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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 hand on
 4 the handlebars while operating a bicycle; amending s.
 5 322.27, F.S.; conforming a cross-reference to changes made
 6 by the act; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Subsections (7) through (20) of section
 11 316.2065, Florida Statutes, are amended to read:

12 316.2065 Bicycle regulations.—

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

15 (7)~~(8)~~ Every bicycle in use between sunset and sunrise
 16 shall be equipped with a lamp on the front exhibiting a white
 17 light visible from a distance of at least 500 feet to the front
 18 and a lamp and reflector on the rear each exhibiting a red light
 19 visible from a distance of 600 feet to the rear. A bicycle or
 20 its rider may be equipped with lights or reflectors in addition
 21 to those required by this section.

22 (8)~~(9)~~ No parent of any minor child and no guardian of any
 23 minor ward may authorize or knowingly permit any such minor
 24 child or ward to violate any of the provisions of this section.

25 (9)~~(10)~~ A person propelling a vehicle by human power upon
 26 and along a sidewalk, or across a roadway upon and along a
 27 crosswalk, has all the rights and duties applicable to a
 28 pedestrian under the same circumstances.

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29 (10)~~(11)~~ A person propelling a bicycle upon and along a
 30 sidewalk, or across a roadway upon and along a crosswalk, shall
 31 yield the right-of-way to any pedestrian and shall give an
 32 audible signal before overtaking and passing such pedestrian.

33 (11)~~(12)~~ No person upon roller skates, or riding in or by
 34 means of any coaster, toy vehicle, or similar device, may go
 35 upon any roadway except while crossing a street on a crosswalk;
 36 and, when so crossing, such person shall be granted all rights
 37 and shall be subject to all of the duties applicable to
 38 pedestrians.

39 (12)~~(13)~~ This section shall not apply upon any street
 40 while set aside as a play street authorized herein or as
 41 designated by state, county, or municipal authority.

42 (13)~~(14)~~ Every bicycle shall be equipped with a brake or
 43 brakes which will enable its rider to stop the bicycle within 25
 44 feet from a speed of 10 miles per hour on dry, level, clean
 45 pavement.

46 (14)~~(15)~~ A person engaged in the business of selling
 47 bicycles at retail shall not sell any bicycle unless the bicycle
 48 has an identifying number permanently stamped or cast on its
 49 frame.

50 (15)~~(16)~~(a) A person may not knowingly rent or lease any
 51 bicycle to be ridden by a child who is under the age of 16 years
 52 unless:

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

56 (b) A violation of this subsection is a nonmoving

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57 violation, punishable as provided in s. 318.18.

58 ~~(16)~~~~(17)~~ The court may waive, reduce, or suspend payment
59 of any fine imposed under subsection (3) or subsection (15) ~~(16)~~
60 and may impose any other conditions on the waiver, reduction, or
61 suspension. If the court finds that a person does not have
62 sufficient funds to pay the fine, the court may require the
63 performance of a specified number of hours of community service
64 or attendance at a safety seminar.

65 ~~(17)~~~~(18)~~ Notwithstanding s. 318.21, all proceeds collected
66 pursuant to s. 318.18 for violations under paragraphs (3) (e) and
67 (15) (b) ~~(16) (b)~~ shall be deposited into the State Transportation
68 Trust Fund.

69 ~~(18)~~~~(19)~~ The failure of a person to wear a bicycle helmet
70 or the failure of a parent or guardian to prevent a child from
71 riding a bicycle without a bicycle helmet may not be considered
72 evidence of negligence or contributory negligence.

73 ~~(19)~~~~(20)~~ Except as otherwise provided in this section, a
74 violation of this section is a noncriminal traffic infraction,
75 punishable as a pedestrian violation as provided in chapter 318.
76 A law enforcement officer may issue traffic citations for a
77 violation of subsection (3) or subsection (15) ~~(16)~~ only if the
78 violation occurs on a bicycle path or road, as defined in s.
79 334.03. However, a law enforcement officer may not issue
80 citations to persons on private property, except any part
81 thereof which is open to the use of the public for purposes of
82 vehicular traffic.

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

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85 | 322.27 Authority of department to suspend or revoke
86 | license.—

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

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

- 102 | 1. Reckless driving, willful and wanton—4 points.
- 103 | 2. Leaving the scene of a crash resulting in property
104 | damage of more than \$50—6 points.
- 105 | 3. Unlawful speed resulting in a crash—6 points.
- 106 | 4. Passing a stopped school bus—4 points.
- 107 | 5. Unlawful speed:
 - 108 | a. Not in excess of 15 miles per hour of lawful or posted
109 | speed—3 points.
 - 110 | b. In excess of 15 miles per hour of lawful or posted
111 | speed—4 points.
- 112 | 6. A violation of a traffic control signal device as

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113 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 114 However, no points shall be imposed for a violation of s.
 115 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 116 stop at a traffic signal and when enforced by a traffic
 117 infraction enforcement officer. In addition, a violation of s.
 118 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 119 stop at a traffic signal and when enforced by a traffic
 120 infraction enforcement officer may not be used for purposes of
 121 setting motor vehicle insurance rates.

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

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

130 9. Any conviction under s. 403.413(6)(b)—3 points.

131 10. Any conviction under s. 316.0775(2)—4 points.

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