

ORDINANCE NO. C-20-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, REPEALING DIVISION 2. - "DOCKLESS MOBILITY PROGRAMS," OF CHAPTER 27, ARTICLE VII, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND CREATING A NEW DIVISION 2. - "MICROMOBILITY PROGRAMS," OF CHAPTER 27, ARTICLE VII, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, THEREBY ESTABLISHING REGULATIONS GOVERNING MICROMOBILITY DEVICE OPERATORS IN THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR FEES, PENALTIES, AND PROVIDING FOR AN EXTENSION OF EXISTING PERMITS AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, on July 10, 2018, the City Commission of the City Fort Lauderdale enacted a "Dockless Mobility Programs" Ordinance, which took effect on November 1, 2018; and

WHEREAS, Section 316.008, Florida Statutes (2019), authorizes local governments to govern the operation of micromobility devices and motorized scooters on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; and

WHEREAS, micromobility devices are emerging transportation options that are viable alternatives to driving motor vehicles and provide city residents with alternate transportation options; and

WHEREAS, the City of Fort Lauderdale has a substantial interest in regulating how private operators of micromobility programs and devices operate in the City in order to promote public health, safety and welfare of city residents and visitors; and

WHEREAS, the measures set forth in this ordinance are intended to regulate micromobility programs throughout the City of Fort Lauderdale;

NOW THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

SECTION 1. That Division 2 entitled, "Dockless Mobility Programs" of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby repealed as follows:

~~DIVISION 2. DOCKLESS MOBILITY PROGRAMS~~

~~Sec. 27-261. Purpose.~~

~~(a) The purpose of this division is to:~~

~~(1) Permit and regulate dockless mobility programs in the City of Fort Lauderdale.~~

~~Sec. 27-262. Applicability.~~

~~The provisions of this division shall apply to dockless mobility programs. For the purpose of this division, the applicant, managing agent or operator, and owner shall be jointly and severally liable for complying with the provisions of this division, the permit, and the permit and license agreement.~~

~~Sec. 27-263. Definitions.~~

~~For the purpose of this division, the following words shall have the meanings indicated:~~

~~*Bicycle rack* means a stationary fixture to which a bicycle can be securely attached to prevent theft.~~

~~*Bike corral* means bicycle parking facilities that can accommodate a group of bicycles typically installed on street in lieu of a single vehicle parking space.~~

~~*City manager* means the city manager of the City of Fort Lauderdale.~~

~~*City-owned property* means property owned, occupied, managed, maintained, or controlled by the city pursuant to deed, easement, lease, license, or dedication, and includes city park land and any other property owned by or under the control of the city. When city-owned property is identified for use for a bicycle-sharing facility, it shall be considered an ancillary ROW area subject to city right-of-way standards and regulations and under the jurisdiction of the city engineer.~~

~~*Customer or User* means the individual who rents or uses a Dockless Bicycle or Scooter provided by an operator.~~

~~*Department* means the City of Fort Lauderdale Transportation and Mobility department.~~

~~*Director* means the City of Fort Lauderdale Transportation and Mobility Director.~~

~~*Dockless bicycle program* means a program authorized by this division that provides bicycles for short-term rentals for point to point trips where, by design of the operator, the bicycles are intended to remain in the public way, even when not being rented by a customer. Dockless Bicycles and Dockless Electric Bicycles utilized by an operator may have the capability of being locked to a bicycle rack or be free-standing when not in use.~~

~~*Dockless mobility program* means a dockless bicycle program, dockless scooter program or dockless electric bicycle program.~~

~~*Dockless scooter program* means a program authorized by this division that provides scooters for short-term rentals for point to point trips where, by design of the operator, the scooters are intended to remain in the public way, even when not being rented by a customer.~~

~~*Dockless electric bicycle*, also known as electric assist or e-bike, means a bicycle equipped with a battery and an electric motor that is activated by pedaling and deactivates when not in use.~~

~~*Dockless mobility unit or Unit* means any and all of the following: dockless electric bicycles, dockless bicycles, and dockless scooters.~~

~~*Dockless scooter* means a vehicle consisting of a footboard mounted to two (2) wheels, steered using a long handle, does not include a seat, is equipped with a battery, and propelled by an electric motor.~~

~~*Geofencing* means the use of GPS or RFID technology to create a virtual geographic boundary, enabling software to trigger a response when a mobile device enters or leaves a particular area.~~

~~Operator means any entity that owns, operates, redistributes, or rebalances bicycles or scooters, and services a dockless mobility program.~~

~~Permit application means the application required by the department in order to participate in the dockless mobility units Program.~~

~~Rebalancing means the process by which bicycles are redistributed to ensure bicycle or scooter availability throughout a service area and to prevent excessive buildup of bicycles at locations throughout the city.~~

~~Right-of-way or ROW means the surface and space above and below an improved or unimproved public roadway, highway, boulevard, road, freeway, bridge, alley, court, street, bicycle lane, public sidewalk and terrace in which the city or other public entity has an interest in law or equity whether held in fee, easement, dedication, plat or other estate or interest including any other dedicated right-of-way for travel purposes.~~

~~Scooter rack refers to a stationary fixture to which a scooter can be securely attached to prevent theft.~~

~~Service area means the geographical area within the City of Fort Lauderdale where the dockless mobility program is intended to offer service for its users/customers as defined by the permit application.~~

~~Sec. 27-264. Dockless mobility unit program permitting.~~

- ~~(a) Unlawful to operate without authorization: It shall be unlawful for an operator to provide or operate a dockless mobility program within the city without first obtaining a permit from the department.~~
- ~~(b) No more than four (4) dockless mobility operators will be permitted to operate within the city at any time.~~
- ~~(c) Authorization: An operator shall apply to participate by submitting to the department an application to provide a dockless mobility program in the city limits.~~
- ~~(d) A maximum number of four (4) permits will be issued to a dockless mobility operator.~~

