



## **AGENDA ITEM COVER PAGE**

**File ID: #7221**

**Ordinance**

**First Reading**

**Sponsored by: Ken Russell, Commissioner**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "BICYCLES, SKATEBOARDS, SCOOTERS, AND OTHER SIMILAR DEVICES," TO CONVERT THE EXISTING MOTORIZED SCOOTER PILOT PROGRAM TO A PERMANENT PROGRAM; PROVIDING FOR INCREASED FEES FOR SCOOTER OPERATORS; PROVIDING FOR ENHANCED PENALTIES FOR VIOLATIONS OF THE SCOOTER PROGRAM, INCLUDING FINING ADULT ACCOUNT-HOLDERS OF A SCOOTER OPERATOR FOR PERMITTING A PERSON UNDER 18 YEARS OF AGE TO OPERATE A SCOOTER; PROVIDING FOR SCOOTER FLEET SIZE LIMITATIONS BY THE APPLICABLE PROCUREMENT METHOD THAT SELECTS OPERATORS; PROVIDING THAT ALL PROVISIONS OF THE MOTORIZED SCOOTER PILOT PROGRAM IN EFFECT PRIOR TO THE PASSAGE OF THIS ORDINANCE CONTINUE FOR THE REMAINING DURATION OF THE PILOT PROGRAM WITH CERTAIN LIMITED EXCEPTIONS; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.



# City of Miami

## Legislation

### Ordinance

**File Number: 7221**

**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"), TITLED "BICYCLES, SKATEBOARDS, SCOOTERS, AND OTHER SIMILAR DEVICES," TO CONVERT THE EXISTING MOTORIZED SCOOTER PILOT PROGRAM TO A PERMANENT PROGRAM; PROVIDING FOR INCREASED FEES FOR SCOOTER OPERATORS; PROVIDING FOR ENHANCED PENALTIES FOR VIOLATIONS OF THE SCOOTER PROGRAM, INCLUDING FINING ADULT ACCOUNT-HOLDERS OF A SCOOTER OPERATOR FOR PERMITTING A PERSON UNDER 18 YEARS OF AGE TO OPERATE A SCOOTER; PROVIDING FOR SCOOTER FLEET SIZE LIMITATIONS BY THE APPLICABLE PROCUREMENT METHOD THAT SELECTS OPERATORS; PROVIDING THAT ALL PROVISIONS OF THE MOTORIZED SCOOTER PILOT PROGRAM IN EFFECT PRIOR TO THE PASSAGE OF THIS ORDINANCE CONTINUE FOR THE REMAINING DURATION OF THE PILOT PROGRAM WITH CERTAIN LIMITED EXCEPTIONS; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, on October 11, 2018, the City Commission adopted Ordinance No. 13695 creating the motorized scooter pilot program ("Pilot Program") in City Commission District 2; and

WHEREAS, on September 26, 2019, the City Commission adopted Ordinance No. 13862 to add additional operational rules to the use of motorized scooters, extend the Pilot Program, and add penalties for noncompliance; and

WHEREAS, on December 12, 2019, the City Commission adopted Resolution No. R-19-0520 extending the Pilot Program to February 14, 2020; and

WHEREAS, on February 13, 2020, the City Commission adopted Resolution No. R-20-0040 extending the Pilot Program to April 15, 2020 to provide the necessary time for the City of Miami ("City") to complete a competitive solicitation for scooter operators for a permanent, Citywide scooter program; and

WHEREAS, pursuant to Resolution No. 20-0297 adopted on September 24, 2020, the Pilot Program was extended until the execution and rollout of the permanent Motorized Scooter Program or until the end of the Pilot Program period established by Section 2-33(c)(9) of the Code of the City of Miami, Florida, as amended ("City Code"), whichever is sooner, subject to the issuance of an emergency order by the Mayor of Miami-Dade County ("County") modifying or repealing County Emergency Order No. 05-20 to allow the Pilot Program to resume and further subject to payment of required extension fees by those operators in the Pilot Program pursuant to Section 8-11(d) of the City Code at such time; and

WHEREAS, the City Commission wishes to create the regulatory framework for a permanent scooter program pending the conclusion of the competitive solicitation process while preserving the requirements, with some modifications, of the Pilot Program until such time as the Pilot Program lapses or is superseded by the permanent scooter program;

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 and incorporated as if fully set forth in this Section.

