

Board of County Commissioners

Public Hearing D.9

**Repeal of Moratorium
regarding
Micromobility Devices**

July 7, 2020



Presentation Outline

- **Background of Moratorium**
- **Factors in Determining whether to Repeal Moratorium**
- **Recommended Action**



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Background of Moratorium

“Micromobility device” – Definition

“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 twenty (20) miles per hour on level ground.” *Ordinance No. 2020-10; Sec. 316.003, F. S.*

Examples: Motorized scooters and motorized bicycles



Background of Moratorium (cont'd)

- Pre-moratorium

In late 2019/early 2020, micromobility devices and operations became prevalent along I-Drive and elsewhere, intermingling with congested pedestrian and vehicular traffic

- Moratorium adopted by Board on March 24, 2020

Moratorium has been in effect for 3+ months

If left in place, moratorium expires when Board adopts a permanent ordinance relating to such devices or Jan. 15, 2021, whichever date comes first



Background of Moratorium (cont'd)

- On May 19, 2020, Newt Mobility, the operator of a micromobility device company doing business in the County, sent a letter to the County:
 - Newt declared it would file a lawsuit to challenge the moratorium ordinance if it were not repealed
 - Newt argued the moratorium is “preempted” by Florida’s Uniform Traffic Control Law, codified in Chapter 316, Florida Statutes
 - Newt stated that if it were to file a lawsuit and prevail, it would seek to recover attorney’s fees, costs and damages under Section 57.112, Florida Statutes



Background of Moratorium (cont'd)

- Current status of proposed permanent ordinance:
 - Staff and our office have been meeting internally, and have already prepared an initial draft
 - Staff has scheduled meetings with the industry, stakeholders, property owners, affected parties, and others:
 - July 17th – Industry forum
 - Aug. 10th – Disability Advisory Board
 - Aug. 11th – Universal Blvd. POA
 - TBD – Sustainability Advisory Board



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Factors in Determining whether to Repeal Moratorium

Factors:

1. While our office believes that it would prevail if a lawsuit were filed, a risk always exists that County may not prevail, and Newt would then seek to recover attorney's fees, costs and any damages
2. Regardless of whether County ultimately prevails, litigation would not be resolved until long after moratorium expires

We would be litigating the validity of an ordinance that is temporary/transitory



Factors in Determining whether to Repeal Moratorium

Factors (cont'd):

3. If the moratorium were left in place and litigation ensued, our office and the staff would need to direct resources and efforts to defending the moratorium while simultaneously continuing to develop the permanent ordinance

If the moratorium ordinance were repealed, staff and our office could continue to focus our efforts on the ultimate goal of a permanent ordinance



Factors in Determining whether to Repeal Moratorium

Factors (cont'd):

4. Four to six months ago, pedestrian and vehicular traffic along major thoroughfares where micromobility devices were found, such as I-Drive, were very congested, which warranted a moratorium

Since the moratorium began, such traffic has slowed considerably, due to Covid-19

Also, due to Covid-19, the rate and pace of such traffic is not expected to return to normal until late 2020 or early 2021, at soonest



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Recommended Action

**Adopt the Ordinance Repealing
the Moratorium**

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