

By the Committee on Budget Subcommittee on Transportation,  
Tourism, and Economic Development Appropriations; and Senator  
Bogdanoff

606-01882-12

2012390c1

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. 316.2397, F.S.;  
10          conforming provisions to changes made by the act;  
11          amending s. 322.27, F.S.; conforming a cross-reference  
12          to changes made by the act; providing an effective  
13          date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

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

19           316.2065 Bicycle regulations.—

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

26           1. When overtaking and passing another bicycle or vehicle  
27           proceeding in the same direction.

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

606-01882-12

2012390c1

30           3. When reasonably necessary to avoid any condition or  
31 potential conflict, including, but not limited to, a fixed or  
32 moving object, parked or moving vehicle, bicycle, pedestrian,  
33 animal, surface hazard, turn lane, or substandard-width lane,  
34 which ~~that~~ makes it unsafe to continue along the right-hand curb  
35 or edge or within a bicycle lane. For the purposes of this  
36 subsection, a "substandard-width lane" is a lane that is too  
37 narrow for a bicycle and another vehicle to travel safely side  
38 by side within the lane.

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

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

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

606-01882-12

2012390c1

59        (8)~~(9)~~ No parent of any minor child and no guardian of any  
60 minor ward may authorize or knowingly permit any such minor  
61 child or ward to violate any of the provisions of this section.

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

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

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

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

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

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

87        (15)~~(16)~~ (a) A person may not knowingly rent or lease any

606-01882-12

2012390c1

88 bicycle to be ridden by a child who is under the age of 16 years  
89 unless:

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

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

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

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

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

110 (19)~~(20)~~ Except as otherwise provided in this section, a  
111 violation of this section is a noncriminal traffic infraction,  
112 punishable as a pedestrian violation as provided in chapter 318.  
113 A law enforcement officer may issue traffic citations for a  
114 violation of subsection (3) or subsection (15) ~~(16)~~ only if the  
115 violation occurs on a bicycle path or road, as defined in s.  
116 334.03. However, a law enforcement officer may not issue

606-01882-12

2012390c1

117 citations to persons on private property, except any part  
118 thereof which is open to the use of the public for purposes of  
119 vehicular traffic.

120 Section 2. Subsection (7) of section 316.2397, Florida  
121 Statutes, is amended to read:

122 316.2397 Certain lights prohibited; exceptions.—

123 (7) Flashing lights are prohibited on vehicles except as a  
124 means of indicating a right or left turn, to change lanes, or to  
125 indicate that the vehicle is lawfully stopped or disabled upon  
126 the highway; however, or except that the lamps authorized under  
127 in subsections (1), (2), (3), (4), and (9), and s. 316.235(5),  
128 or s. 316.2065 may are permitted to flash.

129 Section 3. Paragraph (d) of subsection (3) of section  
130 322.27, Florida Statutes, is amended to read:

131 322.27 Authority of department to suspend or revoke  
132 license.—

133 (3) There is established a point system for evaluation of  
134 convictions of violations of motor vehicle laws or ordinances,  
135 and violations of applicable provisions of s. 403.413(6)(b) when  
136 such violations involve the use of motor vehicles, for the  
137 determination of the continuing qualification of any person to  
138 operate a motor vehicle. The department is authorized to suspend  
139 the license of any person upon showing of its records or other  
140 good and sufficient evidence that the licensee has been  
141 convicted of violation of motor vehicle laws or ordinances, or  
142 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
143 more points as determined by the point system. The suspension  
144 shall be for a period of not more than 1 year.

145 (d) The point system shall have as its basic element a

606-01882-12

2012390c1

146 graduated scale of points assigning relative values to  
147 convictions of the following violations:

- 148 1. Reckless driving, willful and wanton—4 points.  
149 2. Leaving the scene of a crash resulting in property  
150 damage of more than \$50—6 points.  
151 3. Unlawful speed resulting in a crash—6 points.  
152 4. Passing a stopped school bus—4 points.  
153 5. Unlawful speed:  
154 a. Not in excess of 15 miles per hour of lawful or posted  
155 speed—3 points.  
156 b. In excess of 15 miles per hour of lawful or posted  
157 speed—4 points.  
158 6. A violation of a traffic control signal device as  
159 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
160 However, no points shall be imposed for a violation of s.  
161 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
162 stop at a traffic signal and when enforced by a traffic  
163 infraction enforcement officer. In addition, a violation of s.  
164 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
165 stop at a traffic signal and when enforced by a traffic  
166 infraction enforcement officer may not be used for purposes of  
167 setting motor vehicle insurance rates.  
168 7. All other moving violations (including parking on a  
169 highway outside the limits of a municipality)—3 points. However,  
170 no points shall be imposed for a violation of s. 316.0741 or s.  
171 316.2065(11) ~~316.2065(12)~~; and points shall be imposed for a  
172 violation of s. 316.1001 only when imposed by the court after a  
173 hearing pursuant to s. 318.14(5).  
174 8. Any moving violation covered above, excluding unlawful

606-01882-12

2012390c1

175 speed, resulting in a crash-4 points.

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

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

178 Section 4. This act shall take effect July 1, 2012.