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

“CHAPTER 8

BICYCLES, SKATEBOARDS, SCOOTERS AND OTHER SIMILAR DEVICES

\* \* \*

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 F.S. ch. 316, entitled "State Uniform Traffic Control." All definitions from F.S. §§ 316.003 and 316.2128, are incorporated herein by reference, including the definitions of "bicycle" and "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 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:  
*Applicable state laws* shall mean all general laws of the State of Florida relating to mobility devices and motorized scooters. This ~~pilot~~ motorized scooter service program will operate in a manner consistent with and subject to applicable general laws of the state including, without limitation, F.S. §§ 316.003, 316.008, 316.2065, and 316.2128, and the entirety of F.S. ch. 316, the "Florida Uniform Traffic Control Law", as amended. The city in this article reserves all municipal home rule powers to impose more restrictive public safety, insurance, licensing, data sharing, parking, and similar requirements.

---

<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.

*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.

*Bicycle* shall have the meaning ascribed to it in F.S. § 316.003, as amended.

*Bicycle path (bike path)* shall generally mean a bikeway separated from motorized traffic and dedicated to cycling or shared with pedestrians or other users, and additionally have the same meaning ascribed to it in F.S. § 316.003, as amended.

*Bike lane* shall mean a part of the road which is intended to be used in part by people riding bicycles.

*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.

*Micromobility device* shall have the same meaning ascribed to it in F.S. § 316.003, as amended.

*Motorized scooter(s)* shall have the meaning ascribed to it in F.S. § 316.003, as amended. Motorized scooter(s) are further defined, in the context of this article, 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 15 miles per hour in bike lanes or streets without the application of human power on a level surface; or more than seven miles per hour on any sidewalk, baywalk, or in parks.

*Motorized scooter user* shall mean a person driving a motorized scooter.

*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* 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* shall mean moving motorized scooters from an area of low demand to an area of high demand.

*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* 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* 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. The rules may include standard operating procedures ("SOP") addressing issues with persons under the age of 18 operating motorized scooters in violation of this article. All additional rules and regulations shall be made available on the city's

website.

~~(b) Pilot program. The city hereby continues the pilot program (the "pilot term"), as may be extended subject to section 2-33 of the City Code, for the continued operation of temporary pilot program licenses within the boundaries of commission district 2 or as authorized by ordinance.~~

- ~~(1b) Operators shall have a maximum initial fleet of 100 motorized scooters. Operators participating in the first six months of the pilot program enacted by Ordinance 13795 may retain their current fleet size. operators commencing the pilot program on or after November 1, 2019 will have a maximum fleet size of 50 motorized scooters during the first two weeks of their participation, and thereafter 100 motorized scooters. Operators shall have a maximum fleet size as set forth in the procurement process granting that operator the privilege of operating its respective motorized scooter service. Operators with scooters in excess of its approved fleet size shall be fined \$25.00 per scooter per day in excess of the authorized maximum fleet size.~~
- ~~(2c) The city shall allow operators to increase their fleet size on a monthly basis by a maximum of 25 percent if operator's usage data demonstrates that their fleet provides on average more than three rides per motorized scooter per day. The increase in vehicles on the street or sidewalk/sidewalk area shall not exceed the amount required to keep usage rates at or above three rides per motorized scooter per day. The city may also require operators to reduce their fleet size on a monthly basis by 25 percent if operator's usage data demonstrates that their fleet provides on average less than two rides per motorized scooter per day.~~
- ~~(3d) Notwithstanding subsection (2c), the city retains the right to require operators to reduce their fleet size, to impose a cap on fleet sizes or on the number of operators as is warranted, 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, each as may be warranted.~~
- ~~(4e) During the duration of the pilot program, At all times, operators shall designate two (2) local operational staff 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~~ Motorized Scooter Service 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~~ motorized scooter service program without first having obtained a valid ~~pilot~~ motorized scooter service 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:
- (1) 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;
- (2) A witnessed signature of the applicant;
  - (3) 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;
  - (4) 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;
  - (5) 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;
  - (6) An agreement to indemnify, hold harmless, and defend the city and the department of off-street parking, also referred to as the Miami Parking Authority ("MPA"), in a form acceptable to the city;
  - (7) 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
  - (8) 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, including new applications and all applications in relation to any extension(s), renewal(s), or reinstatement(s) of the pilot program an operator's license, shall be accompanied by a non-refundable licensing fee of ~~\$50,000.00~~ \$100,000.00, which shall be used to offset any costs to the city and/or the department of off-street parking, also referred to as the MPA, related to enforcement of this section. Any excess licensing fees shall be designated for sidewalk/sidewalk area and/or street improvements ~~within the pilot program area~~. Any extension, renewal, or reinstatement of the pilot program an operator's license will require all operators to comply with all requirements of the pilot motorized scooter service program license, including payment of the fee, required insurance, and bond.
- (e) ~~A pilot program~~ An operator's license shall expire at the conclusion of the timeframe set forth in the applicable procurement that selected the operator(s) pilot program.
- (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 of \$1.00 per motorized scooter per day. The motorized scooter fee shall be calculated monthly based on the number of scooters authorized by the city of the current period. Payments shall be paid in full by the operators and received from the city within 30 days of when invoiced. ~~During the duration of the pilot program, this~~ The motorized scooter fee shall be designated for sidewalk/sidewalk area, 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 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 three 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 six 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:
  - (1) Fire hydrants call boxes or other emergency facilities;
  - (2) Transit facilities;
  - (3) Loading spaces or zones;
  - (4) Passenger loading spaces or zones, or valet parking service areas;
  - (5) Railroad tracks or crossings;
  - (6) Disabled or prohibited parking zones;
  - (7) Street furniture that requires pedestrian access (for example, benches, parking pay stations, or bicycle/news racks);
  - (8) Window displays;
  - (9) Building entryways; or
  - (10) Vehicular driveways.
- (k) Motorized scooters that are parked in an incorrect manner must be re-parked, removed and/or relocated by an operator within two hours 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.
- (m) Motorized scooter users should provide a picture of the parked scooters at the end of their use so as to assure they are not blocking pedestrian walkways, parked in a hazardous manner, etc. In the event the city established any marked and designated motorized scooter parking corrals, scooters shall park in available spaces within such corrals.
- (n) Parking violations, including disabled parking space violations, will be subject to remedies as are provided by state uniform traffic control laws, this article, and section 1-13 of the City Code, titled "General penalty." Violations may be issued to motorized scooter drivers or operators. Remedies are cumulative and not exclusive.

