

Bill No. CS/CS/HB 807, 2nd Eng.

Amendment No. Barcode 302858

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Wasserman Schultz moved the following amendment to amendment (640544):

Senate Amendment

On page 7, line 5, through page 12, line 8, delete those lines

and insert:

Section 6. Section 316.2065, Florida Statutes, is amended to read:

316.2065 Bicycle and motorized scooter regulations.--

(1) Every person propelling a vehicle by human power, or operating a motorized scooter as defined in s. 316.003, has all of the rights and all of the duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter, and except as to provisions of this chapter which by their nature can have no application.

(2) A person operating a bicycle may not ride other than upon or astride a permanent and regular seat attached thereto.

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1 (3)(a) A bicycle may not be used to carry more persons
2 at one time than the number for which it is designed or
3 equipped, except that an adult rider may carry a child
4 securely attached to his or her person in a backpack or sling.

5 (b) Except as provided in paragraph (a), a bicycle
6 rider must carry any passenger who is a child under 4 years of
7 age, or who weighs 40 pounds or less, in a seat or carrier
8 that is designed to carry a child of that age or size and that
9 secures and protects the child from the moving parts of the
10 bicycle.

11 (c) A bicycle rider may not allow a passenger to
12 remain in a child seat or carrier on a bicycle when the rider
13 is not in immediate control of the bicycle.

14 (d) A bicycle rider or passenger or motorized scooter
15 rider who is under 16 years of age must wear a bicycle helmet
16 that is properly fitted and is fastened securely upon the
17 rider's or passenger's head by a strap, and that meets the
18 standards of the American National Standards Institute (ANSI Z
19 90.4 Bicycle Helmet Standards), the standards of the Snell
20 Memorial Foundation (1984 Standard for Protective Headgear for
21 Use in Bicycling), or any other nationally recognized
22 standards for bicycle helmets adopted by the department. As
23 used in this subsection, the term "passenger" includes a child
24 who is riding in a trailer or semitrailer attached to a
25 bicycle.

26 (e) Law enforcement officers and school crossing
27 guards may issue a bicycle safety brochure and a verbal
28 warning to a bicycle rider or passenger or a motorized scooter
29 rider who violates this subsection. A bicycle rider or
30 passenger or a motorized scooter rider who violates this
31 subsection may be issued a citation by a law enforcement

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1 officer and assessed a fine for a pedestrian violation, as
2 provided in s. 318.18. The court shall dismiss the charge
3 against a bicycle rider or passenger or a motorized scooter
4 rider for a first violation of paragraph (d) upon proof of
5 purchase of a bicycle helmet that complies with this
6 subsection.

7 (f) A person operating a motorized scooter may not
8 carry passengers.

9 (4) No person riding upon any bicycle, coaster, roller
10 skates, sled, or motorized scooter, or toy vehicle may attach
11 the same or himself or herself to any vehicle upon a roadway.
12 This subsection does not prohibit attaching a bicycle trailer
13 or bicycle semitrailer to a bicycle if that trailer or
14 semitrailer is commercially available and has been designed
15 for such attachment.

16 (5)(a) Any person operating a bicycle upon a roadway
17 at less than the normal speed of traffic at the time and place
18 and under the conditions then existing shall ride as close as
19 practicable to the right-hand curb or edge of the roadway
20 except under any of the following situations:

21 1. When overtaking and passing another bicycle or
22 vehicle proceeding in the same direction.

23 2. When preparing for a left turn at an intersection
24 or into a private road or driveway.

25 3. When reasonably necessary to avoid any condition,
26 including, but not limited to, a fixed or moving object,
27 parked or moving vehicle, bicycle, pedestrian, animal, surface
28 hazard, or substandard-width lane, that makes it unsafe to
29 continue along the right-hand curb or edge. For the purposes
30 of this subsection, a "substandard-width lane" is a lane that
31 is too narrow for a bicycle and another vehicle to travel

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1 safely side by side within the lane.

2 (b) Any person operating a bicycle upon a one-way
3 highway with two or more marked traffic lanes may ride as near
4 the left-hand curb or edge of such roadway as practicable.

5 (6) Persons riding bicycles upon a roadway may not
6 ride more than two abreast except on paths or parts of
7 roadways set aside for the exclusive use of bicycles. Persons
8 riding two abreast may not impede traffic when traveling at
9 less than the normal speed of traffic at the time and place
10 and under the conditions then existing and shall ride within a
11 single lane.

