

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Transportation &
 2 Infrastructure Subcommittee
 3 Representative Grant, M. offered the following:
 4

Amendment (with title amendment)

Remove lines 71-185 and insert:

7 term does not include ~~such a vehicle with a seat height of no~~
 8 ~~more than 25 inches from the ground when the seat is adjusted to~~
 9 ~~its highest position or a scooter or similar device. A person~~
 10 ~~under the age of 16 may not operate or ride upon a motorized~~
 11 ~~bicycle.~~

12 (22) ELECTRIC BICYCLE.-A bicycle or tricycle equipped with
 13 fully operable pedals, a seat or saddle for the use of the
 14 rider, and an electric motor of less than 750 watts which meets
 15 the requirements of one of the following three classifications:

16 (a) "Class 1 electric bicycle" means an electric bicycle

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17 equipped with a motor that provides assistance only when the
18 rider is pedaling and that ceases to provide assistance when the
19 electric bicycle reaches the speed of 20 miles per hour.

20 (b) "Class 2 electric bicycle" means an electric bicycle
21 equipped with a motor that may be used exclusively to propel the
22 electric bicycle and that ceases to provide assistance when the
23 electric bicycle reaches the speed of 20 miles per hour.

24 (c) "Class 3 electric bicycle" means an electric bicycle
25 equipped with a motor that provides assistance only when the
26 rider is pedaling and that ceases to provide assistance when the
27 electric bicycle reaches the speed of 28 miles per hour.

28 (42)-(41) MOPED.-Any vehicle with pedals to permit
29 propulsion by human power, having a seat or saddle for the use
30 of the rider and designed to travel on not more than three
31 wheels, with a motor rated not in excess of 2 brake horsepower
32 and not capable of propelling the vehicle at a speed greater
33 than 30 miles per hour on level ground and with a power-drive
34 system that functions directly or automatically without
35 clutching or shifting gears by the operator after the drive
36 system is engaged. If an internal combustion engine is used, the
37 displacement may not exceed 50 cubic centimeters. The term does
38 not include an electric bicycle.

39 (44)-(43) MOTOR VEHICLE.-Except when used in s. 316.1001, a
40 self-propelled vehicle not operated upon rails or guideway, but
41 not including any bicycle, electric bicycle, motorized scooter,

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42 electric personal assistive mobility device, mobile carrier,
43 personal delivery device, swamp buggy, or moped. For purposes of
44 s. 316.1001, "motor vehicle" has the same meaning as provided in
45 s. 320.01(1) (a).

46 ~~(45)-(44)~~ MOTORCYCLE.—Any motor vehicle having a seat or
47 saddle for the use of the rider and designed to travel on not
48 more than three wheels in contact with the ground. The term
49 includes an auticycle, but does not include a tractor, a moped,
50 an electric bicycle, or any vehicle in which the operator is
51 enclosed by a cabin unless it meets the requirements set forth
52 by the National Highway Traffic Safety Administration for a
53 motorcycle.

54 ~~(46)-(45)~~ MOTORIZED SCOOTER.—Any vehicle or micromobility
55 device that is powered by a motor with or without a seat or
56 saddle for the use of the rider, which is designed to travel on
57 not more than three wheels, and which is not capable of
58 propelling the vehicle at a speed greater than 20 miles per hour
59 on level ground. The term does not include an electric bicycle.

60 ~~(62)-(61)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
61 provided in paragraph (84)(b) ~~(83)(b)~~, any privately owned way
62 or place used for vehicular travel by the owner and those having
63 express or implied permission from the owner, but not by other
64 persons.

65 Section 3. Paragraph (a) of subsection (7) of section
66 316.008, Florida Statutes, is amended to read:

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67 316.008 Powers of local authorities.-

68 (7)(a) A county or municipality may enact an ordinance to
69 permit, control, or regulate the operation of vehicles, golf
70 carts, mopeds, motorized scooters, electric bicycles, and
71 electric personal assistive mobility devices on sidewalks or
72 sidewalk areas when such use is permissible under federal law.
73 The ordinance must restrict such vehicles or devices to a
74 maximum speed of 15 miles per hour in such areas.