- ~~(e) Program permits shall be subject to the approval of the director or the director's designee.~~
- ~~(f) The issuance of permits will be prioritized based upon the submission of a complete permit application.~~
- ~~(g) Permits will be effective for a period of one year. operators shall be required to re-apply for a permit upon the conclusion of each one year period.~~
- ~~(h) Operators must, at a minimum, comply with the requirements of section 27-265.~~

~~Sec. 27-265. -- Dockless mobility program requirements.~~

~~(a) — General regulations pertaining to dockless mobility units:~~

- ~~(1) All bicycles utilized in a dockless mobility program shall conform with the standards set forth in Title 16, Code of Federal Regulations, Chapter II, Subchapter C, Part 1512 -- Requirements for Bicycles, the safety standards outlined in ISO 43.150 -- Cycles, subsection 4210, and F.S. § 316.2065, as may be amended or revised.~~
- ~~(2) All dockless mobility units utilized shall comply with the lighting standards set forth in F.S. § 316.2065(7), as may be amended or revised, which requires a reflective front white light visible from a distance of at least five hundred (500) feet and a reflective rear red light visible from a distance of at least six hundred (600) feet.~~
- ~~(3) All dockless mobility units utilized shall include easily accessible and identifiable language that clearly directs users to customer support mechanisms, including not limited to a customer service phone number, websites, and applications.~~
- ~~(4) Dockless electric bicycles (e-bikes) utilized under this program shall meet the National Highway Traffic Safety Administrations (NHTSA) definition of low-speed electric bicycles; and shall be subject to the same requirements as ordinary bicycles and with F.S. ch. 316.003, which defines bicycles. This means, among other requirements, that electric bicycles shall have fully operable pedals, an electric motor of less than seven hundred and fifty (750) watts, and a top motor-~~

~~powered speed of less than twenty (20) miles per hour when operated by a rider weighing one hundred and seventy (170) pounds.~~

~~(5) Dockless scooters must have a top motor powered speed of less than fifteen (15) miles per hour.~~

~~(6) All dockless mobility units utilized shall include an easily accessible and legible unique identifier that is clearly displayed and visible to the user of the bicycle.~~

~~(7) All dockless mobility units utilized shall be equipped with GPS, cell phone, or a comparable technology for the purpose of tracking.~~

~~(8) Advertising and signage on dockless mobility units must comply with section 27-256(3). As a condition of approval, the applicant must agree and acknowledge that all signs on dockless mobility units are subject to the provisions of this division that supersede the provisions of section 47-22 of the Unified Land Development Regulations ("ULDR") however, where not in conflict with the provisions of this division, the provisions of section 47-22 shall apply. Further, the operator agrees to give the department, and the department for Sustainable Design (DSD), final approval of the specifications for any signs displayed, and such approved specifications shall be included in the permit and license agreement required under section 27-258 between the operator and the city.~~

~~(9) All dockless mobility units utilized must include a kickstand capable of keeping the dockless mobility units upright when not in use.~~

~~(b) *Parking and right-of-way.*~~

~~(1) Use of public sidewalks for parking dockless mobility units must not:~~

~~i. Adversely affect the streets or sidewalks;~~

~~ii. Inhibit pedestrian movement;~~

~~iii. Inhibit the ingress and egress of vehicles parked on or off street;~~

~~iv. Create conditions which are a threat to public safety and security;~~

~~v. Prevent a minimum four (4) foot pedestrian clear path.~~

~~(2) Dockless mobility units shall be parked in a way that maintains unimpeded access to existing docked bikeshare stations.~~

~~(3) Dockless mobility units shall not be parked within the following areas: loading zone, handicap accessible parking zone or other facilities specifically designated for handicap accessibility, on-street parking spots, street furniture, curb ramps, business or residential entryways, driveways, travel lanes, bicycle lanes, parklets or within fifteen (15) feet of a fire hydrant.~~

~~(4) Dockless mobility units shall not be parked in a manner that in any way violates Americans with Disabilities Act (ADA) accessibility requirements.~~

~~(5) Dockless mobility units shall be parked upright at all times.~~

~~(6) The city manager, at their discretion, may create geofenced areas where dockless mobility units shall not be parked. An operator must have the technology available to operate these requirements upon request.~~

~~(7) The city manager, at their discretion, may create designated parking zones (i.e., bike corrals) in certain areas where dockless mobility units shall be parked.~~

~~(8) Dockless mobility units parked in one location for more than four (4) consecutive days without moving may be removed by the municipality at the expense of the operator.~~

~~(9) Dockless mobility programs that utilize equipment capable of being locked directly to a bicycle rack shall not rely solely on publicly placed bicycle racks for their operation.~~

~~(c) Maintenance, operations, and fleet size.~~

~~(1) Operators shall comply with F.S., ch. 316, State Uniform Traffic Control.~~

