

ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE PERTAINING TO MICROMOBILITY DEVICES; CREATING ARTICLE VIII OF CHAPTER 35, ORANGE COUNTY CODE; PROVIDING PURPOSE, INTENT, AND APPLICABILITY; FINDINGS; DEFINITIONS; MICROMOBILITY DEVICE OPERATIONS; PROPOSALS; LICENSE AGREEMENT; TERMS; DELIVERY AND OPERATION OF MICROMOBILITY DEVICES; COMPANY RESPONSIBILITIES; MICROMOBILITY DEVICE OPERATIONAL REQUIREMENTS; MICROMOBILITY DEVICE REQUIREMENTS; PARKING REQUIREMENTS; IMPOUNDMENT; AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Creation of Article VIII, "Micromobility Devices". Article VIII of Chapter 35 of the Orange County Code is hereby created and shall read as follows:

ARTICLE VIII

MICROMOBILITY DEVICES

Sec. 35-96. Purpose, intent and applicability; findings.

(a) Purpose, intent and applicability. The purpose and intent of this Article is to permit and regulate micromobility devices and micromobility device companies in the unincorporated areas of Orange County, Florida (the "County"). This Article does not apply to the operation of individually owned and operated motorized scooters, bicycles, and similar devices.

(b) Findings.

(1) The Orange County Board of County Commissioners (the "Board") recognizes that the passage of Florida HB 453 (Chapter Number 2019-109) has expanded the rights of micromobility device operators within the state and expanded the areas where micromobility device riders may operate these devices

under Section 316.2128, Florida Statutes;

44 (2) Section 316.2128, Florida Statutes, provides  
46 that an operator of a micromobility device has the same rights and  
48 duties as an operator of a bicycle under certain circumstances,  
particularly with respect to the right to use the sidewalk and/or  
roadway;

50 (3) Section 316.2128, Florida Statutes,  
expressly reserves local authority and jurisdiction to regulate  
52 micromobility devices to the extent authorized by Section 316.008,  
Florida Statutes;

54 (4) Section 316.008(1)(a), Florida Statutes,  
authorizes local authorities to regulate or prohibit stopping,  
standing, or parking; Section 316.008(1)(h), Florida Statutes,  
56 authorizes local authorities to regulate the operation of bicycles;  
Section 316.008(1)(n), Florida Statutes, authorizes local authorities  
58 to prohibit or regulate the use of heavily traveled streets by any class  
or kind of traffic found to be incompatible with the normal and safe  
60 movement of traffic; and Section 316.008(7)(a), Florida Statutes,  
authorizes counties to permit, control, or regulate vehicles  
62 operating on sidewalks, including motorized scooters;

64 (5) Micromobility device companies are  
operating in many local government jurisdictions nationwide,  
including in the County, providing for reservation of micromobility  
66 devices via online application, website, or software;

68 (6) Micromobility devices may offer a viable and  
environmentally sustainable transportation option;

70 (7) In light of issues arising from the use of  
micromobility devices, and in consideration of community input, the  
Board finds that a comprehensive regulatory framework is  
72 necessary to mitigate the risks and dangers posed by micromobility  
devices within unincorporated areas of the County;

74 (8) The County strives to keep County rights-of-  
way compliant with the Americans with Disabilities Act (“ADA”)  
76 and other federal and state regulations; has adopted an ADA  
Transition Plan for public rights-of-way; and is committed to  
78 keeping the County accessible for persons with disabilities;

80 (9) Improperly parked micromobility  
devices may create dangerous conditions for pedestrians,  
bicyclists, transit users, and mobility-impaired individuals needing  
82 access and maneuverability for ADA devices and related needs; and

84 (10) The County has a significant interest in  
ensuring public safety and therefore finds it necessary to regulate  
micromobility devices in order to protect the general safety and  
86 welfare of the public, including pedestrians, bicyclists,  
micromobility device riders, and transit users, as well as motor  
88 vehicle drivers and passengers.