75 Section 4. Paragraph (b) of subsection (1) of section
76 316.027, Florida Statutes, is amended to read:

77 316.027 Crash involving death or personal injuries.-

78 (1) As used in this section, the term:

79 (b) "Vulnerable road user" means:

80 1. A pedestrian, including a person actually engaged in
81 work upon a highway, or in work upon utility facilities along a
82 highway, or engaged in the provision of emergency services
83 within the right-of-way;

84 2. A person operating a bicycle, an electric bicycle, a
85 motorcycle, a scooter, or a moped lawfully on the roadway;

86 3. A person riding an animal; or

87 4. A person lawfully operating on a public right-of-way,
88 crosswalk, or shoulder of the roadway:

89 a. A farm tractor or similar vehicle designed primarily
90 for farm use;

91 b. A skateboard, roller skates, or in-line skates;

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- 92 c. A horse-drawn carriage;
93 d. An electric personal assistive mobility device; or
94 e. A wheelchair.

95 Section 5. Subsection (1) of section 316.083, Florida
96 Statutes, is amended to read:

97 316.083 Overtaking and passing a vehicle.—The following
98 rules shall govern the overtaking and passing of vehicles
99 proceeding in the same direction, subject to those limitations,
100 exceptions, and special rules hereinafter stated:

101 (1) The driver of a vehicle overtaking another vehicle
102 proceeding in the same direction shall give an appropriate
103 signal as provided for in s. 316.156, shall pass to the left
104 thereof at a safe distance, and shall not again drive to the
105 right side of the roadway until safely clear of the overtaken
106 vehicle. The driver of a vehicle overtaking a bicycle or other
107 nonmotorized vehicle, or an electric bicycle, must pass the
108 bicycle, ~~or~~ other nonmotorized vehicle, or electric bicycle at a
109 safe distance of not less than 3 feet between the vehicle and
110 the bicycle, ~~or~~ other nonmotorized vehicle, or electric bicycle.

111 Section 6. Section 316.1995, Florida Statutes, is amended
112 to read:

113 316.1995 Driving upon sidewalk or bicycle path.—

114 (1) Except as provided in s. 316.008, s. 316.20655, s.
115 316.212(8), or s. 316.2128, a person may not drive any vehicle
116 other than by human power upon a bicycle path, sidewalk, or

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117 sidewalk area, except upon a permanent or duly authorized
118 temporary driveway.

119 (2) A violation of this section is a noncriminal traffic
120 infraction, punishable as a moving violation as provided in
121 chapter 318.

122 (3) This section does not apply to motorized wheelchairs.
123 Section 7. Paragraph (d) of subsection (2) of section
124 316.2065, Florida Statutes, is amended to read:

125 316.2065 Bicycle regulations.—

126 (3)

127 (d) A bicycle rider or passenger who is under 16 years of
128 age must wear a bicycle helmet that is properly fitted and is
129 fastened securely upon the passenger's head by a strap and that
130 meets the federal safety standard for bicycle helmets, final
131 rule, 16 C.F.R. part 1203. ~~A helmet purchased before October 1,~~
132 ~~2012, which meets the standards of the American National~~
133 ~~Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the~~
134 ~~standards of the Snell Memorial Foundation (1984 Standard for~~
135 ~~Protective Headgear for Use in Bicycling), or any other~~
136 ~~nationally recognized standards for bicycle helmets adopted by~~
137 ~~the department may continue to be worn by a bicycle rider or~~
138 ~~passenger until January 1, 2016.~~ As used in this subsection, the
139 term "passenger" includes a child who is riding in a trailer or
140 semitrailer attached to a bicycle.

141 Section 8. Section 316.20655, Florida Statutes, is created

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142 to read:

143 316.20655 Electric bicycle regulations.-

144 (1) Except as otherwise provided in this section, an
145 electric bicycle or an operator of an electric bicycle shall be
146 afforded all the rights and privileges, and be subject to all of
147 the duties, of a bicycle or the operator of a bicycle, including
148 s. 316.2065. An electric bicycle is a vehicle to the same extent
149 as a bicycle. However, this section may not be construed to
150 prevent a local government, through the exercise of its powers
151 under s.316.008, from adopting an ordinance governing the
152 operation of electric bicycles on streets, highways, sidewalks,
153 and sidewalk areas under the local government's jurisdiction.

154

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T I T L E A M E N D M E N T

156

157 Remove lines 7-14 and insert:

158 "electric bicycle"; amending s. 316.008, F.S.; authorizing local
159 authorities to regulate the operation of electric bicycles;
160 amending s. 316.027, F.S.; revising the definition of the term
161 "vulnerable road user"; amending s. 316.083, F.S.; requiring the
162 driver of a vehicle overtaking an electric bicycle to pass the
163 electric bicycle at a certain distance; amending s. 316.1995,
164 F.S.; expanding exceptions to a prohibition on persons driving
165 certain vehicles on sidewalks and bicycle paths; amending s.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 971 (2020)

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166 | 316.2065, F.S.; removing outdated standards for bicycle helmets;
167 | creating s. 316.20655,