- ~~(2) Dockless scooters shall be restricted to a maximum speed of 15 miles per hour on sidewalks or sidewalk areas in compliance with F.S. § 316.008(7)(a).~~
- ~~(3) Operators must comply with F.S. § 316.2065(15) which prohibits the rental of bicycles to persons under sixteen (16) years of age without also providing or requiring the use of a helmet. operators must also apply these regulations to the rental of dockless scooters.~~
- ~~(4) Operators must provide details on how users can utilize the service without a smartphone.~~
- ~~(5) Operators participating in the program must rebalance dockless mobility units daily based on use within each service area as defined by the permit application.~~
- ~~(6) Dockless mobility units that are inoperable/damaged or do not comply with other subsections of this code must be removed within 2 hours upon receipt of the complaint between the hours of 7:00 a.m. and 7:00 p.m., seven (7) days per week and within twelve (12) hours upon receipt of the complaint on holidays. An inoperable or damaged dockless bicycle, dockless electric bicycle, or dockless scooter is one that has non-functioning features (i.e., gear selectors, pedals, bell, lights, etc.) or is missing components (i.e., fenders, grips, chain guards, etc.) as applicable to that vehicle. An operator whose dockless bicycle, dockless electric bicycle, or dockless scooter is inoperable or damaged or that has non-functioning features and which is relocated or stored is subject to the fees set forth in section 27-267 of this division.~~
- ~~(7) The city manager, at his discretion and without notice, reserves the right to remove dockless mobility units from the right of way if an emergency arises. In such instances, the city will attempt to notify the operator as soon as reasonably practicable thereafter.~~
- ~~(8) Operators must detail a plan to relocate the dockless mobility units to a safe, indoor facility within twenty four (24) hours in the result of a declared tropical weather event (tropical storm or hurricane watch or warning, whichever comes first). The plan must detail the amount of time it will take to remove all dockless mobility units from circulation once a storm watch or warning has been established.~~

- ~~(9) The operator's smartphone application and website must inform users of how to safely and legally ride a bicycle as defined by F.S. § 316.2065, including the rights and duties of cyclists riding on sidewalks or in streets. For the purposes of this division, these duties shall also apply to users of dockless scooters.~~
 - ~~(10) The operator's mobile application must inform users of helmet laws and encourage the use of helmets for those over sixteen (16) years of age.~~
 - ~~(11) The operator's phone application must clearly direct users to customer support mechanisms, including but not limited to phone numbers or websites.~~
 - ~~(12) The operator must provide a staffed, toll-free customer service line which must provide support twenty-four (24) hours per day, three hundred and sixty-five (365) days per year.~~
 - ~~(13) The operator must provide a direct customer service or operations staff contact to department staff.~~
 - ~~(14) Operators initial fleet must be a minimum of one hundred (100) dockless mobility units. Operators initial fleet may not exceed more than five hundred (500) dockless mobility units. Operators may request an increase to their initial fleet of up to two hundred and fifty (250) dockless mobility units thirty (30) days after initial permitting. Each request shall include a rationale and analysis to justify the additional fleet size. Authorization of additional units is at the sole discretion of the city manager.~~
 - ~~(15) The city manager, at his discretion, reserves the right to cap the total number of dockless mobility units permitted to operate within city limits.~~
- ~~(d) —Equity.~~
- ~~(1) Operators shall provide the pricing structure prior to start of service. Any changes in pricing structure shall be provided to the city in writing at least two (2) weeks before the changes go into effect. Operators must receive approval in writing by the director before enforcing modified pricing structures.~~

~~(2) Operators must provide details on how users can utilize the service without a smartphone.~~

~~(3) Operators must provide service in all service areas as identified by the permit application. This includes rebalancing dockless bicycle, dockless electric bicycle, and/or dockless scooter as needed in order to maintain a reasonable level of convenience in renting a dockless bicycle, dockless electric bicycle, and/or dockless scooter.~~

~~(e) Data sharing.~~

~~(1) All permitted operators shall provide the City of Fort Lauderdale with the following data on a monthly basis in PDF format:~~

~~i. Number of dockless mobility units in circulation;~~

~~ii. Number of daily, weekly, and monthly riders;~~

~~iii. Total number of miles traveled by users (daily, monthly, quarterly, annually) broken down by dockless bicycle, dockless electric bicycle, and/or dockless scooter;~~

~~iv. Average time each dockless mobility units spends available (not in use);~~

~~v. Number of rides per user per day;~~

~~vi. Number of rides per dockless bicycle, dockless electric bicycle, and/or dockless scooter per day;~~

~~vii. Duration of rides per rider per day as well as rides per dockless bicycle, dockless electric bicycle, and/or dockless scooter per day;~~

~~viii. Average duration of ride per day of the week;~~

~~ix. Monthly summary of dockless bicycle, dockless electric bicycle, and/or dockless scooter distribution and GPS-based natural movement in heat map format;~~

- x. ~~Summary of fleet numbers lost to theft/vandalism;~~
- xi. ~~Summary of customer comments/complaints, resolution to, and time it took to resolve each complain.~~
- xii. ~~Summary of repairs per dockless bicycle, dockless electric bicycle, and/or dockless scooter per month;~~

(2) ~~All permitted operators shall provide to the department the following data within fourteen (14) days following the end of each calendar quarter, in ESRI ArcGIS.shp format, or other format specified in the permit:~~

Field Name	Format	Description
Operator Name	{Operator Name}	n/a
Type of vehicle	"Standard Bicycle" or "Electric Bicycle" or "Scooter"	n/a
Trip record number	xxx0001, xxx0002, ...	3-letter operator acronym + consecutive trip #
Trip duration	MM:SS	n/a
Trip distance	Feet	n/a
Start date	MM,DD,YYYY	n/a
Start time	HH:MM:SS (00:00:00-23:59:59)	n/a
End date	MM,DD,YYYY	n/a

End time	HH:MM:SS (00:00:00-23:59:59)	n/a
Start location	lat,long	n/a
End Location	lat,long	n/a
ID number	xxxx1, xxxx2,	Unique identifier for each bicycle, e-bike, or scooter
User Home Zip Code	33301 (example)	Home zip code of user (can be credit card based)