90                   **Sec. 35-97.   Definitions.**

92                   As used in this Article, the following words, terms, and  
94                   phrases shall have the meanings ascribed to them in this Section,  
                      except where the context clearly indicates a different meaning:

96                   (a)     *Bicycle* shall have the meaning ascribed to it in  
                      Section 316.003(4), Florida Statutes, as it may be amended.

98                   (b)     *Bicycle path* shall have the meaning ascribed to it in  
                      Section 316.003(5), Florida Statutes, as it may be amended.

100                  (c)     *Company* means a micromobility device provider  
                      that is a person, firm, corporation, or other legal entity that makes  
102                  bicycles, scooters, and/or other micromobility devices available for  
                      immediate, self-service rental through an online application,  
                      website, or software for point to point trips.

104                  (d)     *Director* means the Orange County Director of  
                      Public Works or that person’s designee, who shall administer this  
106                  Article.

108                  (e)     *Electric bicycle* shall have the meaning ascribed to it  
                      in Section 316.003(22), Florida Statutes, as it may be amended.

110                  (f)     *Emergency Preparedness Plan* means a plan that  
                      details where A Company’s micromobility devices will be located  
                      and the amount of time it will take to secure all micromobility  
112                  devices when a tropical storm or hurricane warning has been issued  
                      by the National Weather Service.

114                  (g)     *Geofencing* means the use of Global Positioning  
                      Systems (“GPS”) or Radio Frequency Identification (“RFID”)   
116                  technology to create a geographic boundary, enabling software to  
                      trigger a response when a mobile device or micromobility device  
118                  enters or leaves a particular area.

120                  (h)     *Micromobility device* shall have the meaning  
                      ascribed to it in Section 316.003(39), Florida Statutes, as it may be  
                      amended.

122                  (i)     *Motorized scooter* (also referred to herein as  
                      “scooter”) shall have the meaning ascribed to it in Section  
124                  316.003(46), Florida Statutes, as it may be amended.

126                  (j)     *Operations Plan* means a Company’s plan of  
                      business operations that provides the specific Service Area(s) where  
                      devices will be utilized, including any areas required by the Director  
128                  (“Service Area”); information describing how devices will be  
                      managed within the Service Area(s); and plans showing how Rider  
130                  and other public safety concerns will be addressed, including but not  
                      limited to accessibility.

132 (k) *Parking Plan* means a plan that depicts the locations  
134 within which a Company requests uniform designated parking areas  
according to County specifications.

136 (l) *Program Administrator* means that person  
authorized by a Company to represent the Company in all  
138 communications with the County, and to promptly respond to all  
County questions or concerns.

140 (m) *Rebalancing* means the process by which  
micromobility devices are redistributed to ensure availability  
142 throughout the Service Area(s) and to prevent excessive buildup of  
micromobility devices at any particular location(s).

(n) *Rider* means the operator of a micromobility device.

144 (o) *Right-of-Way* shall have the meaning ascribed to it in  
Section 21-173 of the Orange County Code, as it may be amended,  
146 and means land in which the County owns the fee or has an easement  
devoted to, or required for, the use as a public road.

148 (p) *Roadway* shall have the meaning ascribed to it in  
150 Section 316.003(71), Florida Statutes, as it may be amended.

152 (q) *Safety Operational Analysis* shall mean the analysis  
conducted by a Company, based upon objective criteria as  
154 determined by the Director and on file at the County's Public Works  
Department.

156 (r) *Sanitation Plan* means a plan that details daily  
sanitization and disinfection protocols and related education  
provided to staff and Riders.

158 (s) *Service Area(s)* means a specific geographic area or  
160 areas of unincorporated Orange County within which a Company's  
micromobility devices are authorized to operate under the terms of  
an approved license agreement with Orange County.

162 (t) *Sidewalk* shall have the meaning ascribed to it in  
Section 316.003(77), Florida Statutes, as it may be amended.

164 (u) *Staging* means the parking and rebalancing of  
micromobility devices within the public right-of-way.

166 (v) *Vehicle* shall have the meaning ascribed to it in  
Section 316.003(103), Florida Statutes, as it may be amended.

