

1 Introduced by Council Vice President Freeman:

4 **ORDINANCE 2022-373-E**

5 AN ORDINANCE REGARDING DOCKLESS MOBILITY  
6 PROGRAMS; AMENDING CHAPTER 235 (DOCKLESS  
7 MOBILITY PROGRAMS), *ORDINANCE CODE*, TO ELIMINATE  
8 THE ONE-YEAR DOCKLESS MOBILITY PILOT PROGRAM TO  
9 PERMANENTLY ALLOW A LIMITED NUMBER OF PERMITS  
10 FOR DOCKLESS MOBILITY UNITS WITHIN THE CITY'S  
11 RIGHTS-OF-WAY, TO EXPAND THE TERRITORY FOR THE  
12 DOCKLESS MOBILITY PROGRAM, TO IDENTIFY THE  
13 DOWNTOWN INVESTMENT AUTHORITY AS THE PERMITTING  
14 AND REGULATORY ENTITY, TO LIMIT THE TOTAL NUMBER  
15 OF DOCKLESS MOBILITY UNITS ALLOWED TO BE IN  
16 OPERATION AT ANY GIVEN TIME AND TO CREATE A  
17 PROCESS FOR INCREASING THAT NUMBER, AND TO  
18 INCREASE THE APPLICATION AND ANNUAL FEES TO BE  
19 MORE COMMENSURATE WITH THE COST OF ADMINISTERING  
20 THE PROGRAM; PROVIDING AN EFFECTIVE DATE.

21  
22 **BE IT ORDAINED** by the Council of the City of Jacksonville:

23 **Section 1. Amending Chapter 235 (Dockless Mobility**  
24 **Programs), Ordinance Code.** Chapter 235 (Dockless Mobility Programs),  
25 *Ordinance Code*, is hereby amended to read as follows:

26 **CHAPTER 235 - DOCKLESS MOBILITY PROGRAMS.**

27 **Sec. 235.101. - Purpose.**

28 The purpose of this Chapter is to create a ~~one (1) year pilot~~  
29 program to permit and regulate Dockless mobility programs in the City  
30 of Jacksonville.

31 \* \* \*

1           **Sec. 235.103. - Definitions.**

2           For the purpose of this Chapter, the following words shall have  
3 the meanings indicated:

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

6           *Corral* means Dockless Mobility Unit parking facilities that can  
7 accommodate a group of Dockless Mobility Units typically installed  
8 in the right-of-way and may include the space occupied by a single  
9 vehicle parking space.

10          *City-owned property* means property owned, occupied, managed,  
11 maintained, or controlled by the City pursuant to deed, easement,  
12 lease, license, or dedication, and includes City park land and any  
13 other property owned by or under the control of the City. When City-  
14 owned property is identified for use for a Dockless mobility unit  
15 facility, it shall be considered an ancillary ROW area subject to  
16 City right-of-way standards and regulations and under the  
17 jurisdiction of the City.

18          *Customer* or *User* means the individual who rents or uses a  
19 Dockless mobility unit that is provided by an Operator.

20          *Department* means the ~~Planning and Development~~ Downtown Investment  
21 Authority Department.

22          *Director* means the Department Executive Director.

23          *Dockless bicycle program* means a program authorized by this  
24 Chapter that provides bicycles or electric bicycles for short-term  
25 rentals for point to point trips where, by design of the Operator,  
26 the bicycles and electric bicycles are intended to remain in the  
27 designated areas during use by a Customer.

28          *Dockless mobility program* means a Dockless bicycle program,  
29 Dockless scooter program or Dockless electric bicycle program.

30          *Dockless scooter program* means a program authorized by this  
31 Chapter that provides electric scooters for short-term rentals for

1 point to point trips where, by design of the Operator, the electric  
2 scooters are intended to remain in the designated areas during use  
3 by a Customer.

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

7 *Dockless mobility unit* or *Unit* means any and all of the  
8 following: Dockless electric bicycles, Dockless bicycles, and  
9 Dockless scooters.

10 *Dockless scooter* means a vehicle consisting of a footboard  
11 mounted to wheels, steered using a long handle, does not include a  
12 seat, is intended to be operated while standing up, is equipped with  
13 a battery, and propelled by an electric motor.

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

17 *Operator* means any entity that owns, operates, redistributes,  
18 or rebalances Dockless mobility units, and services a Dockless  
19 mobility program.

