MEMORANDUM

To: Florida Fish and Wildlife Conservation Commissioners
From: George Warthen, Director, Division of Hunting and Game Management
Date: June 22, 2020
Subject: Consent Item – Electric Bicycle Use on Commission-Managed Lands

Purpose: Obtain approval for rule amendments to maintain existing allowances for the use of electric bicycles on Commission-managed lands.

Why: Since House Bill (HB) 971 was signed by the Governor, this action is needed to maintain the status quo regarding regulations related to electric bicycle use on Commission-managed lands.

Top Points:
- There are three commonly recognized classes of electric bicycles that differ by how the electric motor provides assistance and the top speed of the bicycle.
- HB 971 allows all three classes of electric bicycles to be used pursuant to rules for bicycles on Commission-managed lands, unless the Commission takes action.
- FWC rules currently only allow one class (Class 1).
- Class 2 and 3 electric bicycles have the potential to create environmental damage as well as safety issues if allowed to be used pursuant to rules for bicycles.

Affected Parties:
Users of Commission-managed lands

Summary:
There are three commonly recognized classes of electric bicycles (Class 1, 2, and 3) that differ by how the electric motor provides assistance and the top speed of the bicycle. Based on current FWC regulations and 2019 Florida Statutes, Class 1 electric bicycles are allowed to be used pursuant to the rules for all other non-power-assisted bicycles (e.g., off road, trails and firebreaks), while Class 2 and 3 electric bicycles can only be used on named or numbered roads. However, language in HB 971, which goes into effect July 1, 2020, specifies that all three classes of electric bicycles are considered bicycles and may be used anywhere a non-power-assisted bicycle can be used. Allowing Class 2 and 3 electric bicycles on Commission-managed lands may lead to environmental damage as well as user conflict and safety concerns. This proposed rule amendment would maintain and clarify the status quo regarding electric bicycle use on Commission-managed lands by explicitly stating that only Class 1 electric bicycles may be used pursuant to rules relating to bicycles.

Staff Recommendation:
Approve the proposed rule amendment for advertising and file for adoption as soon as possible without further public hearing.

Staff Contact and/or Presenter:
George Warthen, Director, Division of Hunting and Game Management
Paul Scharine, Public Hunting Areas Program Coordinator, Division of Hunting and Game Management