Sec. 8-14. Operations; remedies.

(a) No one under the age of 18 shall operate a motorized scooter. Persons under 18 years of age may not be motorized scooter users or passengers. No more than one person, 18 years of age or older, may ride a motorized scooter at any one time. There shall be a fine of ~~\$100.00~~ \$250.00 imposed against the operator for each instance that an unregistered person is found to be a user or passenger. In addition, for persons under 18 years of age operating a motorized scooter, the operator of such scooter shall transmit to the City, upon the City's request, the name of the adult accountholder for the operator's scooter and such accountholder shall also be fined \$250.00.

(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. Operators should encourage the use of a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap, and that meets the federal safety standard for bicycle helmets, Final Rule, 16 C.F.R. Part 1203.

Motorized scooter users 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 motorized scooter user, 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/operators 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 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 two hours 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 or motorized scooter user, 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 days is subject to sale pursuant to the procedures for abandoned or lost property set forth in F.S. § 705.103, 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 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. Each motorized scooter shall have an identification number ("ID NO. #") matching motorized scooter "QR code" and each digit within the ID NO. # must be at least two inches in height. Each ID NO. # must be placed on both sides of the vertical post of the scooter. This will aid reporting, monitoring, and compliance issues.
- (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 motorized scooter user that:

- (1) Motorized scooters may be operated on bike paths, bike lanes, including those within city parks, and the baywalk, streets, or sidewalks/sidewalk areas in a manner similar to bicycles;
  - (2) 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, street, road, bike path, lane, baywalk, or sidewalk area;
  - (3) Motorized scooter users shall at all times yield to pedestrians and shall give an audible signal before overtaking and passing such pedestrian;
  - (4) The use of helmets while operating a motorized scooter is strongly encouraged;
  - (5) Operators will require every motorized scooter user to pass a motorized scooter safety education training as is provided by the operator;
  - (6) Operators will require every motorized scooter user to show or scan a photographic identification, which shall be a driver's license, a state identification, or a passport, which must indicate that every motorized scooter user is at least 18 years old;
  - (7) Operators must show every motorized scooter user a clear and legible map of the mandated geofenced areas within the city. For purposes of this article a geofenced area is simply a virtual fence or a perimeter around a physical location where motorized scooters are allowed to operate pursuant to this article; 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, or MPA, 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 30 days of receiving written notification from the city.

- (r) Motorized scooter users shall have all of the rights and duties applicable to a rider of a bicycle riders under F.S. § 316.2065, titled "Bicycle regulations," except the duties imposed by F.S. §§ 316.2065(2), (3)(b), and 3(c), which by their nature do not apply. However, this section may not be construed to prevent the city, through the exercise of its powers under F.S. § 316.008, from adopting an ordinance such as this article governing the operation of micromobility devices, motorized scooters on streets, highways, sidewalks, and sidewalk areas under the city's jurisdiction.
- (s) Motorized scooter users, pursuant to subsection (r) above, who are in violation of this article, or in violation of applicable state laws including State Uniform Traffic Control Laws, will be subject to enforcement as provided by applicable Florida Laws, this article, and as set forth section 1-13 of the City Code, titled "General penalty." Remedies are cumulative and are not exclusive.

Sec. 8-15. Data sharing.