~~(3) All permitted operators shall distribute a six (6) month and one year customer satisfaction survey, the summary and raw results of which shall be provided to the department.~~

~~(4) All permitted operators shall provide real time or semi-real time dockless bicycle, dockless electric bicycle, and/or dockless scooter location data via a publicly accessible API in General Bikeshare Feed Specification (GBFS) format per North American Bikeshare Association (NABSA) guidelines. The city reserves the right to post this information through a publicly available portal.~~

~~Sec. 27-266. Indemnification and insurance.~~

~~(a) As a condition of the permit and license agreement the operator agrees to indemnify, hold harmless and defend the City of Fort Lauderdale, its representatives, employees, and elected and appointed officials, from and against all liability, claims, damages, suits, losses, and expenses of any kind, including reasonable attorney's fees and costs for appeal, associated with or arising out of, or from the permit and license agreement, the use of ROW or city owned property for program operations or arising from any negligent act, omission or error of the operator, owner or, managing agent, its agents or employees or from the failure of the operator, its agents or employees, to comply with each and every requirement of this division or with any other federal, state, or local traffic law or any combination of same.~~

- ~~(b) The operator shall provide and maintain such public liability and property damage insurance to protect the City of Fort Lauderdale its representatives, employees, and elected and appointed officials, from all claims and damage to property or bodily injury, including death, which may arise from any aspect of the Program or its operation. Such insurance, shall be provided from an insurance company with an A.M. Best rating of not less than "A" and a financial strength rating of not less than "VII," acceptable to the city's risk management division, and shall provide coverage of not less than two million dollars (\$2,000,000.00) for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing and shall name as additional insured the City of Fort Lauderdale, and city commission, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the termination of the permit and license agreement without thirty (30) days' written notice prior to the termination to the City's Risk Management Division and the director at the address shown in the license.~~
- ~~(c) In addition to the requirements of subsection (a) and (b), the operator shall provide additional insurance and comply with any revised indemnification provision specified in the permit and license agreement.~~
- ~~(d) The operator shall provide proof of all required insurance prior to receiving a permit and upon each renewal thereafter.~~

~~Sec. 27-267. -- Fees and penalties.~~

- ~~(a) The following fees shall apply to operators:~~

(i) Initial Permit Filing Fee	\$150
(ii) Annual Permit Renewal Fee	\$100
(iii) Annual Fee	\$10 per Unit
(iv) Performance bond	\$80 per Unit/\$10,000 maximum
(v) Bicycle Relocation Fee	\$75

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(vi) Bicycle Storage Fee	\$50 per day
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~~(b) An operator is subject, at the discretion of the city manager, to a fleet size reduction or total permit revocation should the following occur:~~

- ~~(i) If violations of the regulations set forth in this division are not addressed in a timely manner or;~~
- ~~(ii) Fifteen (15) unaddressed violations of the regulations set forth by this division within a 30-day period or;~~
- ~~(iii) Submission of inaccurate data.~~

~~(c) In the event of a permit revocation, the city manager shall provide written notice of the revocation via certified mail, informing the operator of the permit revocation.~~

~~Sec. 27-268. Appeal from revocation.~~

~~(a) Operators who have been subject to a permit revocation may appeal the revocation of such permit to the city commission. Should an operator seek an appeal from the revocation, the operator shall furnish notice of such request for appeal to the city clerk no later than ten (10) business days, after the date of mailing, of the certified letter informing the operator of the revocation of the permit.~~

~~(b) Upon receipt of a request for appeal, the city clerk shall fix the date and time at which the city commission shall hear the appeal, such hearing to be held no more than sixty (60) days subsequent to the date upon which such request for appeal was filed with the city clerk. Upon setting the matter for hearing, the city clerk shall notify the operator of the date and time of such hearing. At the conclusion of the hearing, the city commission shall either sustain the decision of the city manager or direct the city manager to reinstate the permit.~~

SECTION 2. Division 2. – Micromobility Programs, of Article VII. – Nonmotorized Vehicle – Self-Propelled, of Chapter 27 – Vehicles for Hire of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

DIVISION 2. MICROMOBILITY PROGRAMS

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SECTION 3. Section 27-261, entitled “Purpose” of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

Sec. 27-261. - Purpose.

(a) The purpose of this division is to:

Permit and regulate micromobility programs in the City of Fort Lauderdale.

SECTION 4. Section 27-262, entitled “Applicability” of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

Sec. 27-262. - Applicability.

The provisions of this division shall apply to micromobility programs. For the purpose of this division, the applicant, managing agent or operator, and owner shall be jointly and severally liable for complying with the provisions of this division, permit application and the permit.

SECTION 5. Section 27-263, entitled “Definitions” of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

Sec. 27-263. - Definitions.

For the purpose of this division, the following words shall have the meanings indicated:

Application Programming Interface (API) a set of commands, functions, protocols, and objects that computer programmers use to create software.

Bicycle rack - a stationary fixture to which any bicycle can be securely attached to prevent theft.

City - the City of Fort Lauderdale.

City manager - the city manager of the City of Fort Lauderdale.

Damaged micromobility device – one that does not meet the minimum ordinance requirements of the micromobility program.

Department - the Transportation and Mobility department or such department, which has the responsibility for administration of transportation or parking programs in the City of Fort Lauderdale Transportation and Mobility department.

Director - the City of Fort Lauderdale Transportation and Mobility Director of the department.

Geofences - used to define areas with the use of a Global Positioning System (GPS) or similar technology to create a virtual geographic boundary where micromobility devices may be balanced or rebalanced, may begin or end, may be prohibited from operation, may enter or leave a particular area, are capable of receiving specialized speed limits, or other uses as determined by the director.

