

Bond Case Briefs

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MUNICIPAL ORDINANCE - FLORIDA

Classy Cycles, Inc. v. Bay County

District Court of Appeal of Florida, First District - September 28, 2016 - So.3d - 2016 WL 5404205

Operator of motor vehicle rental businesses brought action against county and city, seeking declaratory judgment that county and city ordinances relating to rental of certain motor vehicles exceeded the scope of authority of local governments and damages for lost revenue because businesses could not fully operate due to inability to obtain required insurance.

The Circuit Court granted summary judgment in favor of county and city. Operator appealed.

The District Court of Appeal held that:

- Ordinances requiring safety vest while operating rental motor scooter were expressly preempted;
- Ordinances requiring insurance for businesses renting motor scooters were expressly preempted;
- Ordinances requiring insurance were an attempt to regulate in an area well-covered by existing statutes and, thus, were impliedly preempted; and
- Ordinances did not constitute “temporary or experimental regulations” to address “special conditions,” and thus did not fall within statutory exception to preemption.