- (a) Operators shall cooperate with the city in the collection and analysis of aggregated data concerning its operations. All data furnished under section 8-15 will be in a form reasonably acceptable to the chief information officer of the city. 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, and his or her designee under section 8-15, the chief information officer, 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 also provide the following anonymized data for each trip record through the API:

Field Name	Format	Description
Company Name	[Company Name]	N/A
Trip Record Number	XXX0001, XXX0002, XXX0003, ...	3-Letter Company Acronym + Consecutive Trip Number
Trip Duration	MM:SS	N/A
Field Name	Format	Decription
Trip Distance	Feet	N/A
Start Date	MM/DD/YYYY	N/A
Start Time	HH:MM:SS (00:00:00 -	N/A
End Date	MM/DD/YYYY	N/A

End Time	HH:MM:SS (00:00:00 -	N/A
Start Location	XY or Lat/Lon Coordinates XY or Lat/Lon Coordinates	N/A
End Location	XY or Lat/Lon Coordinates	N/A
Identification Number	xxxx1, xxxx2, ...	Unique Identification for Every Motorized Scooter

EXPAND

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 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.

- (d) Operators shall provide the city's department of innovation and technology with well- developed data through the mobility data standard ("MDS") in two different feeds: real- time/current information; and historical information. In-trip, route telemetry data is required for analysis in MDS Historical feeds, but may be excluded from the MDS Realtime feed. However, operators must provide scooter availability in real-time for enforcement purposes.

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:
- (1) Commercial general liability with limits of \$2,000,000.00 per occurrence, \$5,000,000.00 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.
  - (2) 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 \$2,000,000.00 per accident.
  - (3) Workers compensation subject to the statutory limits of the State of Florida.

- (4) 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.
- (5) 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 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. Payment and 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 F.S. § 255.05, 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~~ \$100,000.00, 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, bike lanes or bike paths, streets, bay walks, 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.

~~Motorized scooters are only authorized to be used in the pilot program area of commission district 2. Motorized scooter use outside the pilot program area is not lawful, is not authorized and operators shall defend, hold harmless and indemnify the city and MPA for every, any, and all liabilities, 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 for motorized scooters operating outside the pilot program area including, without limitation, those listed in this section and the impoundment, seizure, and possible sale of motorized scooters operating anywhere outside of the pilot program area in the city. In addition to other remedies available the city may make a claim against the payment and performance bond or letter of credit submitted by the operator and/or effectuate a revocation of their license.~~

#### Sec. 8-19. Expiration of Previous Pilot Program and Continuance of Pilot Program Provisions.

The previous motorized scooter pilot program will, by virtue of extensions authorized by the passage by the City Commission Resolution No. R-19-0520 adopted December 12, 2019, Resolution No. R-20-0040 adopted February 13, 2020, and Resolution No. R-20-0297 adopted on September 24, 2020, automatically terminate upon the sooner of the execution and rollout of the permanent motorized scooter program or until the end of the pilot program period established by Section 2-33(c)(9) of the City Code and as extended by Ordinance No. 13902 adopted on May 28, 2020, this two-month extension, commence on November 1, 2019 and automatically terminate on January 1, 2020. Any further extension of this the pilot program may be approved by resolution, subject to pilot program limitations set forth in section 2-33 of the City Code, as amended. For the remaining duration of the motorized scooter pilot program, the provisions of Ordinance No. 13695 adopted October 11, 2018 and Ordinance No. 13862 adopted September 26, 2019 shall continue to apply as they existed prior to the effective date of Ordinance No. [ORDINANCE NUMBER] adopted [ADOPTION DATE] except that the following shall apply to the pilot program:

- (a) The extension provisions in Section 8-19 of this Ordinance;
- (b) The enhanced penalties found in Sections 8-10(b) and 8-14(a) in this Ordinance; and
- (c) The new fee structure as described in Section 8-11(d) of this Ordinance shall also apply to the motorized scooter pilot program provided that the new \$100,000.00 fee shall apply during the remaining pendency of the motorized

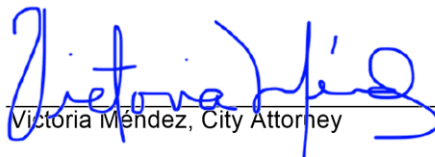
scooter pilot program and shall be applicable to the most recent extensions of the motorized scooter pilot program that occurred with the passage of Resolution No. R-20-0040 adopted February 13, 2020 and Resolution No. R-20-0297 adopted on September 24, 2020 as well as any renewals occurring between the earlier of those dates and the effective date of Ordinance No. [ORDINACE NO.] adopted [ADOPTION DATE], including payment of any difference between such \$100,000.00 fee and prior fees paid in connection with any aforementioned extension or other renewals of the motorized scooter pilot program. This will not preclude the city from making this a permanent program.

\* \* \*

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 immediately upon its adoption.<sup>2</sup>

APPROVED AS TO FORM AND CORRECTNESS:

  
Victoria Méndez, City Attorney 8/30/2022

<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.