Inoperable micromobility device - has non-functioning features or is missing components as applicable to that device.

Micromobility devices – 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 and privately-owned motorized scooters and bicycles.

Micromobility program – micromobility devices, including motorized bicycles and motorized scooters, intended for short-term rental for point to point trips where, by design of the operator, the devices are intended to remain in the public way.

Motorized bicycle – a micromobility device also known as electric-assist or e-bike, which is a bicycle equipped with a battery and an electric motor that is activated by pedaling and deactivates when not in use and intended to remain in the public way, even when not being rented by a customer.

Motorized scooter – Any micromobility device that is powered by a motor with or without a seat or addle 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 device at a speed greater than 20 miles per hour on level ground.

Operator - any entity that owns, operates, redistributes, or rebalances micromobility device and has received a permit to operate within the city.

Parking corral(s) - parking facilities that can accommodate a group of micromobility devices which

may include markings on the pavement or sidewalk, signage, or be designated only within an operator's smartphone application.

Rebalancing - the process by which micromobility devices are redistributed to ensure availability throughout a service area and to prevent excessive buildup of micromobility devices at locations throughout the city.

Right-of-way or ROW - the surface and space above and below an improved or unimproved public roadway, highway, boulevard, road, freeway, bridge, alley, court, street, bicycle lane, public sidewalk and terrace in which the city or other public entity has an interest in law or equity whether held in fee, easement, dedication, plat or other estate or interest including any other dedicated right-of-way for travel purposes.

Service area(s) - a geographic area(s) within the City of Fort Lauderdale, as defined by the department, where the micromobility program may offer service for its users.

User – an individual who utilizes a micromobility device and is at least 18 years of age.

SECTION 6. Section 27-264, entitled "Micromobility device program permitting" of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

Sec. 27-264. – Micromobility device program permitting.

- (a) It shall be unlawful for an operator to provide or operate a micromobility program within the city without first obtaining a permit from the department.
- (b) Application for a permit shall be on an application form provided by the department.
- (c) A maximum of three (3) permits may be issued for the operation of an initial fleet of up to 500 motorized scooters per permit. The designation for each permit shall not be transferred or converted to another type of device, without written authorization by the city manager or the city manager's designee.
- (d) One (1) permit may be issued for the operation of an initial fleet of up to 200 motorized bicycles. The designation for each permit shall not be transferred or converted to another type of device, without written authorization by the city manager or the city manager's designee.

- (e) Permits shall be valid one year from the date of issuance. The city manager may extend a permit for three (3) additional one (1) year periods. Each additional permit renewal period shall be subject to a 10% increase to the current permit fee.
- (f) The city manager may authorize the issuance of a temporary permit for up to, but not to exceed 180 days during the annual permitting period, at the prorated cost of the annual permit fee. Such authorization shall not exceed the permit limitations as set forth in subsections (c) and (d).
- (g) Operators must, at a minimum, comply with the requirements of section 27-266.

SECTION 7. Section 27-265, entitled "Application Review" of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

Sec. 27-265. Application Review.

- (a) The department director shall be responsible for the management of the permit application process. The director shall publish the application period on the department's website, no less than 5 calendar days prior to opening the application period. Such publication shall include the permit application process for motorized scooters and the permit application process for e-bikes, the application timelines, and general evaluation criteria.
- (b) An evaluation committee shall have the responsibility to evaluate and rank micromobility motorized scooters' and e-bike applications based on the following criteria:
 - (1) Experience
 - (2) Technology
 - (3) Community Engagement
 - (4) Safety
 - (5) Operational Plan
- (c) Each member shall independently evaluate and rank the micromobility applications received, on the scorecards provided by the department, in accordance with the criteria set forth in this subsection (b) and provide such scorecard to the director.
- (d) The director shall tabulate the scorecards and shall publish the ranked motorized scooter applicants and e-bike applicants on the department's website. In the event of a tie, the

applicant with the higher combined score of the Operational Plan and Safety scorecard tabulations shall be considered the higher ranked applicant.

(e) The director will notify the top ranked motorized scooter applicants and top ranked e-bike applicant. Each applicant shall comply with the following conditions within 30 calendar days after publication of the applicants' ranking and notification from the director as set forth in this section:

- (1) Provide current liability insurance certificate pursuant to Section 27-268;
- (2) Provide local operator contact information form; and
- (3) Payment of the permit filing fee and operating permit fee as set forth in Section 27-269.

(f) Should an applicant fail to qualify for the issuance of a permit, or if a permit is revoked or relinquished, the city may identify the next top ranked applicant in consideration for a micromobility permit.

SECTION 8. Section 27-266, entitled "Micromobility program requirements" of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

Sec. 27-266. - Micromobility program requirements.

(a) General regulations pertaining to micromobility devices:

- (1) Operators shall comply with Florida Statutes, Chapter 316, State Uniform Traffic Control.
- (2) All micromobility devices utilized shall comply with the lighting standards set forth in Section 316.2065(7), Florida Statutes, which requires a reflective front white light visible from a distance of at least five hundred (500) feet and a reflective rear red light visible from a distance of at least six hundred (600) feet.
- (3) Motorized bicycles utilized under this program shall meet the National Highway Traffic Safety Administrations (NHTSA) definition of low-speed electric bicycles; shall have fully operable pedals, an electric motor of less than seven hundred and fifty (750) watts, and a top motor-powered speed of less than twenty (20) miles per hour when operated by a rider weighing one hundred and seventy (170) pounds and shall be subject to the same requirements pursuant to Chapter 316, Florida Statutes.

