

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** HB 353 Bicycle Operation Regulations

**SPONSOR(S):** Hage and others

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

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**FINAL HOUSE FLOOR ACTION:** 116 Y's 0 N's

**GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

HB 353 passed the House on April 1, 2021. The bill was amended in the Senate on April 8, 2021, and returned to the House. The House concurred in the Senate amendment and subsequently passed the bill as amended on April 29, 2021.

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.

The bill also provides that current law on electric bicycle regulation does not prevent a municipality, county, or agency of the state with jurisdiction over a beach or dune from restricting or prohibiting the operation of an electric bicycle on such beach or dune.

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 was approved by the Governor on May 7, 2021, ch. 2021-20, L.O.F., and will become effective on July 1, 2021.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Bicycle Seats**

##### 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.<sup>1</sup>

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.<sup>2</sup> A violation is a noncriminal traffic infraction, punishable as a pedestrian violation as provided in ch. 318, F.S.<sup>3</sup> The statutory base fine is \$15;<sup>4</sup> however, with various additional fees the total fine is up to \$56.50.<sup>5</sup>

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.<sup>6</sup> 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.

#### **Electric Bicycles**

##### Current Situation

Under current law, an electric bicycle<sup>7</sup> or an operator of an electric bicycle is generally afforded all the rights and privileges and is subject to all of the duties of a bicycle or a bicycle operator.<sup>8</sup> However, current law does not prevent a local government, through the exercise of its powers under s. 316.008, F.S.,<sup>9</sup> from adopting an ordinance governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government’s jurisdiction, nor does it prevent a municipality, county, or state agency with jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network.<sup>10</sup>

##### Effect of the Bill

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<sup>1</sup> S. 316.003(4), F.S.

<sup>2</sup> S. 316.2065(2), F.S.

<sup>3</sup> S. 316.2065(19), F.S.

<sup>4</sup> S. 318.18(1), F.S.

<sup>5</sup> Florida Association of Clerks of Court, *2020 Distribution Schedule*, p. 21,

[https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/advisories\\_2021/21bull005\\_Attach\\_2\\_2020\\_Dist.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/advisories_2021/21bull005_Attach_2_2020_Dist.pdf) (last visited Feb. 4, 2021).

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

<sup>7</sup> Section 316.003(22), F.S., defines the term “electric bicycle” to mean a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets one of three classifications of electric bicycles, depending upon whether a rider is pedaling, whether the motor is capable of exclusive propulsion of the electric bicycle, and the speed at which the motor ceases to provide propulsion assistance. These bicycles are, as indicated, motorized.

<sup>8</sup> S. 316.2065(1), F.S.

<sup>9</sup> Section 316.008, F.S., states that ch. 316, F.S., relating to uniform traffic control, does not prevent local authorities, with respect to *streets and highways* under their jurisdiction and within the reasonable exercise of the police power, from enacting a broad list of approved regulations, one of which specifically refers to regulating the operation of bicycles.

<sup>10</sup> S. 316.2065(1), F.S.

The bill provides that bicycle regulations that afford an electric bicycle or electric bicycle operator the same rights, privileges, and duties of a bicycle or bicycle operator do not prevent a municipality, county, or agency of the state with jurisdiction over a beach<sup>11</sup> or dune<sup>12</sup> from restricting or prohibiting the operation of an electric bicycle on such beach or dune.

### **Effective Date**

The bill has 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 is indeterminate.

#### **2. Expenditures:**

None.

### **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 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.

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<sup>11</sup> Section 161.54(3), F.S., defines the term "beach" as the zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

<sup>12</sup> Section 161.54(4), F.S., defines the term "dune" as a mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach and deposited by any natural or artificial mechanism.