

By Senator Bogdanoff

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1                   A bill to be entitled  
2           An act relating to bicycle regulations; amending s.  
3           316.2065, F.S.; clarifying provisions relating to when  
4           a bicycle operator must ride in a bicycle lane or  
5           along the curb or edge of the roadway; removing a  
6           requirement to keep one hand on the handlebars while  
7           operating a bicycle; providing for enforcement of  
8           requirements for bicycle lighting equipment; providing  
9           penalties for violations; amending s. 322.27, F.S.;  
10          conforming a cross-reference to changes made by the  
11          act; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Subsection (5) and subsections (7) through (20)  
16 of section 316.2065, Florida Statutes, are amended to read:

17           316.2065 Bicycle regulations.—

18           (5) (a) Any person operating a bicycle upon a roadway at  
19 less than the normal speed of traffic at the time and place and  
20 under the conditions then existing shall ride in the lane marked  
21 for bicycle use or, if no lane is marked for bicycle use, as  
22 close as practicable to the right-hand curb or edge of the  
23 roadway except under any of the following situations:

24           1. When overtaking and passing another bicycle or vehicle  
25 proceeding in the same direction.

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

28           3. When reasonably necessary to avoid any condition or  
29 potential conflict, including, but not limited to, a fixed or

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30 moving object, parked or moving vehicle, bicycle, pedestrian,  
31 animal, surface hazard, turn lane, or substandard-width lane,  
32 which ~~that~~ makes it unsafe to continue along the right-hand curb  
33 or edge or within a bicycle lane. For the purposes of this  
34 subsection, a "substandard-width lane" is a lane that is too  
35 narrow for a bicycle and another vehicle to travel safely side  
36 by side within the lane.

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

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

42 (7)(8) Every bicycle in use between sunset and sunrise  
43 shall be equipped with a lamp on the front exhibiting a white  
44 light visible from a distance of at least 500 feet to the front  
45 and a lamp and reflector on the rear each exhibiting a red light  
46 visible from a distance of 600 feet to the rear. A bicycle or  
47 its rider may be equipped with lights or reflectors in addition  
48 to those required by this section. A law enforcement officer may  
49 issue a bicycle safety brochure and a verbal warning to a  
50 bicycle rider who violates this subsection. A bicycle rider who  
51 violates this subsection may be issued a citation by a law  
52 enforcement officer and assessed a fine for a pedestrian  
53 violation, as provided in s. 318.18. The court shall dismiss the  
54 charge against a bicycle rider for a first violation of this  
55 subsection upon proof of purchase and installation of the proper  
56 lighting equipment.

57 ~~(8)(9) No parent of any minor child and no guardian of any~~  
58 ~~minor ward may authorize or knowingly permit any such minor~~

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59 child or ward to violate any of the provisions of this section.

60 (9)~~(10)~~ A person propelling a vehicle by human power upon  
61 and along a sidewalk, or across a roadway upon and along a  
62 crosswalk, has all the rights and duties applicable to a  
63 pedestrian under the same circumstances.

64 (10)~~(11)~~ A person propelling a bicycle upon and along a  
65 sidewalk, or across a roadway upon and along a crosswalk, shall  
66 yield the right-of-way to any pedestrian and shall give an  
67 audible signal before overtaking and passing such pedestrian.

68 (11)~~(12)~~ No person upon roller skates, or riding in or by  
69 means of any coaster, toy vehicle, or similar device, may go  
70 upon any roadway except while crossing a street on a crosswalk;  
71 and, when so crossing, such person shall be granted all rights  
72 and shall be subject to all of the duties applicable to  
73 pedestrians.

74 (12)~~(13)~~ This section shall not apply upon any street while  
75 set aside as a play street authorized herein or as designated by  
76 state, county, or municipal authority.

77 (13)~~(14)~~ Every bicycle shall be equipped with a brake or  
78 brakes which will enable its rider to stop the bicycle within 25  
79 feet from a speed of 10 miles per hour on dry, level, clean  
80 pavement.

