

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

Amendment No.      Barcode 603670

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

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

15 On page 133, between lines 9 and 10,  
 16  
 17 insert:

18 Section 78. Subsection (21) of section 316.003,  
 19 Florida Statutes, is amended and subsection (82) is added to  
 20 that section to read:

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

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

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

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1 ground.

2 Section 79. Section 316.2065, Florida Statutes, is  
3 amended to read:

4 316.2065 Bicycle and motorized scooter regulations.--

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

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

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

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

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

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

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

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

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

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

30 (5)(a) Any person operating a bicycle upon a roadway  
31 at less than the normal speed of traffic at the time and place

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1 and under the conditions then existing shall ride as close as  
2 practicable to the right-hand curb or edge of the roadway  
3 except under any of the following situations:

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

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

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

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

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

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

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

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1 each exhibiting a red light visible from a distance of 600  
2 feet to the rear. A bicycle or motorized scooter ~~its~~ rider  
3 may be equipped with lights or reflectors in addition to those  
4 required by this section.

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

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

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

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

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

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

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

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1 hour on dry, level, clean pavement.

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

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

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

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

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

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

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

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

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

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

12  
 13 (Redesignate subsequent sections.)

14  
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16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 143, line 4, after the semicolon,

19

20 insert:

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

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