

By Senator Bullard

39-00233-09

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1                   A bill to be entitled  
2           An act relating to bicycle safety; amending s.  
3           316.2065, F.S.; revising safety standard requirements  
4           for bicycle helmets that must be worn by certain  
5           riders and passengers; providing for enforcement of  
6           requirements for bicycle lighting equipment; providing  
7           penalties for violations; providing for dismissal of  
8           the charge following a first offense; providing an  
9           effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Paragraph (d) of subsection (3) and subsection  
14           (8) of section 316.2065, Florida Statutes, are amended to read:  
15           316.2065 Bicycle regulations.—

16           (3)

17           (d) A bicycle rider or passenger who is under 16 years of  
18           age must wear a bicycle helmet that is properly fitted and is  
19           fastened securely upon the passenger's head by a strap, and that  
20           meets the federal safety standard for bicycle helmets, final  
21           rule, 16 C.F.R. part 1203. Helmets purchased before October 1,  
22           2009, and meeting standards of the American National Standards  
23           Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards  
24           of the Snell Memorial Foundation (1984 Standard for Protective  
25           Headgear for Use in Bicycling), or any other nationally  
26           recognized standards for bicycle helmets adopted by the  
27           department may continue to be worn by riders or passengers until  
28           January 1, 2013. As used in this subsection, the term  
29           "passenger" includes a child who is riding in a trailer or

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30 semitrailer attached to a bicycle.

31 (8) Every bicycle in use between sunset and sunrise shall  
32 be equipped with a lamp on the front exhibiting a white light  
33 visible from a distance of at least 500 feet to the front and a  
34 lamp and reflector on the rear each exhibiting a red light  
35 visible from a distance of 600 feet to the rear. A bicycle or  
36 its rider may be equipped with lights or reflectors in addition  
37 to those required by this section. Law enforcement officers may  
38 issue a bicycle safety brochure and a verbal warning to a  
39 bicycle rider who violates this subsection. A bicycle rider who  
40 violates this subsection may be issued a citation by a law  
41 enforcement officer and assessed a fine for a pedestrian  
42 violation, as provided in s. 318.18. The court shall dismiss the  
43 charge against a bicycle rider for a first violation of this  
44 subsection upon proof of purchase and installation of the proper  
45 lighting equipment.

46 Section 2. This act shall take effect October 1, 2009.