

1                                   A bill to be entitled  
 2           An act relating to bicycle sharing; creating s.  
 3           341.851, F.S.; providing legislative intent; providing  
 4           definitions; providing requirements for bicycles made  
 5           available for rental or lease by a bicycle sharing  
 6           company; requiring bicycle sharing companies, users,  
 7           or operators to comply with certain regulations;  
 8           providing company responsibilities; authorizing a  
 9           local governmental entity to issue certain fines to a  
 10          bicycle sharing company; prohibiting a local  
 11          governmental entity, under certain circumstances, from  
 12          limiting or preventing a bicycle sharing company or  
 13          any company engaged in the rental of bicycles from  
 14          operating within its jurisdiction; providing  
 15          construction; providing an effective date.

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

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 19           Section 1. Section 341.851, Florida Statutes, is created  
 20 to read:

21           341.851 Bicycle sharing.—

22           (1) LEGISLATIVE INTENT.—It is the intent of the  
 23 Legislature to provide Florida residents with access to  
 24 innovative, environmentally friendly transportation options and  
 25 to ensure the safety and reliability of bicycle sharing services

26 within the state.

27 (2) DEFINITIONS.—As used in this section, the term:

28 (a) "Bicycle" means a bicycle as defined in s. 316.003.

29 (b) "Bicycle sharing company" means a person who makes  
30 bicycles available for immediate, self-service rental or lease  
31 at automated docking stations or through an online application,  
32 software, or website.

33 (c) "Docking station" means a bicycle rack where bicycles  
34 may be parked which is controlled by a bicycle sharing company.

35 (d) "Local governmental entity" means a county,  
36 municipality, special district, airport authority, port  
37 authority, or other local governmental entity or subdivision.

38 (e) "User" means a person who reserves a bicycle through a  
39 bicycle sharing company's online application, software, or  
40 website.

41 (3) BICYCLE REQUIREMENTS.—

42 (a) Each bicycle made available for rental or lease by a  
43 bicycle sharing company must:

44 1. Meet the requirements for bicycles set forth in 16  
45 C.F.R. part 1512.

46 2. Prominently display the bicycle company's name or trade  
47 dress.

48 3. Display an e-mail address or a telephone number at  
49 which a user or operator may contact the bicycle sharing company  
50 for customer support.

51           4. Be lawfully parked when not in use.  
 52           (b) A bicycle sharing company, user, or operator must  
 53 comply with the requirements of s. 316.2065.  
 54           (4) COMPANY RESPONSIBILITIES.—  
 55           (a) A bicycle sharing company must register with the  
 56 Division of Corporations of the Department of State and must  
 57 provide such registration upon request to any local governmental  
 58 entity in whose jurisdiction the company operates. A local  
 59 governmental entity may issue a bicycle sharing company a fine  
 60 of up to \$1,000 for failure to comply with this paragraph.  
 61           (b) A bicycle sharing company must provide to users:  
 62           1. Notification that bicycles must be operated in  
 63 compliance with state and local law.  
 64           2. Contact information that enables a user to notify the  
 65 bicycle sharing company of an issue relating to the safety or  
 66 maintenance of a bicycle.  
 67           (c) A bicycle sharing company is responsible for the  
 68 maintenance and rebalancing of each bicycle made available for  
 69 rental or lease and for the removal of any such bicycle that is  
 70 for any reason inoperable or does not comply with paragraph  
 71 (3) (a) .  
 72           (d) A bicycle sharing company is responsible for securing  
 73 all company bicycles located within any area of the state where  
 74 an active tropical storm or hurricane warning has been issued. A  
 75 local governmental entity may issue a bicycle sharing company a

76 fine of up to \$1,000 for failure to comply with this paragraph.

77 (5) PREEMPTION.—

78 (a) A local governmental entity may not take any action or  
 79 adopt any local ordinance, policy, or regulation that is  
 80 designed to limit or prevent a bicycle sharing company or any  
 81 company engaged in the rental of bicycles from operating within  
 82 its jurisdiction, provided that the company has demonstrated  
 83 compliance with all local laws and regulations applicable to  
 84 other similar businesses seeking to do business or presently  
 85 doing business within that jurisdiction.

86 (b) This subsection does not prohibit:

87 1. An airport or seaport from designating locations for  
 88 staging, pickup, and other similar operations relating to  
 89 bicycles at the airport or seaport;

90 2. A local governmental entity from entering into  
 91 agreements with bicycle sharing companies for the placement of  
 92 docking stations on public land; or

93 3. A local governmental entity from enforcing uniform  
 94 traffic laws and ordinances under chapter 316.

95 Section 2. This act shall take effect upon becoming a law.