

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

Amendment No. Barcode 355492

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Senator Wasserman Schultz moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 145, between lines 20 and 21,

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16 insert:

17 Section 80. Subsection (21) of section 316.003,
18 Florida Statutes, is amended and subsection (82) is added to
19 that section to read:

20 316.003 Definitions.--The following words and phrases,
21 when used in this chapter, shall have the meanings
22 respectively ascribed to them in this section, except where
23 the context otherwise requires:

24 (21) MOTOR VEHICLE.--Any self-propelled vehicle not
25 operated upon rails or guideway, but not including any
26 bicycle, motorized scooter, or moped.

27 (82) MOTORIZED SCOOTER.--Any vehicle not having a seat
28 or saddle for the use of the rider and designed to travel on
29 not more than three wheels, and not capable of propelling the
30 vehicle of a speed greater than 30 miles per hour on level
31 ground.

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1 Section 81. Section 316.2065, Florida Statutes, is
2 amended to read:

3 316.2065 Bicycle and motorized scooter regulations.--

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

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

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

18 (b) Except as provided in paragraph (a), a bicycle
19 rider must carry any passenger who is a child under 4 years of
20 age, or who weighs 40 pounds or less, in a seat or carrier
21 that is designed to carry a child of that age or size and that
22 secures and protects the child from the moving parts of the
23 bicycle.

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

27 (d) A bicycle rider or passenger or motorized scooter
28 rider who is under 16 years of age must wear a bicycle helmet
29 that is properly fitted and is fastened securely upon the
30 rider's or passenger's head by a strap, and that meets the
31 standards of the American National Standards Institute (ANSI Z

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1 90.4 Bicycle Helmet Standards), the standards of the Snell
2 Memorial Foundation (1984 Standard for Protective Headgear for
3 Use in Bicycling), or any other nationally recognized
4 standards for bicycle helmets adopted by the department. As
5 used in this subsection, the term "passenger" includes a child
6 who is riding in a trailer or semitrailer attached to a
7 bicycle.

8 (e) Law enforcement officers and school crossing
9 guards may issue a bicycle safety brochure and a verbal
10 warning to a bicycle rider or passenger or a motorized scooter
11 rider who violates this subsection. A bicycle rider or
12 passenger or a motorized scooter rider who violates this
13 subsection may be issued a citation by a law enforcement
14 officer and assessed a fine for a pedestrian violation, as
15 provided in s. 318.18. The court shall dismiss the charge
16 against a bicycle rider or passenger or a motorized scooter
17 rider for a first violation of paragraph (d) upon proof of
18 purchase of a bicycle helmet that complies with this
19 subsection.

20 (f) A person operating a motorized scooter may not
21 carry passengers.

22 (4) No person riding upon any bicycle, coaster, roller
23 skates, sled, or motorized scooter, or toy vehicle may attach
24 the same or himself or herself to any vehicle upon a roadway.
25 This subsection does not prohibit attaching a bicycle trailer
26 or bicycle semitrailer to a bicycle if that trailer or
27 semitrailer is commercially available and has been designed
28 for such attachment.

29 (5)(a) Any person operating a bicycle upon a roadway
30 at less than the normal speed of traffic at the time and place
31 and under the conditions then existing shall ride as close as

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1 practicable to the right-hand curb or edge of the roadway
2 except under any of the following situations:

3 1. When overtaking and passing another bicycle or
4 vehicle proceeding in the same direction.

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

7 3. When reasonably necessary to avoid any condition,
8 including, but not limited to, a fixed or moving object,
9 parked or moving vehicle, bicycle, pedestrian, animal, surface
10 hazard, or substandard-width lane, that makes it unsafe to
11 continue along the right-hand curb or edge. For the purposes
12 of this subsection, a "substandard-width lane" is a lane that
13 is too narrow for a bicycle and another vehicle to travel
14 safely side by side within the lane.

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

18 (6) Persons riding bicycles upon a roadway may not
19 ride more than two abreast except on paths or parts of
20 roadways set aside for the exclusive use of bicycles. Persons
21 riding two abreast may not impede traffic when traveling at
22 less than the normal speed of traffic at the time and place
23 and under the conditions then existing and shall ride within a
24 single lane.

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

27 (8) Every bicycle or motorized scooter in use between
28 sunset and sunrise shall be equipped with a lamp on the front
29 exhibiting a white light visible from a distance of at least
30 500 feet to the front and a lamp and reflector on the rear
31 each exhibiting a red light visible from a distance of 600

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1 feet to the rear. A bicycle or motorized scooter ~~its~~ rider
2 may be equipped with lights or reflectors in addition to those
3 required by this section.

4 (9) No parent of any minor child and no guardian of
5 any minor ward may authorize or knowingly permit any such
6 minor child or ward to violate any of the provisions of this
7 section.

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

12 (11)(a) A person propelling a bicycle upon and along a
13 sidewalk, or across a roadway upon and along a crosswalk,
14 shall yield the right-of-way to any pedestrian and shall give
15 an audible signal before overtaking and passing such
16 pedestrian.

17 (b) A motorized scooter may not be operated upon or
18 along a sidewalk.

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

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

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

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

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

- 8 1. The child possesses a bicycle helmet; or
9 2. The lessor provides a bicycle helmet for the child
10 to wear.

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

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

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

24 (19) The failure of a person to wear a required
25 ~~bicycle~~ helmet or the failure of a parent or guardian to
26 prevent a child from riding a bicycle or motorized scooter
27 without a required ~~bicycle~~ helmet may not be considered
28 evidence of negligence or contributory negligence.

29 (20) Except as otherwise provided in this section, a
30 violation of this section is a noncriminal traffic infraction,
31 punishable as a pedestrian violation as provided in chapter

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1 318. A law enforcement officer may issue traffic citations for
2 a violation of subsection (3) or subsection (16) only if the
3 violation occurs on a bicycle path or road, as defined in s.
4 334.03. However, they may not issue citations to persons on
5 private property, except any part thereof which is open to the
6 use of the public for purposes of vehicular traffic.

7 (21) A county or municipality may adopt an ordinance
8 that authorizes persons to operate a motorized scooter on a
9 roadway or sidewalk, notwithstanding any prohibitions in this
10 section.

11
12 (Redesignate subsequent sections.)

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15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 10, line 24, after the semicolon,

18
19 insert:

20 amending s. 316.003; defining the term
21 "motorized scooter"; amending s. 316.2065,
22 F.S.; providing motorized scooter operating
23 regulations;

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