168  
170 **Sec. 35-98. Micromobility device operations in Orange  
County.**

172 (a) The Board will review and may approve up to three  
(3) Companies to provide micromobility device services within one

174 or more designated Service Areas of the County under license  
175 agreements.

176 (b) After such Board approval, only a Company that has  
177 been issued a license by the County will be allowed to stage and  
178 operate micromobility devices in County rights-of-way; any  
179 Company not so approved shall remove all of its devices from  
180 County rights-of-way no later than 10 days after such Board  
181 approval.

182 **Sec. 35-99. Proposals.**

184 (a) Proposals. A Company must respond to the  
185 County's Request for Proposals to be eligible to receive a license  
186 from the County before commencing micromobility device  
187 operations. The proposal form may be obtained on the County  
188 website or at the County Public Works Department Office located  
189 at 4200 S. John Young Parkway, Orlando, Florida, and must be  
190 submitted to the Director. Each proposal must:

192 (1) Be made on the form provided by the County;  
193 include all materials and documents required for a complete  
194 submittal and, at a minimum, provide information necessary to  
195 confirm that the Company meets the requirements of this Article and  
196 otherwise complies with all applicable federal, state, and local laws,  
197 rules, and regulations;

198 (2) Include documentation confirming that the  
199 Company is a business organization duly authorized to conduct  
200 business in the State of Florida, together with a copy of the  
201 Company's local business tax certificate;

202 (3) Include an Operations Plan, Safety  
203 Operational Analysis, Emergency Preparedness Plan, Sanitation  
204 Plan, and Parking Plan, all as defined in Section 35-97;

205 (4) List any other jurisdictions in the United  
206 States in which the Company is currently providing micromobility  
207 devices; and

208 (5) Include any other requested information and/or  
209 documentation, as will be detailed in the County's Request for  
210 Proposals (the "RFP").

211 (b) *Notice of changes.* Any changes to information  
212 provided in a proposal must be promptly reported in writing to the  
213 Director or as otherwise indicated in the RFP.

**Sec. 35-100. License agreement; term.**

216 (a) *License agreement.* After Board approval of a  
218 Company's proposal, payment by the Company of the License Fee  
220 contemplated in Section 35-100(i), and prior to commencing  
222 micromobility device operations, a Company shall be required to  
224 execute a license agreement with the County in order to provide  
226 micromobility devices in the Company's Service Area(s) during the  
228 term of the agreement. A Company must pay the License Fee no  
later than 10 days after Board approval. In addition to the  
requirements of this Article, the Director may require special  
regulations and conditions of the license as he or she deems  
reasonably appropriate to protect the public health, safety, and  
welfare. All licenses shall be conditioned on the accuracy of and  
continued compliance with all material aspects of the proposal.

230 (b) *Term.* A Company's license will be for a term of one  
232 year and may be renewed for a maximum of two one-year terms by  
the Board. No later than ten (10) days after revocation of a license,  
234 the Company shall remove all its micromobility devices from the  
Service Area(s) and from the County rights-of-way.

236 (c) *Quantity of micromobility devices authorized by  
license agreement.* Each license, upon issuance, will be valid for  
238 the minimum and maximum number of Micromobility devices  
identified therein. Additionally, the Director may reduce or increase  
240 the number of authorized micromobility devices, as s/he deems  
necessary and appropriate.

242 (d) *Non-transferability and non-assignability.* A  
micromobility device license may not be transferred or assigned  
unless approved in writing in advance by the Director.

244 (e) *Revocation of license.* The Director may issue a  
246 notice to revoke a license if a Company violates this Article, any  
applicable law or regulation, or any material condition of the license  
248 or license agreement, subject to the revocation process outlined in  
the license agreement.

250 (f) *Liability insurance.* The Company shall maintain  
liability insurance to protect the interests of the Company and the  
252 County with limits and on forms and endorsements as specified by  
the County in the license agreement. The County shall be named as  
254 an additional insured on all liability policies. Nothing herein  
constitutes a waiver of the County's sovereign immunity or of the  
provisions of Section 768.28, Florida Statutes.

