

AGENDA ITEM

Agenda Item 11.1.

TO: Honorable Mayor and Members of the City Council

FROM: Tyler Reed, Community Development Director

DATE: April 6, 2026

SUBJECT: Ordinance 2026-02 Electric Bicycles, Motorized Scooters, and Micromobility Devices

BACKGROUND:

Representatives from local municipalities and Okaloosa County convened last year to collaboratively develop an electronic bicycle and micromobility ordinance in response to increasing safety concerns, regulatory inconsistencies, and enforcement challenges associated with the increased use of electric bicycles and scooters.

Through this coordinated effort, a model ordinance was drafted to establish uniform regulations across all participating jurisdictions. The intent is to promote public safety, ensure consistent enforcement, and provide clear guidance to residents and visitors by adopting substantially similar provisions countywide. Several cities throughout the county have already adopted the ordinance, and others are currently adopting it, further advancing a cohesive regulatory framework.

Staff has reformatted the proposed model ordinance to align with the City of Mary Esther's ordinance format for City Council consideration.

DISCUSSION:

The proposed ordinance establishes Article V of Chapter 18 of the Code of Ordinances to regulate electric bicycles (E-bikes), motorized scooters (E-scooters), and other micromobility devices within the City of Mary Esther. The ordinance is adopted pursuant to the City's home rule authority under Florida Statutes Section 166.021 and is consistent with the regulatory framework set forth in Florida Statutes Sections 316.2128 and 316.20655.

The ordinance responds to the increasing use of micromobility devices for both transportation and recreational purposes. While supporting these low-cost, energy-efficient mobility options, the ordinance establishes clear operational standards to promote public safety, protect

pedestrians, and ensure the orderly use of public rights-of-way.

Key provisions include clearly defined terms consistent with state law, including a limitation that covered devices may not exceed 20 miles per hour on level ground. The ordinance excludes wheelchairs and other ADA-recognized mobility devices to ensure compliance with federal accessibility requirements.

Operational regulations require operators to comply with all applicable traffic laws and establish specific safety measures. Operators 16 years of age or younger must wear a properly fitted helmet meeting federal safety standards. The ordinance prohibits careless operation, including distracted riding, unsafe speeds, failure to yield to pedestrians, and operating against the flow of traffic. It requires audible signaling when overtaking pedestrians, compliance with traffic control devices, and adherence to state lighting standards. The modification of E-bike motors to exceed manufacturer design speeds is expressly prohibited.

The ordinance permits operation on sidewalks, trails, bike lanes, and roadways in accordance with state law, while requiring that operators travel in the same direction as vehicular traffic. It also establishes parking standards designed to prevent obstruction of sidewalks, building entrances, accessibility ramps, fire hydrants, and emergency facilities. A minimum three-foot pedestrian clearance must be maintained, and abandoned devices are subject to applicable state abandonment procedures.

Enforcement is structured as a non-criminal civil infraction system with a graduated penalty schedule. A first violation results in a written warning, followed by escalating fines for subsequent violations, up to a maximum of \$500.00. This approach emphasizes education and voluntary compliance while providing meaningful enforcement authority when necessary.

Overall, the ordinance provides a comprehensive and balanced regulatory framework that supports micromobility as a transportation option while prioritizing pedestrian safety, accessibility, and consistent enforcement within the City.

FINANCIAL IMPACT:

There are no anticipated financial impacts.

RECOMMENDATION:

Motion to approve a first reading of Ordinance 2026-02 creating Article V of Chapter 18 of the Code of Ordinances to establish regulations governing electric bicycles, motorized scooters, and micromobility devices within the City of Mary Esther.

ATTACHMENT(S):

1. Exhibit A: Ordinance 2026-02
2. Exhibit B: Business Impact Statement

ORDINANCE NO. 26-02

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA; CREATING ARTICLE V UNDER CHAPTER 18 OF THE MARY ESTHER CODE OF ORDINANCES, TITLED “ELECTRIC BICYCLES, MOTORIZED SCOOTERS, AND MICROMOBILITY DEVICES”; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATIONS, AND AN EFFECTIVE DATE.

SECTION 1: AUTHORITY.