- (4) Micromobility devices utilized under this program shall be restricted to a top motor-powered speed. Motorized scooters shall not exceed twelve (12) miles per hour and e-bikes shall not exceed fifteen (15) miles per hour.
- (5) All micromobility devices shall include an easily accessible and legible unique identifier that is clearly displayed and visible to the user of the device.
- (6) All micromobility devices shall be equipped with GPS or a comparable technology for the purpose of tracking and controlling the device. The GPS and comparable technology shall ensure that the devices can be located and adhere to any geofence restrictions.
- (7) Advertising on micromobility devices, with the exception of the operator's logo and directly related operator's branding, is prohibited without prior written authorization by the city manager or the city manager's designee.
- (8) All micromobility devices must include a kickstand capable of keeping the device upright when not in use.
- (9) All micromobility devices shall include easily accessible and discernable language that clearly informs users of local rules and directs users to customer support mechanisms, including but not limited to a customer service phone number, websites, and applications.
- (10) Users of micromobility devices must be at least 18 years of age. Operators must require that valid photo identification be provided through the Operator's smartphone application before allowing a user to unlock a micromobility device and shall review this identification information for accuracy.
- (11) Micromobility devices are authorized to be utilized on bike paths only, and in the event that no bike path is available, micromobility devices may be utilized on sidewalks or sidewalk areas in compliance with Florida Statutes Section 316.008(7)(a). The city manager may restrict the operation and use of micromobility devices on certain sidewalks where use of micromobility devices may be considered a hazard to pedestrians.
- (12) Micromobility devices shall be restricted from:

- a. Operating on the barrier island, including any land in the city that is east of the Intracoastal Waterway, with the exception of a dedicated parking corral at the city's Las Olas Parking Garage.
- b. Operating within the Las Olas Boulevard right-of-way between Andrews Avenue to the west and Southeast 17th Avenue to the east.
- c. Operating within the Riverwalk Park, including the right-of-way surrounding the north and south banks of the New River within the city.

- (13) The city manager, or the city manager's designee, may implement temporary operating restrictions by providing written notice to the Operator.
- (14) The city manager, or the city manager's designee, may impose micromobility speed limitations, no ride zones, operating hours and geofence restrictions.
- (15) The city manager, or the city manager's designee, may designate parking corrals in the city where micromobility devices shall be parked.

(b) *Parking and right-of-way.*

- (1) Use of public sidewalks for parking micromobility devices shall not:
 - a. Adversely affect the streets or sidewalks;
 - b. Inhibit pedestrian movement;
 - c. Inhibit the ingress and egress to or from vehicles parked on- or off-street;
 - d. Create conditions which are a threat to public safety and security;
 - e. Prevent a minimum four (4) foot pedestrian clear path;
 - f. Be parked on private property without the consent of property owners;
 - g. Be parked in a manner that in any way violates the Americans with Disability Act (ADA) accessibility requirements including, but not limited to, parking zones or other facilities specifically designated for ADA accessibility;
 - h. Be parked within travel lanes, on- or off-street parking spaces, loading zones, bicycle lanes or related facilities, shoulders, driveways, parking garages, or other facilities;
 - i. Be parked in a manner that blocks access to fire hydrants, street furniture or existing docked bikeshare stations or not upright; and
 - j. Be parked in such a manner as to restrict ingress or egress from any

structure.

- (2) Micromobility devices shall be parked upright at all times.
- (3) Operators shall have the technology available to timely prohibit the micromobility device from operating in a geofenced area.
- (4) Micromobility devices parked in the same location exceeding three (3) consecutive days, without moving, may be removed by the department and may subject the operator to storage fees pursuant to Section 27-269.

(c) Maintenance, operations, technology and fleet size.

- (1) Operators must rebalance micromobility devices daily based on use and to comply with any service area requirements.
- (2) The city manager may direct the operator to remove micromobility devices from the right-of-way, with or without notice, if an emergency arises, as defined by the Fort Lauderdale Code of Ordinances Section 2-272.
- (3) Operators shall relocate all micromobility devices to a safe, indoor facility within twenty-four (24) hours of notice in preparation of a potential state of emergency including, but not limited to a tropical storm watch or warning or hurricane watch or warning. After such emergency, micromobility devices shall not be redeployed until notice is given by the department.
- (4) The operator's smartphone application and website must inform users of how to safely and legally ride a micromobility device as defined by F.S. Chapter 316, and this Division, including the rights and duties associated with riding in streets or on sidewalks, as applicable. Operators shall notify users of no ride and no parking zones prior to commencement of use.
- (5) The operator's smartphone application must inform users of helmet laws and encourage the use of helmets for all users.
- (6) The Operator must provide a staffed, toll-free customer service line which must provide support twenty-four (24) hours per day, three hundred and sixty-five (365) days per year by phone, text message, and email. The operator's smartphone

application must clearly direct users to customer support phone numbers and websites.

- (7) Operators may request an increase to its fleet of micromobility devices every ninety (90) days during each permitting term. Such request shall be in writing and addressed to the director. All written requests for additional fleet increases shall be evaluated and may be approved by the director. Operator shall pay a fleet increase fee, per approved fleet increase, as set forth in subsection 27-269.
- (8) The city manager may cap the total number of micromobility devices permitted to operate within the city.
- (9) The department may temporarily reduce the number of micromobility devices in circulation, if the average utilization rate falls below two (2) rides per device per day until such time that the average utilization exceeds two (2) rides per device per day. A monthly aggregated average will be reviewed by the director, for the purposes of this section. The Operator shall not receive a full, partial, or pro-rated permit fee refund for fleet reductions.
- (10) The department may establish service areas and associated service area targets. Operators who fail to abide by service areas and service area targets may be subject to permit suspension as set forth in section 27-270.

