

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 738

INTRODUCER: Senator Baxley

SUBJECT: Bicycle Operation Regulations

DATE: February 16, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 738 amends a current prohibition against a person operating a bicycle other than upon or astride a permanent and regular attached seat, providing that the prohibition applies unless the bicycle was designed by the manufacturer to be ridden without a seat. Under the bill, a person riding a bicycle manufactured without a seat would not be subject to an existing penalty for a violation of the prohibition.

The bill is expected to present an unknown but likely insignificant negative fiscal impact to state and local revenues, and an insignificant positive fiscal impact to riders of bicycles manufactured to be ridden without a seat. See Section V., Fiscal Impact Statement, for details.

The bill takes effect July 1, 2021.

II. Present Situation:

While the “traditional” bicycle that comes to mind may be of the two-tandem-wheel variety with an attached seat, other devices generally recognized as bicycles, such as elliptical bicycles, may be sold with two tandem wheels or with two front or two rear wheels¹ and may be manufactured *without* an attached seat for a rider’s use. For these, no seat is attached by the manufacturer, as the rider stands while propelling the bicycle by human power.

¹ See *Bicycling, Take Your Low-Impact Workout Outside with an Elliptical Bike*, to view examples of three differently-configured elliptical bikes, available at <https://www.bicycling.com/bikes-gear/g23895814/elliptical-bike/> (retrieved February 3, 2021).

Attached Bicycle Seats

Florida Bicycle Law

Section 316.003(4), F.S., defines the term “bicycle” to mean “every vehicle² 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.*³ The term does not include a scooter or similar device.” An elliptical bicycle, for example, appears to meet the definition.

Section 316.2065(2), F.S., however, prohibits a person operating a bicycle from riding *other than upon or astride a permanent and regular seat attached thereto.*⁴ At least one rider has reportedly been cited for a violation of this provision while riding an elliptical bicycle.⁵

Section 316.2065(19), F.S., provides that a violation of that section is a noncriminal traffic infraction, which is punishable as a pedestrian violation, and subjects a violator to a \$15 penalty,⁶ plus court costs, portions of which are distributed monthly to various entities and trust funds.⁷

California Bicycle Law

Research identifies one other state, California,⁸ with a statute that includes the same prohibition against riding other than upon or astride a permanent and regular seat attached to the bicycle, but *also* provides an exception when the bicycle was designed by the manufacturer to be ridden without a seat.

While use of elliptical bicycles may not be as prevalent as use of “traditional” bicycles, elliptical bicycles are readily available on the market. However, a person operating an elliptical bicycle is explicitly in violation of current Florida law if the bicycle has no attached seat for the rider’s use.

III. Effect of Proposed Changes:

The bill amends s. 316.2065(2), F.S., to require a person operating a bicycle to ride upon or astride a permanent and regular attached seat, unless the bicycle was designed by the manufacturer to be ridden without a seat. Thus, under the bill, persons riding a bicycle manufactured to be ridden without a seat will no longer be subject to the \$15 penalty.

² The term “vehicle” is defined in s. 316.003(103), F.S., as “every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks.”

³ Emphasis added.

⁴ Emphasis added.

⁵ See email to committee staff, January 29, 2020 (on file in the Senate Transportation Committee).

⁶ Section 318.18(1)(b), F.S.

⁷ Revenues for a violation of the current prohibition against riding other than on or astride a seat attached to a bicycle are distributed monthly in portions specified in s. 318.21, F.S., to various local entities (such as court clerks, and counties and municipalities in which a violation occurs) and various state trust funds (such as the Child Welfare Training Trust Fund, Grants and Donations Trust Fund, and Emergency Medical Services Trust Fund).

⁸ See California Vehicle Code, VEH s. 21204.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

An insignificant positive fiscal impact is expected for riders of bicycles manufactured to be ridden without a seat, as such riders would no longer be subject to the applicable penalty.

C. Government Sector Impact:

The number of citations previously issued for violations of the prohibition is unknown; thus, the extent of any reduction to state and local revenues resulting from the exception provided under the bill is unknown. However, any revenue reduction is likely insignificant.

The Florida Department of Highway Safety and Motor Vehicles advises it will incur insignificant expenses associated with updating the Florida Driver's Handbook and training law enforcement personnel on the bill's provisions.⁹

VI. Technical Deficiencies:

None.

⁹ See email to committee staff, February 4, 2021 (on file in the Senate Transportation Committee).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends s. 316.2065 of the Florida Statutes:

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