20 *Permit application* means the application required by the  
21 Department in order to participate in the Dockless mobility unit  
22 program.

23 *Redistribution or Redistributing* means the process by which  
24 Dockless mobility units are redistributed to ensure bicycle, E-bike  
25 or scooter availability throughout a service area and to prevent  
26 excessive buildup of Dockless mobility units at locations throughout  
27 the Service area.

28 *Right-of-way* or *ROW* means the surface and space above and below  
29 an improved or unimproved public roadway, highway, boulevard, road,  
30 freeway, bridge, alley, court, street, bicycle lane, public sidewalk  
31 and terrace in which the City or other public entity has an interest

1 in law or equity whether held in fee, easement, dedication, plat or  
2 other estate or interest including any other dedicated right-of-way  
3 for travel purposes.

4 *Service area* means the geographical area within the City of  
5 Jacksonville where the Dockless mobility program is intended to offer  
6 service for its users/customers as defined by the Operator's permit  
7 application.

8 *User* shall mean the same as *Customer*, above.

9 **Sec. 235.104. - Dockless mobility unit ~~pilot~~ program permitting.**

10 (a) It shall be unlawful for an Operator to provide or operate  
11 a Dockless mobility program within the City without first obtaining  
12 a permit from the Department.

13 (b) No more than ~~six (6)~~two (2) Operators will be permitted to  
14 operate within the City at any time. The Director, in conjunction  
15 with the Planning and Development Department, will develop a request  
16 for proposals to select the two approved Operators. In the event any  
17 Operator ceases to operate a Dockless Mobility Program or at the  
18 conclusion of an Operator's two-year permit or renewal, the Department  
19 shall issue a new request for proposals to replace it.

20 (c) Authorization: An Operator shall ~~apply to participate by~~  
21 ~~submitting to~~submit to the Department an application to provide a  
22 Dockless mobility program in the Service area. The Director shall  
23 determine what information should be provided in the application.

24 (d) Operators shall obtain a separate permit for each Dockless  
25 Mobility Unit type provided by that Operator.

26 (e) Program permits shall be subject to the approval of the  
27 Director or the Director's designee.

28 (f) ~~Permits will be effective during the one-year pilot program~~  
29 ~~period. The Council may make the program permanent after the one-year~~  
30 ~~pilot program if it is determined to be in the best interests of the~~  
31 ~~City. If the program is made permanent, Permits issued under this~~

1 Chapter shall be effective for two years. Operators under the pilot  
2 ~~program~~ shall be required to re-apply for a permit upon the conclusion  
3 of each ~~one~~ two-year period. One two-year renewal is authorized unless  
4 the Director has determined that the Operator has significantly failed  
5 to comply with the requirements of this Chapter, even if such failure  
6 to comply does not rise to the level required for permit revocation  
7 as provided herein. ~~The Council may also reexamine the program's~~  
8 ~~geographic limitations to determine whether the program shall be~~  
9 ~~applicable in other locations.~~

10 (g) Operators must comply with the requirements of this  
11 Chapter.

12 **Sec. 235.105. - Dockless mobility program requirements.**

13 (a) *General regulations pertaining to Dockless mobility units:*

14 (1) All Dockless bicycles utilized in a Dockless mobility  
15 program shall conform to the standards set forth in Title 16, Code  
16 of Federal Regulations, Chapter II, Subchapter C, Part 1512 -  
17 Requirements for Bicycles, the safety standards outlined in ISO 43.150  
18 - Cycles, subsection 4210, and F.S. §316.2065, as may be amended or  
19 revised.

20 (2) All Dockless mobility units utilized shall comply with the  
21 lighting standards set forth in F.S. §316.2065(7), as may be amended  
22 or revised, which requires a reflective front white light visible  
23 from a distance of at least five hundred (500) feet and a reflective  
24 rear red light visible from a distance of at least six hundred (600)  
25 feet.

26 (3) All Dockless mobility units utilized shall include easily  
27 accessible and identifiable language that clearly directs users to  
28 customer support mechanisms, including but not limited to a customer  
29 service phone number, websites, and applications.

