

**CITY OF SANIBEL  
LEGAL DEPARTMENT**



**MEMORANDUM**

**TO: Members of City Council**

**FROM: Kenneth B. Cuyler *KBC***  
**City Attorney**

**DATE: March 24, 2014**

**RE: Change in Status of Electric Personal Assistive Mobility Devices**  
**(Brand Name: Segway) in Florida Statutes**

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It has recently come to my attention that the State Legislature amended Section 316.2068, Florida Statutes, relating to Electric Personal Assistive Mobility Devices (EPAMD) (commonly known by the brand name “Segway”).

Since I had not heard or read anything about a proposed or adopted amendment to the statute, and had not heard or received anything from the Florida League of Cities or State Association of Counties, or from any other municipality or from any member of the public, I reviewed the history of the Legislative Amendment. During the 2012 Legislative Session there was a 187 page Legislative Bill passed that, not uncommonly, amended a myriad of different statutes. On Page 43 of Page 187 of the Bill, there were several words amended in Section 316.2068 which regulates EPAMD’s/Segways. The important statutory amendment was that the word “prohibit” was changed to “regulate”, specifically:

A county or municipality may regulate ~~prohibit~~ the operation of electric personal assistive mobility devices on any road, street, sidewalk or bicycle path under its jurisdiction if the governing body of the county or municipality determines that regulation ~~such a prohibition~~ is necessary in the interest of safety.

For your information, I have attached the one page of the 187 page Legislative Bill that contains the relevant amending language. I have also attached the current version of Section 316.2068, Florida Statutes.

The City of Sanibel currently has an Ordinance that prohibits Segways under the pre-amended statute “in the interest of safety” (other than for regulated Segway tours approved by the City). As you can see from the amended language above, counties and cities are no longer allowed to completely prohibit Segways; counties and cities now have the authority to “ regulate” Segways. Although the statute does not provide parameters or guidance on the type, manner or degree of regulation, a reasonable interpretation might include speed, possibly areas of particular congestion or specific safety concerns, or other identifiable safety issues.

The City Council needs to make a determination as to whether it wishes to consider the regulation of EPAMD’s, commonly known as Segways, “in the interest of safety”. If the Council does wish to consider such regulation, my recommendation would be to consider this issue at the next regularly scheduled City Council meeting with input and recommendations from City Staff (including at least the City Manager, Police Chief, Planning Director, Public Works Director and City Attorney). The Council would then be in a position to determine whether it was City Council’s desire to proceed with an Ordinance regulating EPAMD’s and, if so, to provide direction to City Staff with respect to the Ordinance.

KBC/jg

cc: Judie A. Zimomra, City Manager  
Pamela Smith, City Clerk

Attachments (as stated)

1177 the traffic citation must be mailed to the first name appearing  
 1178 on the registration, unless the first name appearing on the  
 1179 registration is a business organization, in which case the  
 1180 second name appearing on the registration may be used. A  
 1181 citation issued under this paragraph must be mailed to the  
 1182 registered owner of the motor vehicle involved in the violation  
 1183 within 14 days after the date of issuance of the citation. In  
 1184 addition to the citation, notification must be sent to the  
 1185 registered owner of the motor vehicle involved in the violation  
 1186 specifying remedies available under ss. 318.14(12) and  
 1187 318.18(7).

1188 Section 13. Subsection (5) of section 316.2068, Florida  
 1189 Statutes, is amended to read:

1190 316.2068 Electric personal assistive mobility devices;  
 1191 regulations.—

1192 (5) A county or municipality may regulate ~~prohibit~~ the  
 1193 operation of electric personal assistive mobility devices on any  
 1194 road, street, sidewalk, or bicycle path under its jurisdiction  
 1195 if the governing body of the county or municipality determines  
 1196 that regulation ~~such a prohibition~~ is necessary in the interest  
 1197 of safety.

1198 Section 14. Paragraph (a) of subsection (3) and paragraphs  
 1199 (a) and (c) of subsection (5) of section 316.515, Florida  
 1200 Statutes, are amended to read:

1201 316.515 Maximum width, height, length.—

1202 (3) LENGTH LIMITATION.—Except as otherwise provided in  
 1203 this section, length limitations apply solely to a semitrailer  
 1204 or trailer, and not to a truck tractor or to the overall length

Select Year:

## The 2013 Florida Statutes

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[Title XXIII](#)

[Chapter 316](#)

[View Entire Chapter](#)

MOTOR VEHICLES

STATE UNIFORM TRAFFIC CONTROL

### **316.2068 Electric personal assistive mobility devices; regulations.—**

- (1) An electric personal assistive mobility device, as defined in s. [316.003](#), may be operated:
  - (a) On a road or street where the posted speed limit is 25 miles per hour or less.
  - (b) On a marked bicycle path.
  - (c) On any street or road where bicycles are permitted.
  - (d) At an intersection, to cross a road or street even if the road or street has a posted speed limit of more than 25 miles per hour.
  - (e) On a sidewalk, if the person operating the device yields the right-of-way to pedestrians and gives an audible signal before overtaking and passing a pedestrian.
- (2) A valid driver's license is not a prerequisite to operating an electric personal assistive mobility device.
- (3) Electric personal assistive mobility devices need not be registered and insured in accordance with s. [320.02](#).
- (4) A person who is under the age of 16 years may not operate, ride, or otherwise be propelled on an electric personal assistive mobility device unless the person wears a bicycle helmet that is properly fitted, that is fastened securely upon his or her head by a strap, and that meets the standards of the American National Standards Institute (ANSI Z Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets which are adopted by the department.
- (5) A county or municipality may regulate the operation of electric personal assistive mobility devices on any road, street, sidewalk, or bicycle path under its jurisdiction if the governing body of the county or municipality determines that regulation is necessary in the interest of safety.
- (6) The Department of Transportation may prohibit the operation of electric personal assistive mobility devices on any road under its jurisdiction if it determines that such a prohibition is necessary in the interest of safety.

**History.**—s. 68, ch. 2002-20; s. 18, ch. 2012-174.

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