(d) Equity.

- (1) Operators shall provide the pricing structure prior to start of service. Any changes in the Operator's pricing structure shall be provided to the department in writing. Operators must receive written approval by the director before implementing modified pricing structures.
- (2) Operators shall provide details as to how users are able utilize the service without a smartphone.
- (3) Operators must provide service in all service areas as identified by the department. This includes rebalancing micromobility devices as needed, in order to maintain a reasonable level of convenience in renting a device.

(e) Data sharing.

- (1) Operators shall provide real-time and historic data in a standardized format such as the Mobility Data specifications or one specified by the department. All data provided will be considered a public record and available for the city to publish on a voluntary or by request basis.
- (2) The city reserves the right to receive and share data provided by the operator, through an API, with a 3rd party vendor, for the purposes of monitoring, compliance, evaluation, and planning.
- (3) The city or a 3rd party vendor may audit any data provided by the operator to ensure completeness and accuracy of the operator reports.
- (4) The Operator shall maintain the data for each micromobility device, that reflects that the data feed accurately represents the devices in operation, maintenance, or non-operational modes.
- (5) All permitted operators shall distribute to its users, at least twice per permit term, both via email and in-app, department designed surveys as requested by the department. All raw and summarized results shall be provided to the department, upon request.
- (6) The city will create and maintain a monthly report template which all permitted operators shall complete on a monthly basis on or before the 10th day of the following month. The monthly report template may include, but is not limited to:
 - a. Number of micromobility devices in circulation;
 - b. Number of daily, weekly, and monthly users;
 - c. Total number of miles traveled by users, daily, monthly, quarterly and annually, delineated by micromobility motorized scooters and micromobility e-bikes;
 - d. Average time each micromobility device is available for use;
 - e. Number of rides per user per day;
 - f. Number of rides per, micromobility motorized scooters and micromobility e-bikes per day;
 - g. Duration of daily rides per user per micromobility motorized scooters and micromobility e-bikes per day;
 - h. Average daily duration of ride;

- i. Monthly summary of micromobility motorized scooters and micromobility e-bikes distribution and GPS-based natural movement in heat map format;
- j. Summary of fleet numbers lost to theft or vandalism;
- k. Summary of user comments and complaints, and resolution of each complaint;
- l. Monthly summary of repairs for each motorized scooter and e- bicycle;

SECTION 9. Section 27-267, entitled “Applicant agrees to indemnification” of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

Sec. 27-267. – Applicant agrees to indemnification.

- (a) Indemnification. A statement shall be included within the application for a permit that by execution of the application and by applying for the permit, the applicant agrees to be bound to the city with respect to the indemnification provisions set forth in 27-268(a) of the City of Fort Lauderdale Code of Ordinances.

SECTION 10. Section 27-268, entitled “Indemnification and insurance” of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

Sec. 27-268. – Indemnification and insurance.

- (a) Indemnification. As a condition of the permit and license agreement the Operator agrees to indemnify, hold harmless and defend the city of Fort Lauderdale, its representatives, employees, and elected and appointed officials, from and against all liability, claims, damages, suits, losses, and expenses of any kind, including reasonable attorney's fees and costs for appeal, associated with or arising out of, or from the permit and license agreement, the use of right-of-way or city owned property for Program operations or arising from any act, omission or error of the Operator, owner or, managing agent, its agents, contractors or employees, including but not limited to damage to property or bodily injury, including death, arising out of or in connection with any use, misuse, placement or misplacement, or from the failure of the Operator, its agents, contractors or employees, to comply with each and every requirement of this Division or with any other federal, state, or local traffic law or any combination of same, including but not limited to any use, misuse, placement or misplacement resulting in alleged violations of the American with Disabilities Act (ADA).

- (b) Insurance. The Operator shall provide and maintain commercial general liability and automobile liability insurance to protect the city of Fort Lauderdale its representatives, employees, and elected and appointed officials, from all claims and damage to property or bodily injury, including death, which may arise from any aspect of the Program or its operation, or its agents, contractors, employees or users, and all vehicles owned and/or operated by the Operator, its agents, contractors or employees. Such insurance, shall be provided from an insurance company with an A.M. Best rating of not less than "A-" and a financial strength rating of not less than "VII," acceptable to the City's Risk Management Division, and shall provide coverage of not less than five million dollars (\$5,000,000) per occurrence and a contract aggregate of not less than five million dollars (\$5,000,000) for commercial general liability insurance, and one million dollars (\$1,000,000) per occurrence for automobile liability insurance. Such insurance shall be without prejudice to coverage otherwise existing and shall name as additional insured, and include a waiver of subrogation endorsement in favor of, the City of Fort Lauderdale, its representatives, employees, and elected and appointed officials. Such insurance shall further provide that the policy shall not terminate or be canceled prior to the termination of the permit and license agreement without thirty (30) days' written notice prior to the termination to the City's Risk Management Division and the Director at the address shown in the license.
- (c) Insurance. In addition to the requirements of subsection (a) and (b), the Operator shall provide additional insurance and comply with any revised indemnification provision specified in the permit and license agreement.
- (d) Insurance. The Operator shall provide the city with valid Certificates of Insurance (binders are unacceptable) prior to receiving a permit and upon each renewal thereafter. In the event the permit and license agreement term go beyond the expiration date of the insurance policy, the Operator shall provide the city with an updated Certificate of Insurance no later than ten (10) days prior to the expiration of the insurance currently in effect. The city reserves the right to suspend the permit and license agreement until this requirement is met.