30 (4) Dockless electric bicycles (E-bikes) utilized under this  
31 program shall meet the National Highway Traffic Safety

1 Administrations (NHTSA) definition of low-speed electric bicycles;  
2 and shall be subject to the same requirements as ordinary bicycles  
3 and with the requirements of F.S. ch. 316.003, which defines bicycles.  
4 This means, among other requirements, that electric bicycles shall  
5 have fully operable pedals, an electric motor of less than seven  
6 hundred and fifty (750) watts, and a top motor-powered speed of less  
7 than fifteen (15) miles per hour when operated by a rider weighing  
8 one hundred and seventy (170) pounds.

9 (5) Dockless scooters and E-bikes must have a top overall  
10 motor-powered speed of less than fifteen (15) miles per hour.  
11 Operators must educate customers that it is only lawful to operate  
12 at a top motor-powered speed of less than ten (10) miles per hour  
13 when operating on a sidewalk, and a top motor-powered speed of less  
14 than 15 miles per hour when operating in the ROW.

15 (6) All Dockless mobility units utilized shall include an  
16 easily accessible and legible unique identifier that is clearly  
17 displayed and visible to the user of the Dockless mobility unit.

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

21 (8) Advertising and signage on Dockless mobility units and  
22 Corrals are authorized, but must comply with the City's sign  
23 regulations. As a condition of approval, the applicant must agree and  
24 acknowledge that all signs on Dockless mobility units are subject to  
25 the provisions of the City's sign regulations. Further, the Operator  
26 agrees to give the Director~~Chief Executive Officer of the DIA~~ final  
27 approval of the specifications for any signs displayed, and such  
28 approved specifications shall be included in the permit required  
29 under section 235.104. No vertical signage shall be allowed.

30 (9) All Dockless mobility units utilized must include a  
31 kickstand capable of keeping the Dockless mobility units upright when

1 not in use.

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

3 (1) Dockless mobility units shall only be parked in designated  
 4 Corrals. The ~~Director~~~~Chief Executive Officer of the DIA~~ shall create  
 5 designated Corrals in certain areas where Dockless mobility units  
 6 shall be parked or stored when not in use. In designating the  
 7 locations of Corrals, the ~~Director~~~~Chief Executive Officer of the DIA~~  
 8 shall obtain a right-of-way permit~~discuss with~~from the Planning and  
 9 Development Department~~Director~~ for the location of each eCorral and  
 10 shall consider the following: if use of public sidewalks for parking  
 11 Dockless mobility units is considered, locate the Corrals in areas  
 12 for which sidewalks are greater than eight feet in width, so long as  
 13 there remains at least an eight foot clear area for unimpeded  
 14 pedestrian travel and which do not:

15 i. Adversely affect the streets or sidewalks by creating a  
 16 nuisance;

17 ii. Inhibit pedestrian movement;

18 iii. Inhibit the ingress and egress of vehicles parked on- or  
 19 off-street or the entranceway of any building, structure or space;

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

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

23 (2) Corrals shall be placed in a way that maintains unimpeded  
 24 access to Dockless mobility units.

25 (3) Corrals shall not be placed within the following areas:  
 26 loading zone, handicap accessible parking zone or other facilities  
 27 specifically designated for handicap accessibility, street furniture,  
 28 curb ramps, public art installations, JTA bus shelters, pocket parks,  
 29 business or residential entryways, driveways, travel lanes, bicycle  
 30 lanes, parklets or within fifteen (15) feet of a fire hydrant.

31 (4) Corrals shall not be placed in a manner that in any way

1 violates Americans with Disabilities Act (ADA) accessibility  
2 requirements.

3 (5) The Director ~~Chief Executive Officer of the DIA~~ shall  
4 coordinate with the JTA whenever possible to locate Corrals within  
5 close proximity to JTA transit stops.

6 (6) Dockless mobility units shall be parked upright in the  
7 Corrals at all times.

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

11 (8) The number of Units allowed by each Operator in each Corral  
12 is limited to a maximum of 50% of the square footage of the Corral  
13 with a minimum of 1-foot separation between each Unit ~~Corrals shall~~  
14 ~~be able to contain up to 12 Units at a time.~~ Parking Corrals shall  
15 be clearly marked in a manner approved by the City.