256

258 (g) *Performance surety.* The Company shall submit to  
the Director a performance surety in form and amount acceptable to  
the County prior to the issuance of a license under this section.

260 (h) *Indemnification.* The Company shall indemnify,  
262 defend, and hold harmless the County and its elected and appointed  
officials, employees, agents, and instrumentalities from any and all  
264 liability, losses, or damages, including any and all attorneys' fees and  
costs of defense, which the County and its elected and appointed  
266 officials, employees, agents, and instrumentalities may incur as a  
result of claims, demands, suits, causes of actions, or proceedings of  
268 any kind or nature including, but not limited to, personal injury,  
wrongful death, and/or property loss or damage, to the extent arising  
270 out of or in any way connected with the operation, maintenance, or  
use of micromobility devices on all streets, sidewalks, sidewalk  
272 areas, and other unincorporated areas. The Company shall pay all  
claims and losses in connection therewith and shall investigate and  
274 defend all claims, suits or actions of any kind or nature in the name  
of the County, where applicable, including administrative, trial, and  
276 appellate proceedings, and shall pay all costs, judgments, and  
attorneys' fees which may issue thereon. The Company shall  
278 expressly understand and agree that any insurance protection  
required by this Article, the micromobility license agreement, or  
280 otherwise provided or secured by a Company, shall in no way limit  
the responsibility to indemnify, defend, and hold harmless the  
282 County and its elected and appointed officials, employees, agents,  
and instrumentalities, as required by this Section. The obligation to  
284 indemnify, defend, and hold harmless shall survive the revocation,  
cancellation, or expiration of a license agreement. The Company  
286 shall acknowledge in the license agreement, which will include this  
indemnification in substantially the language provided by this  
288 Section, that the issuance of the license, is, in part, conditioned on  
the granting of this indemnification which is knowingly and  
voluntarily given by the Company.

290 (i) *License Fee.* The Company shall pay a License Fee for  
the issuance and renewal of license agreements in an amount  
292 established by the Board of County Commissioners from time to  
time, which shall be inclusive of the County's costs of installing  
294 required parking areas in the approved Parking Plan.

296 (j) *Micromobility Device Fee.* The Company shall remit  
to the County an annual fee in an amount established by the Board  
of County Commissioners from time to time. In addition to the  
298 County's costs to administer the program, this fee shall be used to  
defray costs incurred by the County for enforcement, oversight,  
300 construction and maintenance of micromobility device parking,  
sidewalk and bike path maintenance and construction, other active  
302 transportation maintenance activities, and/or active transportation

304 street, sidewalk, and bike path improvements or studies that address  
305 micromobility device operations in the County.

306 **Sec. 35-101. Delivery and operation of micromobility devices.**

308 Micromobility devices authorized under a license shall be  
309 delivered and operational within the Company's Service Area(s)  
310 within sixty (60) days after issuance of the license; otherwise, the  
311 license shall automatically expire, and the Company must remove  
312 its micromobility devices no later than ten (10) days after such  
313 expiration. A Company shall keep, maintain, and operate the  
314 number of micromobility devices authorized by the license  
throughout the term of the license.

316 **Sec. 35-102. Company responsibilities.**

317 A Company shall comply with the following requirements  
318 during the term of its license agreement:

320 (a) *Compliance with Laws.* The Company shall comply  
321 with all applicable rules, regulations, and laws, including any  
322 additional rules and regulations promulgated by the Director.

324 (b) *Authorized Florida business.* The Company shall be  
325 a business organization authorized to conduct business in the State  
326 of Florida and shall maintain active organizational status with the  
State of Florida Division of Corporations.

328 (d) *Reimbursement to County.* Notwithstanding any  
329 penalty imposed on a Company for the Company's failure to comply  
330 with the terms of its license agreement, the Program, and/or this  
331 Ordinance, a Company shall promptly reimburse the County for  
332 costs incurred to address or abate any violations of this Article or  
333 costs incurred for the repair or maintenance of public property  
334 arising from the operations of the Company, via payment to the  
County no later than thirty (30) days after notice to the Company.

