

Classy Cycles, Inc. v. Bay County, 1D15-4623, 2016 WL 5404205 (Fla. 1st DCA 2016)

Florida Law Takes Precedence over Local Ordinances for Motor Scooter Rental Businesses

In *Classy Cycles, Inc. v. Bay County*, Florida's First District Court of Appeal recently ruled that (1) county and city ordinances requiring safety vests be worn while operating rental motor scooters were expressly preempted by Florida law, and (2) county and city ordinances requiring insurance for businesses renting motor scooters were expressly and impliedly preempted by Florida law.

The court found that local governments' ability to legislate in these specific areas of renting and operating rental motor scooters has been expressly preempted by Florida law. Chapter 316, Florida Statutes, has numerous statutes governing operation of vehicles, security or insurance requirements, and required equipment for motorcycle and moped riders. The court stated that even if local governments' insurance requirements were not expressly preempted by Chapter 316, Fla. Stat., they were impliedly preempted by the pervasive scheme of regulation set forth in Florida law. Finally, the court ruled that the ordinances regarding requiring safety vests for operators of motor scooter rentals and ordinances requiring business owners renting motor scooters have insurance did not fall within exception to preemption allowing local governments to adopt "temporary or experimental regulations that may be necessary to cover emergencies or special conditions."