a manager.

AP



GIBSONTON, Fla. (AP) — Authorities say a 56-year-old Florida man took his golf cart on a wild ride through Walmart on Friday.

# Golf cart protests intensify in the Villages, as one anti-Trump Florida man receives threat

Posted By Solomon Gustavo on Fri, Jan 31, 2020 at 10:31 am



Photo via Whoisjobnalt/Wikimedia Commons

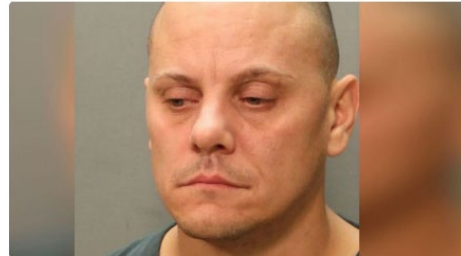
# Florida man arrested in golf cart with 5 bottles of Fireball

Dominick Suzanne-Mayer 4/05/19 11:35AM Filed to: FLORIDA



Photo: Greg C (Stock), Gregory Rec/Portland Press Herald (Getty Images)

## Florida man arrested for DUI after crashing golf cart into bar



William Heiford, was arrested and charged with driving under the influence, investigators said. (Jacksonville Sheriff's Office/Jacksonville Sheriff's Office)

## Florida man carjacks golf cart, drives off and into ditch, is arrested, SJSO says

Suspect attempted escape, putting head into fence



## WATCH: Deputies say Florida man stole golf cart in slow getaway attempt



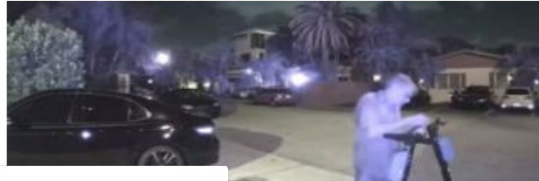
WATCH: Deputies say Florida man stole golf cart in slow getaway attempt

Facebook post by u/frindle\_\_ 8 months ago: Florida man attempts to outrun police helicopter in stolen golf cart. 4.1k views, 58 comments, 99% upvoted.



## Florida man arrested for cutting electric scooter brakes

October 2, 2019



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