336 (e) *Safety classes.* The Company shall provide safety  
337 training classes to educate persons operating micromobility devices  
338 regarding the rules, regulations and laws applicable to riding,  
operating, and parking a micromobility device, subject to the  
requirements outlined in the license agreement.

340 (f) *ADA Compliance.* The Company shall continuously  
341 and diligently monitor the locations of its micromobility devices to  
342 ensure compliance with ADA requirements in public areas.



344 (g) *Rebalancing, relocating, and removing*  
346 *micromobility devices.* The Company shall, in accordance with its  
license agreement:

348 (1) Promptly remove, rebalance, and/or relocate  
its micromobility devices no later than one (1) hour after receiving  
direction to do so by the Director.

350 (2) Upon the issuance of a tropical storm or  
352 hurricane warning by the National Weather Service for any part of  
Orange County, remove and safely store its fleet according to the  
Company's approved emergency preparedness plan.

354 (3) Upon notification by the Director of any  
356 upcoming significant event in its Service Area(s), coordinate with  
the County by submitting an event management plan to the County  
358 no later than seven (7) days before the planned event. If notified by  
the County's Traffic Engineering Division that a Maintenance of  
360 Traffic permit has been issued for construction in the Company's  
Service Area(s), the Company will modify operations as needed to  
ensure traffic safety.

362 (4) Continually monitor transit assets for  
364 rebalancing needs, such as SunRail stations, LYNX stations, and bus  
stops.

366 (5) Have the technology available to comply  
with the Director's requirements regarding geo-fencing.

368 (6) Have the technology available to comply  
with the Director's requirements regarding the portion or percentage  
370 of a Company's fleet that may be located in a particular part of a  
Service Area.

372 (i) *Data sharing.* The Company shall provide real-time  
or semi-real time micromobility device data in a format specified by  
374 the County or County's agent, in accordance with existing industry  
standards and the conditions of the license agreement.

376 (j) *Rental records.* The Company shall maintain, during  
the entire term of the license and for at least seven (7) years after  
378 any expiration or termination of the license, a searchable database  
with detailed information for each micromobility device rented.

380 (k) *Monthly reports.* In addition to the information  
referenced in subsection (i) above, the Company shall provide a  
monthly report to the Director by the fifth business day of each

382 month for the prior month, in form and content acceptable to the  
383 Director, as outlined in the license agreement.

384 (l) *Customer surveys.* No later than sixty (60) days after  
385 issuance of a license, the Company shall place a customer survey on  
386 its website or mobile application (“app”), or may conduct the survey  
387 by email, in a form approved by the County, and shall forward all  
388 results to the County every two months after posting the survey.

389 (m) *Age of Riders.* The Company shall not knowingly  
390 rent or lease any device to, or to be ridden by, a child who is under  
391 the age of 18.

392 (n) *Fixtures.* The Company shall not place or attach any  
393 fixtures, structures, or personal property, other than the subject  
394 micromobility device, in the public right-of-way.

395 (o) *Good standing.* The Company shall comply with the  
396 terms of the license agreement and this Article and shall maintain  
397 the license in good standing throughout the term of the license  
398 agreement.

399 (p) *Waiver/release.* The Company shall require and  
400 obtain each Rider’s executed consent of, and to, the approved  
401 waiver/release form prior to such Rider’s use of the Company’s  
402 micromobility devices. The Company will use the form as part of  
403 every rental of a micromobility device throughout the term of the  
404 license agreement.

405 (q) *Parking.* The Company shall, as and if applicable,  
406 install designated parking areas as depicted on County-approved  
407 Parking Plans per all applicable County and other technical  
408 specifications.

409 **Sec. 35-103. Micromobility device operational requirements.**

410 (a) The Company shall inform its Riders that they must  
411 comply with all applicable federal, state, and local rules, regulations,  
412 and laws, including any additional rules and regulations  
413 promulgated by the Director, including without limitation the  
414 following:  
415

416 (1) Micromobility devices may be operated by  
417 Riders only in the County-approved Service Area(s).

