

# Florida Dockless Bikesharing Bill: Update from the North American Bikeshare Association

Samantha Herr

### **Your Presenters**



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## **OVERVIEW AND OBJECTIVES**



**Brief Intro to NABSA** 



What the Bill is About



Current State and Political Context



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# NABSA MISSION

The North American Bikeshare Association (NABSA) connects the biggest and brightest minds in bikeshare to support, promote, and enhance bikeshare across North America. NABSA is the bikeshare industry's membership organization with representation from system owners, operators, host cities, equipment manufacturers and technology providers.

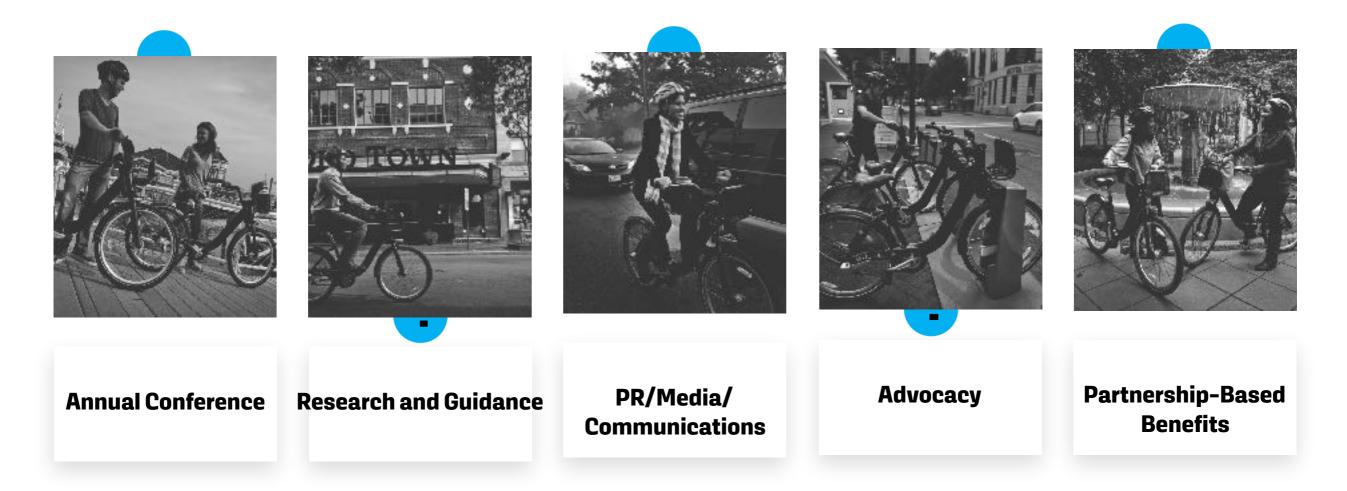


## **NABSA VALUES**

As Outlined in the Code of Conduct



### **STRATEGIC AREAS**

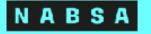


### **Become a Member of NABSA!**

If you want work like this to continue, become a member!

Find out more @ <u>http://nabsa.net/membership/</u>

Register for membership @ http://nabsa.net/membership/ join/



### Why care?

This Bill is bad for bikeshare, bad for cities, and bad for citizens.

We can't let this become a national trend!

### Introduced Mid December, 2017

### Senate Bill 1304

Sponsored by Senator Dana Young

### House Bill 1033

Sponsored by Representative Jackie Toledo

### What It Says

(using Amended version 1-16-18)

(6) PREEMPTION.-

(a) It is the intent of the Legislature to provide for uniformity of laws governing dockless bicycles and bicycle sharing companies throughout the state. Dockless bicycles and **dockless bicycle sharing companies shall be governed exclusively by state law**. A local governmental entity **may not**:

1. Impose a tax on, or require a license for, a dockless bicycle or a bicycle sharing company relating to reserving a dockless bicycle;

2. Subject a dockless bicycle or a dockless bicycle sharing company to any rate, entry, operation, or other requirement of the local governmental entity;

3. Require a dockless bicycle sharing company to obtain a business license or any other type of authorization to operate within the jurisdiction of the local governmental entity; or

4. Enter into a private agreement containing a provision that prohibits a bicycle sharing company from operating within the jurisdiction of the local governmental entity or that limits the operation of a bicycle sharing company within such jurisdiction. To the extent that a local governmental entity entered into an agreement containing such a provision before July 1, 2018, such provision is unenforceable.

(b) This subsection does not prohibit an airport or seaport from designating locations for staging, pickup, and other similar operations relating to dockless bicycles at the airport or seaport.

### What It Leaves Out

- **Sufficient safety standards.** 16 C.F.R. part 1512 is referenced as the standard for equipment, yet this regulation is for privately purchased bicycles-- a very different equipment lifecycle and use than commercial public-use bicycles. It is an insufficient minimum for shared, commercial public-use bicycles.
- Minimums for maintenance checks, working components, or rebalancing
- Protections for sensitive customer data
- Requirements for public availability of anonymized and/or aggregated data that could aid in decision-making for public good

### This Bill is Problematic!

- It preempts local control over bikeshare implementation
- It preempts local control over the public right of way
- It preempts local control over safety standards
- It does not outline sufficient safety standards for shared public-use bicycles
- It preempts local control over bikeshare operational requirements
- It does not outline sufficient operational requirements
- It does not address privacy protection of sensitive customer data
- It negates the investment and success of currently operating bikeshare systems that have a proven track record of success

### NABSA's Response

- Organized allies to oppose bill- NACTO, PeopleForBikes, Florida League of Cities, and members working Florida
- Call to Action to our members and allies
- Draft Opposition letter and recruited signatories
- Distributed letter to House and Senate
- Distributed Call to Action and information to all major Florida cities
- In-person meetings with key legislators
- Webinar to keep members and allies informed
- Continuing to closely monitor situation and strategize

Current State of the Bill

#### In the House

- 1/3/18: Assigned to 2 stops
- Careers and Competition Committee
- Commerce Committee

1/11/18: Scheduled in Careers and Competition

1/16/18: Heard in Careers and Competition and **PASSED;** amendment proposed that adds the word "dockless" to clauses that had previously just said "bike share"

Will go to Commerce Committee Next- not yet scheduled

### In the Senate

1/11/18: Assigned to 3 stops

- Banking and Insurance
- Community Affairs
- Rules

#### Not yet scheduled

### **Political Landscape**

### Home Rule in Florida

SB 1304/HB 1033 is part of a broader context in Florida over the issue of home rule. Some politicians are working for more state-level control, while others are working to preserve cities' home rule.

#### **The House**

- Strong politicians in favor of state control.
- Speaker in favor of Bill

#### The Senate

- Leadership has tenuous relationship with bill sponsor
- More support for home rule

### What You Can Do

#### If you are a bikeshare company, or a Florida city or interest group:

- Submit a letter of opposition to the House Commerce Committee and Senate Banking and Insurance Committee
  - If you need help, contact NABSA

#### If you are a non-profit or government entity outside of Florida:

- Locate your State Legislature website and search for any bikesharing bills
  - If you find any bills:
    - Contact NABSA!
    - Register for bill-tracking so you are notified when important actions happen
    - Draft response
- Search for any registered lobbyists in your State hired by bikeshare companies. Often this is hosted at the Secretary of State website, but it could be a different site in your state.
  - If you find a registered lobbyist hired by a bikeshare company, contact NABSA
- Continue to monitor your state periodically

#### Resources can be found @ http://nabsa.net/florida-dockless-bikeshare-bill/

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