The authority for enactment of this Ordinance is Section 166.021, Florida Statutes, and the City Charter.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the public has a growing interest in using personal micromobility devices, including electric bicycles and motorized scooters for transportation and recreational purposes; and

WHEREAS, the City of Mary Esther City Council supports the safe use of low-cost, energy-efficient micromobility devices on City roads and rights-of-way; and

WHEREAS, Florida Statute 316.2128(1) grants micromobility device and motorized scooter operators, "all of the rights and duties applicable to the rider of a bicycle," including the right to operate motorized scooters on sidewalks, streets, and trails; and

WHEREAS, Sections 316.2128 and 316.20655, Florida Statutes, regulate micromobility devices and authorize the City, under certain circumstances, to adopt an ordinance governing the operation of micromobility devices on streets, highways, sidewalks, and sidewalk areas under the City’s jurisdiction; and

WHEREAS, Florida Statute 316.2128(1), further allows local governments to adopt ordinances governing the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction; and

WHEREAS, the Florida Legislature enacted CS for SB 382 (2026), effective July 1, 2026, amending Section 316.20655, Florida Statutes, to impose specific speed and operational requirements for electric bicycles on shared pathways and pedestrian areas, and establishing the Micromobility Device Safety Task Force and mandatory crash reporting requirements applicable statewide; and

NOW, THEREFORE, be it ordained by the City Council of the City of Mary Esther, Florida as follows:

SECTION 3. RECITALS.

The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 4. CODE OF ORDINANCES.

The Code of Ordinances of the City of Mary Esther is hereby created to read as follows:

Sec. 18-44. – Definitions.

The following definitions shall apply throughout this chapter:

Bicycle: Every vehicle propelled solely by human power, having two tandem wheels, and including any device generally recognized as a bicycle, though equipped with two front or two rear wheels. The term does not include a scooter or similar device. (F.S. § 316.003 (4))

Bicycle Lane: shall mean a portion of a roadway designated for the preferential or exclusive use of bicycles and designated by a bicycle symbol pavement marking and signage in accordance with Florida Department of Transportation and standards and the Manual of Uniform Traffic Control Devices. (F.S. § 316.003 (5))

Bicycle Path: shall mean any road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within a public or publicly accessible right-of-way or within an independent right-of-way. (F.S. § 316.003(6))

Electric Bicycle or E-Bike: means a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor. This term includes devices defined as electric bicycles pursuant to section 316.003(23), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR s. 35.104, as may be amended.

Micromobility Device: means motorized scooters and electric bicycles as defined herein and shall include any motorized transportation device which is incapable of traveling at speeds greater than twenty (20) miles per hour on level ground. This term shall also include those devices defined in section 316.003(41), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR § 35.104, as may be amended.

Motorized Scooter or E-Scooters: means any vehicle or micromobility device, other than an electric bicycle, 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 twenty (20) miles per hour on level ground. This term includes those devices defined as motorized scooters pursuant to section 316.003(48), Florida Statutes, as may be amended. However, this term does not include “wheelchairs” or “other power-driven mobility devices” as defined under the ADA, 28 CFR s. 35.104, as may be amended.

Operator: Any person riding, driving, or otherwise in actual physical control of a micromobility device.

Pedestrian: Any person afoot. (F.S. § 316.003(57))

Right-Of-Way: means land devoted to or required for use as a roadway, sidewalk, or other associated feature, and includes, without limitation,

- (i) all existing or dedicated road rights-of-way and
- (ii) all proposed dedications of road rights-of-way set forth on official grading and drainage plans approved pursuant to tentative plats.

Sidewalk: means that portion of a right-of-way between the curblineline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians. (F.S. § 316.003(82))

Sec. 18-45. – Operations.

(a) Operators of micromobility devices shall comply with all applicable State, County, and City laws, rules, and regulations as may be applicable to such devices.

(b) Operators of an E-Bike, E-Scooter, or other micromobility device, who are 16 years of age or younger, must wear, at a minimum, a bicycle helmet that is properly fitted and is fastened securely upon the operator's head by a strap and that meets the federal safety standards for bicycle helmets, final rule, 16 C.F.R. part 1203.

(c) It shall be unlawful for any person to operate any E-Bike, E-Scooter, or other micromobility device in a careless manner. Careless operations of an E-Bike, E-Scooter, or other micromobility device shall include, but is not limited to:

- (i) Operation of an E-Bike, E-Scooter, or other micromobility device with more than one person on the micromobility device, unless such micromobility device is specifically designed to carry more than one person; or
- (ii) Operation of an E-Bike, E-Scooter, or other micromobility device while simultaneously using a cellphone, wearing earbuds or similar devices not used to aid in hearing; or
- (iii) Operation of an E-Bike, E-Scooter, or other micromobility device at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards then existing, including, but not limited to; or
 - (i) the safety of the operator or any other person or property; or
 - (ii) Failing to yield to pedestrians; or
 - (iii) Weaving in and out of pedestrian or vehicular traffic; or
 - (iv) Any occurrence where inadvertence to the safe and normal operational procedures of the E-Bike, E-Scooter, or other micromobility device causes or is likely to cause damage to any person or property;

(d) An operator of an E-Bike, E-Scooter, or other micromobility device shall yield the right-of-way to pedestrians and shall deliver an audible signal before overtaking and passing a pedestrian.