81 (14)~~(15)~~ A person engaged in the business of selling  
82 bicycles at retail shall not sell any bicycle unless the bicycle  
83 has an identifying number permanently stamped or cast on its  
84 frame.

85 (15)~~(16)~~ (a) A person may not knowingly rent or lease any  
86 bicycle to be ridden by a child who is under the age of 16 years  
87 unless:

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- 88           1. The child possesses a bicycle helmet; or  
89           2. The lessor provides a bicycle helmet for the child to  
90 wear.

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

93           (16)~~(17)~~ The court may waive, reduce, or suspend payment of  
94 any fine imposed under subsection (3) or subsection (15) ~~(16)~~  
95 and may impose any other conditions on the waiver, reduction, or  
96 suspension. If the court finds that a person does not have  
97 sufficient funds to pay the fine, the court may require the  
98 performance of a specified number of hours of community service  
99 or attendance at a safety seminar.

100           (17)~~(18)~~ Notwithstanding s. 318.21, all proceeds collected  
101 pursuant to s. 318.18 for violations under paragraphs (3)(e) and  
102 (15)(b) ~~(16)(b)~~ shall be deposited into the State Transportation  
103 Trust Fund.

104           (18)~~(19)~~ The failure of a person to wear a bicycle helmet  
105 or the failure of a parent or guardian to prevent a child from  
106 riding a bicycle without a bicycle helmet may not be considered  
107 evidence of negligence or contributory negligence.

108           (19)~~(20)~~ Except as otherwise provided in this section, a  
109 violation of this section is a noncriminal traffic infraction,  
110 punishable as a pedestrian violation as provided in chapter 318.  
111 A law enforcement officer may issue traffic citations for a  
112 violation of subsection (3) or subsection (15) ~~(16)~~ only if the  
113 violation occurs on a bicycle path or road, as defined in s.  
114 334.03. However, a law enforcement officer may not issue  
115 citations to persons on private property, except any part  
116 thereof which is open to the use of the public for purposes of

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117 vehicular traffic.

118 Section 2. Paragraph (d) of subsection (3) of section  
119 322.27, Florida Statutes, is amended to read:

120 322.27 Authority of department to suspend or revoke  
121 license.—

122 (3) There is established a point system for evaluation of  
123 convictions of violations of motor vehicle laws or ordinances,  
124 and violations of applicable provisions of s. 403.413(6)(b) when  
125 such violations involve the use of motor vehicles, for the  
126 determination of the continuing qualification of any person to  
127 operate a motor vehicle. The department is authorized to suspend  
128 the license of any person upon showing of its records or other  
129 good and sufficient evidence that the licensee has been  
130 convicted of violation of motor vehicle laws or ordinances, or  
131 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
132 more points as determined by the point system. The suspension  
133 shall be for a period of not more than 1 year.

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

- 137 1. Reckless driving, willful and wanton—4 points.
- 138 2. Leaving the scene of a crash resulting in property  
139 damage of more than \$50—6 points.
- 140 3. Unlawful speed resulting in a crash—6 points.
- 141 4. Passing a stopped school bus—4 points.
- 142 5. Unlawful speed:
  - 143 a. Not in excess of 15 miles per hour of lawful or posted  
144 speed—3 points.
  - 145 b. In excess of 15 miles per hour of lawful or posted

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146 speed-4 points.

147         6. A violation of a traffic control signal device as  
148 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.  
149 However, no points shall be imposed for a violation of s.  
150 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
151 stop at a traffic signal and when enforced by a traffic  
152 infraction enforcement officer. In addition, a violation of s.  
153 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
154 stop at a traffic signal and when enforced by a traffic  
155 infraction enforcement officer may not be used for purposes of  
156 setting motor vehicle insurance rates.

157         7. All other moving violations (including parking on a  
158 highway outside the limits of a municipality)-3 points. However,  
159 no points shall be imposed for a violation of s. 316.0741 or s.  
160 316.2065(11) ~~316.2065(12)~~; and points shall be imposed for a  
161 violation of s. 316.1001 only when imposed by the court after a  
162 hearing pursuant to s. 318.14(5).

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

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

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

167         Section 3. This act shall take effect July 1, 2012.