

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 353 Bicycle Operation Regulations

SPONSOR(S): Hage

TIED BILLS: **IDEN./SIM. BILLS:** SB 738

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee	18 Y, 0 N	Johnson	Keating
2) Commerce Committee	24 Y, 0 N	Johnson	Hamon

SUMMARY ANALYSIS

Florida law requires that a person riding a bicycle must ride upon or astride a permanent and regular seat attached to the bicycle. A violation of this provision is a noncriminal traffic infraction, punishable as a pedestrian violation. However, manufacturers are now offering bicycles designed to be operated without seats, which, under Florida law, are unlawful and subject their riders to pedestrian citations.

The bill authorizes a bicycle to be operated without a seat if it was designed by the manufacturer to be operated without one.

State and local governments may see a reduction in revenues associated with no longer issuing citations for riding a bicycle without a seat.

The bill has an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida law defines the term “bicycle” to mean every vehicle propelled solely by human power, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include a scooter or similar device.¹

Section 316.2065, F.S., provides the state’s bicycle regulations. Included in those regulations is a provision prohibiting a person from operating a bicycle other than upon or astride a permanent and regular seat attached to the bicycle.² A violation is a noncriminal traffic infraction, punishable as a pedestrian violation as provided in ch. 318, F.S.³ The base fine is \$15;⁴ however, with various additional fees the total fine is up to \$56.50.⁵

Manufacturers are now offering self-propelled vehicles that meet the definition of a bicycle, but are designed to be operated without a seat. Manufacturers emphasize that these vehicles provide a low impact and full body workout.⁶ However, with the statutory requirement that bicycles have a seat, it is unlawful to ride one of these vehicles in Florida, and riders are subject to citations.

Effect of the Bill

The bill amends s. 316.2065, F.S., authorizing a bicycle to be operated without a seat if the bicycle was designed by the manufacturer to be operated without one.

The bill has an effective date of July 1, 2021.

B. SECTION DIRECTORY:

Section 1 Amends s. 316.2065, F.S., relating to bicycle regulations.

Section 2 Provides for an effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

To the extent there is a decrease in the number of citations issued for operating bicycles without seats, the state may realize a reduction in revenue. However, the fiscal impact cannot be quantified and is indeterminate.

2. Expenditures:

None.

¹ S. 316.003(4), F.S.

² S. 316.2065(2), F.S.

³ S. 316.2065(19), F.S.

⁴ S. 318.18(1), F.S.

⁵ Florida Association of Clerks of Court, *2020 Distribution Schedule*, p. 21. Available at:

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/advisories_2021/21bull005_Attach_2_2020_Dist.pdf (last visited February 4, 2021).

⁶ See for example the Elliptigo, <https://www.elliptigo.com/> (last visited February 4, 2021).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

To the extent there is a decrease in the number of citations issued for operating bicycles without seats, local governments may realize a reduction in revenue. However, the fiscal impact cannot be quantified and is indeterminate.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Bicycle riders will no longer be subject to citations associated with operating bicycles without seats, if the bicycle is designed to be operated without a seat.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenue in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.