(e) An operator of an E-Bike, E-Scooter, or other micromobility device shall take such precautions as may be necessary to avoid an accident or collision with a person or property.

(f) E-Bikes, E-Scooters, and other micromobility devices are permitted to operate on public sidewalks, walkways, paths, or trails. Consistent with F.S. 316.20655(10) (as amended by CS for SB 382, effective July 1, 2026); (i) an operator of an electric bicycle on a shared pathway that is

not located adjacent to a roadway, including a shared pathway located in a park or recreational area, shall yield to pedestrians and shall give an audible signal before overtaking and passing a pedestrian; and (ii) an operator of an electric bicycle on a sidewalk or any other area designated for pedestrian use may not operate the electric bicycle at a speed greater than 10 miles per hour if a pedestrian is within 50 feet of the electric bicycle. The maximum speed of any other micromobility device on a public sidewalk, walkway, path, or trail shall not exceed a speed that is reasonably prudent for the current conditions or environment.

(g) Micromobility devices may be operated within designated bike lanes of a roadway, if available; or if no bike lane is available, on the roadway, as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.
2. When preparing for a left turn at an intersection or into a private road or driveway.
3. When reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane.

(h) When operating an E-bike, E-scooters, or other micromobility device on a roadway or on a sidewalk, when sidewalks are on both sides of the road, operators shall travel in the same direction as the flow of vehicular traffic. E-bikes, E-Scooters, or other micromobility devices operated on roadways shall not be operated against the flow of vehicular traffic.

(i) An operator of an E-bike, E-Scooter, or other micromobility device must adhere to the same right-of-way laws and regulations as bicycles.

(j) At a signalized intersection, an operator of an E-bike, E-scooter, or other micromobility device on a sidewalk, walkway, path, or trail must obey the instructions of any applicable pedestrian control signal. If no pedestrian signal is provided, the operator may proceed in accordance with the signal indications for the parallel roadway traffic flow.

(k) All E-Bike, E-Scooter, or other micromobility devices shall comply with the lighting standards set forth in Section 316.2065(7), Florida Statutes as may be amended, which requires a reflective front white light visible from a distance of at least 500 feet, and a reflective rear red light visible from a distance of at least 600 feet.

(l) E-Bike motors shall not be modified to allow for higher speed than the E-Bike is designed to attain. (F.S. § 316.20655(4))

(m) E-Bikes, E-Scooters, or other micromobility devices may not be operated on private property without the express permission of the property owner.

Sec. 18-46. – Parking.

(a) E-Bike, E-Scooter, or other micromobility devices shall be equipped with a kickstand and always parked upright.

(b) A person shall not park an E-Bike, E-Scooter, or other micromobility device:

- (i) in a manner that obstructs any ingress or egress from any building or parking area, or in a manner that prevents any sidewalk, walkway, path, or trail from maintaining at least three (3) feet of walkway clearance; or
- (ii) in a manner that obstructs or interferes with pedestrian or vehicular traffic; or on an accessibility ramp for persons with disabilities, or any part thereof, or in any manner that would restrict the movement for persons with disabilities; or
- (iii) within a motor vehicle parking space not designated for micromobility device use; or
- (iv) within fifteen (15) feet of any fire hydrant or in a manner that blocks any other emergency facility; or
- (v) on any public property, except at bicycle racks, designated micromobility parking areas, or other locations specifically authorized by the City Manager or designee; or
- (vi) on any private property without the permission of the property owner.

(c) A person may not attach, secure, store, or park an E-Bike, E-Scooter, or other micromobility device to or upon public property in a manner that may cause injury or damage to any person or thing or in a manner that renders the public property unusable or impassable. E-Bikes, E-Scooters, or other micromobility devices may only be secured to facilities designed to secure and store these devices.

(d) Except as expressly allowed by the City Manager or his or her designee, any E-Bike, E-Scooter, or other micromobility device left unattended on public property, including in parks or rights-of-way, for one (1) week or more shall be deemed abandoned and subject to the provisions of Chapter 705, Florida Statutes. If a device is obstructing or posing a hazard, it is subject to immediate removal and storage at City Hall for one (1) week to allow retrieval by the owner. After one week, the device will be deemed abandoned.

Sec. 18-47. – Penalties.

A violation of any Section of this article shall be deemed a non-criminal traffic infraction, punishable as a non-moving violation as provided in Chapter 318, Florida Statutes. The state-law penalty applies independently of and in addition to the civil penalty imposed under Sec. 18-47 of this Chapter for violation of other provisions hereof.

- a) Civil penalties for violations of this article shall be established by resolution of the City Council, not to exceed \$500.00 per violation.
- (b) Violations shall be counted on a rolling twelve (12) month basis. After twelve (12) consecutive months with no violations, the count shall reset.