12 (7) Any person operating a bicycle or motorized
13 scooter shall keep at least one hand upon the handlebars.

14 (8) Every bicycle or motorized scooter in use between
15 sunset and sunrise shall be equipped with a lamp on the front
16 exhibiting a white light visible from a distance of at least
17 500 feet to the front and a lamp and reflector on the rear
18 each exhibiting a red light visible from a distance of 600
19 feet to the rear. A bicycle or motorized scooter ~~its~~ rider
20 may be equipped with lights or reflectors in addition to those
21 required by this section.

22 (9) No parent of any minor child and no guardian of
23 any minor ward may authorize or knowingly permit any such
24 minor child or ward to violate any of the provisions of this
25 section.

26 (10) A person propelling a vehicle by human power upon
27 and along a sidewalk, or across a roadway upon and along a
28 crosswalk, has all the rights and duties applicable to a
29 pedestrian under the same circumstances.

30 (11)(a) A person propelling a bicycle upon and along a
31 sidewalk, or across a roadway upon and along a crosswalk,

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1 shall yield the right-of-way to any pedestrian and shall give
2 an audible signal before overtaking and passing such
3 pedestrian.

4 (b) A motorized scooter may not be operated upon or
5 along a sidewalk. However, an electric personal assistive
6 mobility device that is designed to transport only one person
7 and that has an electric propulsion system that limits the
8 maximum speed of the device to 15 miles per hour or less may
9 be operated upon or along a sidewalk.

10 (12) No person upon roller skates, or riding in or by
11 means of any motorized scooter,coaster, toy vehicle, or
12 similar device, may go upon any roadway except while crossing
13 a street on a crosswalk; and, when so crossing, such person
14 shall be granted all rights and shall be subject to all of the
15 duties applicable to pedestrians.

16 (13) This section shall not apply upon any street
17 while set aside as a play street authorized herein or as
18 designated by state, county, or municipal authority.

19 (14) Every bicycle or motorized scooter,shall be
20 equipped with a brake or brakes which will enable its rider to
21 stop the bicycle within 25 feet from a speed of 10 miles per
22 hour on dry, level, clean pavement.

23 (15) A person engaged in the business of selling
24 bicycles at retail shall not sell any bicycle unless the
25 bicycle has an identifying number permanently stamped or cast
26 on its frame.

27 (16)(a) A person may not knowingly rent or lease any
28 bicycle or motorized scooter to be ridden by a child who is
29 under the age of 16 years unless:

- 30 1. The child possesses a bicycle helmet; or
31 2. The lessor provides a bicycle helmet for the child

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1 to wear.

2 (b) A violation of this subsection is a nonmoving
3 violation, punishable as provided in s. 318.18.

4 (17) The court may waive, reduce, or suspend payment
5 of any fine imposed under subsection (3) or subsection (16)
6 and may impose any other conditions on the waiver, reduction,
7 or suspension. If the court finds that a person does not have
8 sufficient funds to pay the fine, the court may require the
9 performance of a specified number of hours of community
10 service or attendance at a safety seminar.

11 (18) Notwithstanding s. 318.21, all proceeds collected
12 pursuant to s. 318.18 for violations under paragraphs (3)(e)
13 and (16)(b) shall be deposited into the State Transportation
14 Trust Fund.

15 (19) The failure of a person to wear a required
16 ~~bicycle~~ helmet or the failure of a parent or guardian to
17 prevent a child from riding a bicycle or motorized scooter
18 without a required ~~bicycle~~ helmet may not be considered
19 evidence of negligence or contributory negligence.

20 (20) Except as otherwise provided in this section, a
21 violation of this section is a noncriminal traffic infraction,
22 punishable as a pedestrian violation as provided in chapter
23 318. A law enforcement officer may issue traffic citations for
24 a violation of subsection (3) or subsection (16) only if the
25 violation occurs on a bicycle path or road, as defined in s.
26 334.03. However, they may not issue citations to persons on
27 private property, except any part thereof which is open to the
28 use of the public for purposes of vehicular traffic.

29 (21) A county or municipality may adopt an ordinance
30 that authorizes persons to operate a motorized scooter on a
31 roadway or sidewalk, notwithstanding any prohibitions in this

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3 (Redesignate subsequent sections.)
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