SECTION 11. Section 27-269, entitled "Permit and Storage Fees" of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

Sec. 27-269. - Permit and Storage Fees

A micromobility program Operator shall pay the following fees and charges to the city:

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

(1)	<u>Initial motorized scooter application Fee</u>	<u>\$250</u>
(2)	<u>Initial e-bike application fee</u>	<u>\$250</u>
(3)	<u>Motorized scooter permit filing fee</u>	<u>\$250</u>
(4)	<u>E-bike permit filing fee</u>	<u>\$250</u>
(5)	<u>Permit Reinstatement Fee</u>	<u>\$1,000</u>
(6)	<u>Annual Motorized Scooter Fee</u>	<u>\$62,500</u>
(7)	<u>Annual Motorized Bicycle Fee</u>	<u>\$25,000</u>
(8)	<u>Daily Micromobility Device Storage Fee</u>	<u>\$50.00</u>
(9)	<u>Fleet Increase Fee Per Device</u>	<u>\$125.00</u>

SECTION 12. Section 27-270, entitled “Storage, Suspension, and Revocation” of the Code of Ordinances of the City of Fort Lauderdale, Florida, is created to provide as follows:

Sec. 27-270. Storage, Suspension, and Revocation.

(a) Micromobility Device Storage.

- (1) City personnel are authorized to move, remove or cause to be moved and store a micromobility device in a city storage facility which shall be subject to a per device storage fee pursuant to 27-270.
- (2) Micromobility devices that are non-compliant with sections 27-266(a)(12), 27-266(a)(13), 27-266(a)(14), 27-266(a)(15) or 27-266(c)(3) may be immediately removed and stored by the City.
- (3) Except as set forth in Section 27-270(a)(2), micromobility devices that are inoperable, damaged, or do not comply with any provisions of this code shall be removed from circulation by the operator within 60 minutes upon notification by the department. Such notification will be made to the operator’s direct local operations staff contact.
- (4) Pursuant to this subsection, when a micromobility device is stored, the Department shall provide the operator with written notice as to the location of the city storage facility and the fee imposed, which shall be paid prior to the retrieval of the micromobility device.

(b) Permit Suspension

- (1) The director may suspend a permit for the operation of a micromobility device if it is found that:

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- a. Any business permit has expired or been suspended, revoked or cancelled;
 - b. The operator does not have the insurance in the minimum amount described in section 27-267;
 - c. The operator fails to correct violations as set forth in this division within 5 days of receipt of the director's written notice provided to the operator;
 - d. The operator has failed to correct five (5) violations as set forth in this division within a 30-day period;
 - e. The operator has exceeded the maximum permitted fleet size or;
 - f. The operator has charged fees that exceed the charges approved by the City pursuant to section 27-266(d)(1);
 - g. The operator fails to comply with the City's request to correct reoccurring violations;
 - h. The operator has submitted inaccurate or false data;
 - i. If the operator has an outstanding fee balance of \$1,000.00 or more;
or
 - j. If the operator fails to comply with service areas and service area targets.
- (2) In the event of a permit suspension, the director shall provide written notice of the suspension via certified mail, informing the operator of the permit suspension, the reasons thereof, the required corrective actions, and general appeal information. An appeal is initiated by applicant filing a written notice of appeal with the director. The appeal shall specify all reasons why the operator believes the permit should not have been suspended. Upon timely receipt of a written notice to appeal, the department shall forward the appeal to the city manager, who shall set a meeting with the applicant within ten (10) business days. At the meeting the city manager shall sustain, modify, or reverse the permit suspension. The decision of the city manager shall be final.
- (3) The filing of a notice of appeal shall not stay an order by the director to suspend a permit.
- (4) An operator shall not be entitled to a full, partial, or pro-rated permit fee refund if a permit is suspended pursuant to this subsection.

(c) Permit Revocation

- (1) An operator is subject to a permit revocation should any of the following occur:
 - a. Suspension of the operator's permit for more than 30 days;
 - b. The operator has received more than three (3) permit suspensions in a calendar year;
 - c. The operator ceases to operate in the City for more than 30 days or;
 - d. The operator substantially reduces the operation of the permitted fleet size to below 50 deployed devices for more than 45 days.
- (2) In the event of a permit revocation, the director shall provide written notice of the suspension via certified mail, informing the operator of the permit revocation, the reasons thereof, and general appeal information.
- (3) Operators who have been subject to a permit revocation may appeal the revocation of such permit to the city commission. Should an operator seek an appeal from the revocation, the operator shall furnish notice of such request for appeal to the city clerk no later than ten (10) business days, after the date of mailing, of the certified letter informing the operator of the revocation of the permit. The filing of a notice of appeal shall not stay an order by the city manager to revoke a permit.
- (4) Upon receipt of a request for appeal, the city clerk shall fix the date and time at which the city commission shall hear the appeal, such hearing to be held no more than sixty (60) days subsequent to the date upon which such request for appeal was filed with the city clerk. Upon setting the matter for hearing, the city clerk shall notify the operator of the date and time of such hearing. At the conclusion of the hearing, the city commission shall either sustain the decision of the city manager or direct the city manager to reinstate the permit.
- (5) The city manager may prohibit all, or a portion of, the Operator's ability to operate within the City of Fort Lauderdale during the appeal process.
- (6) An operator may relinquish a permit to the City for any reason without penalty. Such relinquishment shall not entitle the operator to a full, partial, or pro-rated permit fee refund.

SECTION 13. That all existing valid dockless mobility permits renewed after February 1, 2020, shall remain valid until March 31, 2020.

SECTION 14. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 15. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 16. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING the _____ day of _____, 2020.

PASSED SECOND READING the _____ day of _____, 2020.

ATTEST:

Mayor
DEAN J. TRANTALIS

City Clerk
JEFFREY A. MODARELLI