Sec. 18-48. – Enforcement.

[NOTE: New section clarifying enforcement authority.]

- (a) This article may be enforced by the Okaloosa County Sheriff's Office, the City's code enforcement officers, or other persons designated by the City Manager.

(b) Code enforcement officers shall have the authority to enforce the parking provisions of Sec. 18-46 and to issue citations for violations of this article through the City's code enforcement process.

(c) Nothing in this article shall be construed to limit the authority of law enforcement officers to enforce applicable state traffic laws or to take any other action authorized by law.

(d) The Okaloosa County Sheriff's Office (OCSO) shall, beginning 30 days after effective date of CS for SB 382, maintain a list of all traffic crashes investigated by the Department which involve a micromobility device, regardless of whether the crash is reported on a Florida Traffic Crash Report (Long Form), short-form crash report, or driver exchange of information form. Each such list entry must include: (1) the date and time of the crash; (ii) if applicable, the class of electric bicycle involved, (iii) the age of the micromobility device operator; and (iv) if known, whether the operator possessed a valid Florida learner's driver license or driver's license at the time of the crash. By October 15, 2026, the OCSO shall submit a report to the Department of Highway Safety and Motor Vehicles containing a list of all micromobility device crashes investigated by the Department from the beginning of the reporting period through September 30, 2026, in the form and manner determined by the state Department of Highway Safety and Motor Vehicles.

Sec. 18-49. – Commercial Micromobility Providers.

(a) No person or entity shall deploy, offer for rent, or otherwise make available for public use any shared or commercial micromobility devices within the City without first entering into an operating agreement approved by the City Council or obtaining a permit from the City Manager or designee.

(b) An application for a commercial micromobility operating agreement or permit shall include, at a minimum:

- (1) The name, address, and contact information of the applicant and any parent company;
- (2) A description of the devices to be deployed, including type, quantity, and maximum fleet size;
- (3) A proposed service area map;
- (4) Proof of commercial general liability insurance in an amount determined by the City Manager, naming the City as an additional insured;
- (5) An indemnification and hold harmless agreement in a form acceptable to the City Attorney;
- (6) A plan for device maintenance, rebalancing, and removal of inoperable devices within twenty-four (24) hours of notification; and
- (7) A plan for customer education regarding applicable laws and regulations, to include the state-mandated requirements of Section 316.20655(10), Florida Statutes, governing electric bicycle speed limits near pedestrians and operation on shared pathways not adjacent to roadways.

(c) The City Council may establish permit fees, per-device fees, and other charges by resolution as part of the comprehensive fee schedule.

(d) The City Manager or designee may impose conditions on any permit or operating agreement to address public safety, parking, fleet size, hours of operation, geographic restrictions, data sharing, and other operational requirements.

(e) A permit or operating agreement may be suspended or revoked by the City Manager for failure to comply with the terms of the agreement, this article, or any applicable law.

(f) Notwithstanding Section 18-46 (d), any commercial micromobility device deployed within the City without a valid permit or operating agreement may be impounded by the City or its agents, independent of the abandoned property procedures of Chapter 705, Florida Statutes. The provider shall be responsible for all costs associated with impoundment and storage.

SECTION 5. SEVERABILITY.

In the event any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of City Council that such invalidity shall not affect any other provisions of the Ordinance which may be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared severable.

SECTION 6. CONFLICTS.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. CODIFICATION.

It is the intention of the Mary Esther City Council that the provisions of this Ordinance shall become a part of the City’s Code of Ordinances; and that sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “chapter”, “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or re-lettered and the correction of typographical errors which do not affect the intent may be authorized by the City Manager, without need of public hearing, by filing a corrected or recodified copy of the same with the City Clerk.

SECTION 8. EFFECTIVE DATE.

The provisions of this Ordinance shall take effect as provided by law.

So Done this _____ day of _____, 2026.

**By: Chris Stein, Mayor
City of Mary Esther, Florida**

ATTEST:

Dillon Morris, City Clerk

1st Reading: _____

Published: _____

2nd Reading: _____

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published. This Business Impact Estimate may be revised following its initial posting.

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA; CREATING ARTICLE V UNDER CHAPTER 18 OF THE MARY ESTHER CODE OF ORDINANCES, TITLED "ELECTRIC BICYCLES, MOTORIZED SCOOTERS, AND MICROMOBILITY DEVICES"; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATIONS, AND AN EFFECTIVE DATE.

Ordinance 2026-02

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

If no exemption applies, in accordance with the provisions of controlling law, the City hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

To amend the Code of Ordinances to support the safe use of low-cost, energy-efficient micromobility devices on City roads and rights-of-way.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

No direct economic impacts are anticipated.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

No business will be impacted.

4. Additional information the governing body deems useful (if any):