418 (2) Micromobility devices shall travel at a speed  
419 of no more than ten (10) miles per hour.  
420

422 (3) Micromobility devices may not be operated  
424 on any County roadway identified by the County as a heavily  
426 traveled street found to be incompatible with the normal and safe  
use of micromobility devices consistent with Section 316.008(1)(n),  
Florida Statutes.

428 (b) The Director shall have the authority to establish  
hours of operation as and when determined to be in the best interest  
of the public.

430 (c) The Board may modify or suspend micromobility  
432 device operations in the County rights-of-way in the event of a threat  
to the health, safety, or welfare of the public.

434 **Sec. 35-104. Micromobility device requirements.**

436 Micromobility devices shall comply with the following  
requirements:

438 (a) Micromobility devices shall be well-maintained and  
in good operating condition at all times and shall be built to  
withstand the effects of weather and constant use.

440 (b) Micromobility devices shall meet the specifications  
442 and safety requirements for micromobility devices under applicable  
federal and state law and shall be equipped as detailed in the license  
agreement.

444 (c) Micromobility devices must be rebalanced on a daily  
basis in the manner prescribed in the license agreement.

446 (d) Micromobility devices shall not display any third-  
party advertising.

448 (e) Every micromobility device shall be equipped with  
active global positioning system (GPS) technology.

450 (f) The following parking requirements shall apply:

452 1. A micromobility device shall only be parked  
in designated areas approved by the County for such parking  
upright, and in a manner that is compliant with the applicable  
454 provisions of the Americans with Disabilities Act of 1990  
and federal and state regulations and guidance for accessible  
456 public rights-of-way, and in addition, the following parking  
requirements shall apply.

458 2. A micromobility device shall not be parked  
in a manner that obstructs or interferes with pedestrian or

460 vehicular traffic; in any manner that would restrict the  
462 movement of persons with disabilities; or in any manner that  
presents a safety hazard or other legal concern, as detailed in  
the RFP.

464 3. A micromobility device shall not be attached,  
466 secured, stored, or parked upon public property in a manner  
that may cause injury or damage to any person or thing or in  
468 a manner that renders the public property unusable or  
impassable.

470 4. Except as otherwise may be expressly  
allowed by the Director, any micromobility device parked  
472 on public property continuously for one week or more shall  
be deemed abandoned and subject to the provisions of  
Chapter 705, Florida Statutes.

474 5. A micromobility device parked in an  
476 incorrect or improper manner shall be re-parked, removed,  
and/or relocated by the Company within one (1) hour of  
478 receiving notification, or else be subject to impoundment in  
accordance with Section 35-105.

**Sec. 35-105. Impoundment.**

480 The County may seize and impound any micromobility  
482 device parked or being operated in violation of this Article. Without  
limiting the foregoing, the County may seize and impound any  
484 micromobility device that is visibly damaged or non-functional,  
blocking the public right-of-way, or located outside the Service  
Area. Such a micromobility device shall be released to the lawful  
486 owner after all impoundment and storage fees have been paid. Any  
micromobility device that remains unclaimed within the County for  
488 five (5) days or longer shall be subject to sale pursuant to the  
procedures for abandoned or lost property set forth in Section  
490 705.103, Florida Statutes, as it may be amended, or by any other  
method allowed by the laws of the State of Florida.

**Secs. 35-106 - 35-115. Reserved.**

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498

*Section 2. Effective date.* This ordinance shall become effective on March 7, 2022.

500

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

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504

**ORANGE COUNTY, FLORIDA**  
By: Board of County Commissioners

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508

By: \_\_\_\_\_  
Jerry L. Demings,  
Orange County Mayor

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512

**ATTEST:** Phil Diamond, CPA, County Comptroller  
As Clerk of the Board of County Commissioners

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516

By: \_\_\_\_\_  
Deputy Clerk

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520