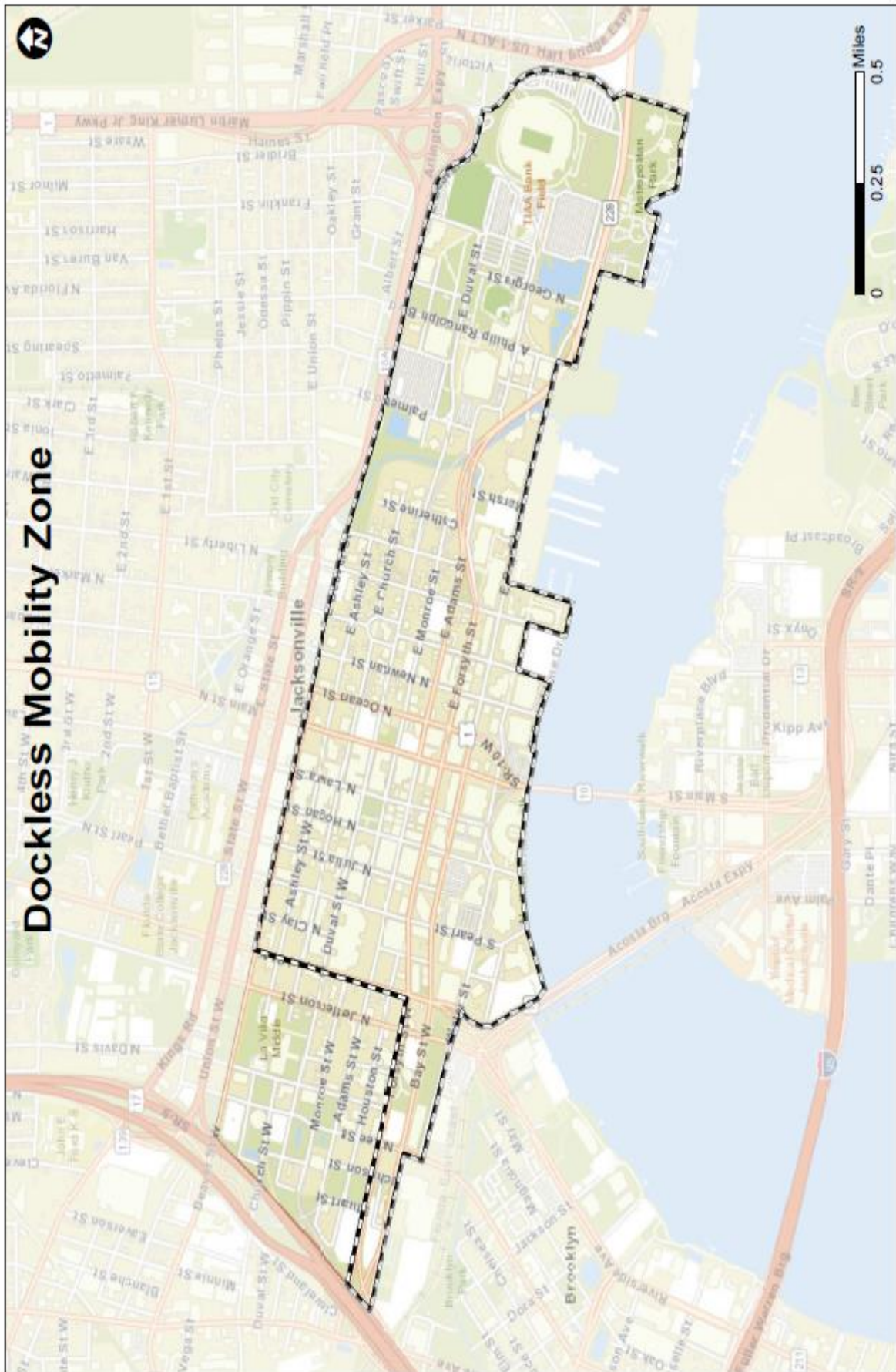
16 (9) Any Dockless mobility unit parked in violation of this  
17 subsection may be removed by the Office of Public Parking, and the  
18 Operator will be assessed a fee as set forth in section 235.107.

19 (10) There shall be no fee for the right-of-way permits for the  
20 Corral locations.

21 (c) Geofencing.

22 (1) ~~During this pilot program,~~ Dockless mobility units are  
23 restricted to the Dockless Mobility Zone (DMZ), which is ~~approximately~~  
24 defined as the Jacksonville Downtown Area defined in section 55.105,  
25 Ordinance Code. ~~that area from I-95 east to Broad Street between Bay~~  
26 ~~Street and Water Street and also bordered by Broad Street and the~~  
27 ~~Acosta Bridge on the west, Beaver Street on the north, Gator Bowl~~  
28 ~~Boulevard on the east and the Northbank Riverwalk on the south, but~~  
29 ~~which is depicted on the following map:~~





1           (2) An Operator must have the technology available to limit  
2 operations to within the DMZ.

