

By Senator Bogdanoff

25-01547-11

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1                   A bill to be entitled  
2           An act relating to bicycle regulations; amending s.  
3           316.2065, F.S.; removing a requirement to keep one  
4           hand on the handlebars while operating a bicycle;  
5           amending s. 322.27, F.S.; conforming a cross-reference  
6           to changes made by the act; providing an effective  
7           date.

8  
9   Be It Enacted by the Legislature of the State of Florida:

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11           Section 1. Subsections (7) through (20) of section  
12   316.2065, Florida Statutes, are amended to read:

13           316.2065 Bicycle regulations.—

14           ~~(7) Any person operating a bicycle shall keep at least one~~  
15 ~~hand upon the handlebars.~~

16           (7)~~(8)~~ Every bicycle in use between sunset and sunrise  
17 shall be equipped with a lamp on the front exhibiting a white  
18 light visible from a distance of at least 500 feet to the front  
19 and a lamp and reflector on the rear each exhibiting a red light  
20 visible from a distance of 600 feet to the rear. A bicycle or  
21 its rider may be equipped with lights or reflectors in addition  
22 to those required by this section.

23           (8)~~(9)~~ No parent of any minor child and no guardian of any  
24 minor ward may authorize or knowingly permit any such minor  
25 child or ward to violate any of the provisions of this section.

26           (9)~~(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.

25-01547-11

20111788\_\_

30        (10)~~(11)~~ A person propelling a bicycle upon and along a  
31 sidewalk, or across a roadway upon and along a crosswalk, shall  
32 yield the right-of-way to any pedestrian and shall give an  
33 audible signal before overtaking and passing such pedestrian.

34        (11)~~(12)~~ No person upon roller skates, or riding in or by  
35 means of any coaster, toy vehicle, or similar device, may go  
36 upon any roadway except while crossing a street on a crosswalk;  
37 and, when so crossing, such person shall be granted all rights  
38 and shall be subject to all of the duties applicable to  
39 pedestrians.

40        (12)~~(13)~~ This section shall not apply upon any street while  
41 set aside as a play street authorized herein or as designated by  
42 state, county, or municipal authority.

43        (13)~~(14)~~ Every bicycle shall be equipped with a brake or  
44 brakes which will enable its rider to stop the bicycle within 25  
45 feet from a speed of 10 miles per hour on dry, level, clean  
46 pavement.

47        (14)~~(15)~~ A person engaged in the business of selling  
48 bicycles at retail shall not sell any bicycle unless the bicycle  
49 has an identifying number permanently stamped or cast on its  
50 frame.

51        (15)~~(16)~~ (a) A person may not knowingly rent or lease any  
52 bicycle to be ridden by a child who is under the age of 16 years  
53 unless:

- 54            1. The child possesses a bicycle helmet; or  
55            2. The lessor provides a bicycle helmet for the child to  
56 wear.

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

25-01547-11

20111788\_\_

59        (16)~~(17)~~ The court may waive, reduce, or suspend payment of  
60 any fine imposed under subsection (3) or subsection (15) ~~(16)~~  
61 and may impose any other conditions on the waiver, reduction, or  
62 suspension. If the court finds that a person does not have  
63 sufficient funds to pay the fine, the court may require the  
64 performance of a specified number of hours of community service  
65 or attendance at a safety seminar.

66        (17)~~(18)~~ Notwithstanding s. 318.21, all proceeds collected  
67 pursuant to s. 318.18 for violations under paragraphs (3) (e) and  
68 (15) (b) ~~(16) (b)~~ shall be deposited into the State Transportation  
69 Trust Fund.

70        (18)~~(19)~~ The failure of a person to wear a bicycle helmet  
71 or the failure of a parent or guardian to prevent a child from  
72 riding a bicycle without a bicycle helmet may not be considered  
73 evidence of negligence or contributory negligence.

74        (19)~~(20)~~ Except as otherwise provided in this section, a  
75 violation of this section is a noncriminal traffic infraction,  
76 punishable as a pedestrian violation as provided in chapter 318.  
77 A law enforcement officer may issue traffic citations for a  
78 violation of subsection (3) or subsection (15) ~~(16)~~ only if the  
79 violation occurs on a bicycle path or road, as defined in s.  
80 334.03. However, a law enforcement officer may not issue  
81 citations to persons on private property, except any part  
82 thereof which is open to the use of the public for purposes of  
83 vehicular traffic.

84        Section 2. Paragraph (d) of subsection (3) of section  
85 322.27, Florida Statutes, is amended to read:

86        322.27 Authority of department to suspend or revoke  
87 license.-

25-01547-11

20111788\_\_

88 (3) There is established a point system for evaluation of  
89 convictions of violations of motor vehicle laws or ordinances,  
90 and violations of applicable provisions of s. 403.413(6) (b) when  
91 such violations involve the use of motor vehicles, for the  
92 determination of the continuing qualification of any person to  
93 operate a motor vehicle. The department is authorized to suspend  
94 the license of any person upon showing of its records or other  
95 good and sufficient evidence that the licensee has been  
96 convicted of violation of motor vehicle laws or ordinances, or  
97 applicable provisions of s. 403.413(6) (b), amounting to 12 or  
98 more points as determined by the point system. The suspension  
99 shall be for a period of not more than 1 year.

100 (d) The point system shall have as its basic element a  
101 graduated scale of points assigning relative values to  
102 convictions of the following violations:

- 103 1. Reckless driving, willful and wanton—4 points.  
104 2. Leaving the scene of a crash resulting in property  
105 damage of more than \$50—6 points.  
106 3. Unlawful speed resulting in a crash—6 points.  
107 4. Passing a stopped school bus—4 points.  
108 5. Unlawful speed:  
109 a. Not in excess of 15 miles per hour of lawful or posted  
110 speed—3 points.  
111 b. In excess of 15 miles per hour of lawful or posted  
112 speed—4 points.  
113 6. A violation of a traffic control signal device as  
114 provided in s. 316.074(1) or s. 316.075(1) (c)1.—4 points.  
115 However, no points shall be imposed for a violation of s.  
116 316.074(1) or s. 316.075(1) (c)1. when a driver has failed to

25-01547-11

20111788\_\_

117 stop at a traffic signal and when enforced by a traffic  
118 infraction enforcement officer. In addition, a violation of s.  
119 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
120 stop at a traffic signal and when enforced by a traffic  
121 infraction enforcement officer may not be used for purposes of  
122 setting motor vehicle insurance rates.

123 7. All other moving violations (including parking on a  
124 highway outside the limits of a municipality)-3 points. However,  
125 no points shall be imposed for a violation of s. 316.0741 or s.  
126 316.2065(11)~~(12)~~; and points shall be imposed for a violation of  
127 s. 316.1001 only when imposed by the court after a hearing  
128 pursuant to s. 318.14(5).

129 8. Any moving violation covered above, excluding unlawful  
130 speed, resulting in a crash-4 points.

131 9. Any conviction under s. 403.413(6)(b)-3 points.

132 10. Any conviction under s. 316.0775(2)-4 points.

133 Section 3. This act shall take effect July 1, 2011.