3           (3) If Dockless mobility units operate outside the DMZ, the  
4 Operator shall charge the User \$1 for every 5 minutes the Unit is  
5 outside the DMZ.

6           (d) *Maintenance, operations, and fleet size.*

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

9           (2) The Operator's mobile application must inform users of  
10 helmet laws and encourage the use of helmets.

11           (3) Operators participating in the program must Redistribute  
12 Dockless mobility units daily, in the manner described in their permit  
13 application, based on use within the DMZ.

14           (4) Dockless mobility units that are inoperable/damaged or do  
15 not comply with other subsections of this code must be removed within  
16 2 hours upon receipt of a complaint between the hours of 7:00 a.m.  
17 and 7:00 p.m., seven (7) days per week and within twelve (12) hours  
18 upon receipt of a complaint on holidays. An inoperable or damaged  
19 Dockless bicycle, Dockless electric bicycle, or Dockless scooter is  
20 one that has non-functioning features (i.e., gear selectors, pedals,  
21 bell, lights, dead battery) or is missing components (i.e., fenders,  
22 grips, chain guards) as applicable to that vehicle. An Operator whose  
23 Dockless bicycle, Dockless electric bicycle, or Dockless scooter is  
24 inoperable or damaged or that has non-functioning features and which  
25 is removed or stored by the Office of Public Parking is subject to  
26 the storage fees set forth in section 235.107.

27           (5) The Office of Public Parking, without notice, reserves the  
28 right to remove Dockless mobility units from the right-of-way if an  
29 emergency arises. In such instances, the Office of Public Parking  
30 will attempt to notify the Operator as soon as reasonably practicable  
31 thereafter.

1 (6) Operators must detail a plan to relocate the Dockless  
2 mobility units to a safe, indoor facility within twenty-four (24)  
3 hours in the result of a declared tropical weather event (tropical  
4 storm or hurricane watch or warning, whichever comes first). The plan  
5 must detail the amount of time it will take to remove all Dockless  
6 mobility units from circulation once a storm watch or warning has  
7 been established. The City may remove any Dockless mobility unit that  
8 is not relocated as required by this subsection, and the Operator  
9 shall be assessed a removal fee as provided in section 235.107.

10 (7) The Operator's smartphone application and website must  
11 inform users of how to safely and legally ride a Dockless mobility  
12 unit, including the rights and duties associated with riding on  
13 sidewalks or in streets.

14 (8) The Operator's phone application must clearly direct users  
15 to customer support mechanisms, including but not limited to phone  
16 numbers or websites.

17 (9) The Operator must provide a staffed, toll-free customer  
18 service line which must provide support twenty-four (24) hours per  
19 day, three hundred and sixty-five (365) days per year.

20 (10) The Operator must provide a direct customer service or  
21 operations staff contact to Department staff.

22 (11) Operator's ~~initial fleet must be a minimum of~~ is limited to  
23 ~~one~~ two hundred ~~(200)~~ (100) Dockless mobility units. ~~Operator's initial~~  
24 ~~fleet may not exceed more than two hundred and fifty (250) Dockless~~  
25 ~~mobility units. Operators may request an increase to their initial~~  
26 ~~fleet by a maximum of an additional one hundred (100) Units only for~~  
27 ~~City-sponsored events by filing a request with the Director. The~~  
28 ~~Director shall review and act on the request. of up to two hundred and~~  
29 ~~fifty (250) Dockless mobility units no sooner than one hundred and~~  
30 ~~twenty (120) days after initial permitting. Each request shall include~~  
31 a rationale and analysis to justify the additional fleet size. All

1 additional Units must be removed by the Operator within twenty-four  
2 (24) hours after the scheduled conclusion of the event.~~Authorization~~  
3 ~~of additional units is at the sole discretion of the Director.~~

4 (12) Each scooter not retrieved from the Office of Public Parking  
5 within seven (7) days shall constitute an unaddressed violation  
6 pursuant to section 235.107(b)(ii) and after thirty (30) days such  
7 scooter shall become the property of the City.

8 (13) No scooters authorized and regulated under this program  
9 shall be operational and available for use between the hours of 00:00  
10 (midnight) and 05:00 (5 AM).

11 (e) *Equity of access.*

12 (1) Operators shall provide the pricing structure prior to  
13 start of service.

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

16 (3) Operators must provide service throughout the Dockless  
17 Mobility Zone. This includes Redistributing as needed in order to  
18 maintain a reasonable level of convenience in renting a Dockless  
19 mobility unit.

20 (f) *Data sharing.*

21 (1) All permitted Operators shall provide the City with the  
22 following data on a monthly basis in PDF format:

23 i. Number and type of Dockless mobility units in  
24 circulation;

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

26 iii. Total number of miles traveled by Users (daily,  
27 monthly, quarterly, annually) broken down by Dockless bicycle,  
28 Dockless electric bicycle, and/or Dockless scooter;

29 iv. Average time each Dockless mobility unit spends  
30 available (not in use);

31 v. Number of rides per User per day;

1 vi. Number of rides per Dockless bicycle, Dockless  
 2 electric bicycle, and/or Dockless scooter per day;

3 vii. Average duration of rides per User per day as well as  
 4 average duration of rides per Dockless bicycle, Dockless electric  
 5 bicycle, and/or Dockless scooter per day;

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

7 ix. Monthly summary of Dockless mobility unit  
 8 distribution and GPS-based natural movement in heat map format;

9 x. Summary of fleet numbers lost to theft/vandalism;

10 xi. Summary of customer comments/complaints, resolution  
 11 to, and time it took to resolve each complaint.

12 xii. Summary of repairs per Dockless bicycle, Dockless  
 13 electric bicycle, and/or Dockless scooter per month;

14 (2) All permitted Operators shall provide to the Department  
 15 the following data within fourteen (14) days following the end of  
 16 each calendar quarter, in ESRI ArcGIS.shp format, or other format  
 17 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

Field Name	Format	Description
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)

1 The Department may request such other information from each Operator  
 2 as it deems necessary to evaluate the program.

3 (3) All permitted Operators shall distribute a six (6) month  
 4 and one-year customer satisfaction survey, the summary and raw results  
 5 of which shall be provided to the Department.

6 (4) All permitted Operators shall provide real-time or semi-  
 7 real-time Dockless bicycle, Dockless electric bicycle, and/or  
 8 Dockless scooter location data via a publicly accessible API in  
 9 General Bikeshare Feed Specification (GBFS) format per North American  
 10 Bikeshare Association (NABSA) guidelines. The City reserves the right  
 11 to post this information through a publicly available portal.

12 \* \* \*

13 **Sec. 235.107. - Fees and penalties.**

14 (a) The following fees shall apply to Operators:

(i) Initial Permit Filing	<del>\$150</del> \$2500
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Fee	
(ii) <del>Annual</del> Permit Renewal Fee	<del>\$100</del> <u>\$2500</u>
(iii) Annual Fee	<del>\$10 per Unit</del> <u>\$21,900 (0.30/max. authorized Unit/day)</u>
(iv) Performance bond	\$80 per Unit/\$10,000 maximum
(v) Unit Removal Fee	\$75 per Unit
(vi) Unit Storage Fee	\$25 per Unit, per 24-hour period, or part thereof

1 (b) An Operator is subject, at the discretion of the Director,  
2 to a fleet size reduction or total permit revocation should the  
3 following occur:

4 (i) If violations of the regulations set forth in this  
5 Chapter are not addressed in a timely manner or;

6 (ii) Fifteen (15) unaddressed violations of the  
7 regulations set forth by this Chapter within a 30-day period or;

8 (iii) Submission of inaccurate or incomplete data.

9 (c) In the event of a permit revocation, the Director shall  
10 provide written notice of the revocation via certified mail, informing  
11 the Operator of the permit revocation.

12 \* \* \*

13 **Section 2. Directive to Legislative Services Division.** The  
14 Chief of Legislative Services is hereby directed to forward a copy  
15 of the enacted legislation to the City webmaster at webmaster@coj.net  
16 for immediate fee updates to <http://www.coj.net/fees>.

17 **Section 3. Effective Date.** This ordinance shall become  
18 effective upon signature by the Mayor or upon becoming effective  
19 without the Mayor's signature.

20  
21 Form Approved:

1           /s/ Jason Teal        
2     Office of General Counsel  
3     Legislation Prepared By: Jason R. Teal  
4     GC-#1496169-v1-Dockless\_Mobility\_-\_Freeman.docx