

**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.)

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Prepared By: The Professional Staff of the Community Affairs Committee

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BILL: SB 1788

INTRODUCER: Senator Bogdanoff

SUBJECT: Bicycle Regulations

DATE: March 28, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sookhoo</u>	<u>Spalla</u>	<u>TR</u>	<b>Favorable</b>
2.	<u>Wood</u>	<u>Yeatman</u>	<u>CA</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>HR</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

This bill removes the requirement to keep at least one hand on a handlebar while operating a bicycle. In addition, this bill renumbers cross-references to conform to the amendment incorporated into ss. 316.2065 and 322.27, F.S.

This bill substantially amends ss. 316.2065 and 322.27 of the Florida Statutes.:

**II. Present Situation:**

Section 316.2065(7), F.S., specifies that operators of a bicycle must keep at least one hand upon the handlebars. Violators of this section are subject to a general civil traffic violation for pedestrian/bicycle infractions. The base fine is \$15 plus \$8.50 in required fees. Other fees depend upon the county in which the violation occurs, either because only certain counties are eligible to assess the fee by statute or because the option and amount is determined by ordinance.<sup>1</sup> The total cost of the violation generally varies between \$56.50 and \$82.50.<sup>2</sup>

Pedestrian and bicycle infractions overall accounted for 16,792 of the 4.9 million tickets issued statewide in 2009. It is unknown how many, if any, were issued for not having at least one hand

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<sup>1</sup> These fees are authorized by ss. 318.1215, 318.18, 938.15, and 938.19, F.S.

<sup>2</sup> Florida Association of Court Clerks and Comptrollers, *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs, and Fines Effective July 2010*, 15 (July 24, 2010), [http://www.flclerks.com/Pub\\_info/2010\\_Pub\\_Info/2010\\_Distribution\\_Schedule\\_of\\_Court\\_Related\\_Funds\\_FACC\\_0610FIN\\_AL.pdf](http://www.flclerks.com/Pub_info/2010_Pub_Info/2010_Distribution_Schedule_of_Court_Related_Funds_FACC_0610FIN_AL.pdf) (last visited Mar. 11, 2011)

on the handlebar while operating a bicycle. No specific statistics are kept as to the distribution of these infractions, but this infraction is believed to be a very small percentage.<sup>3</sup>

### III. Effect of Proposed Changes:

**Section 1** removes the requirement for having at least one hand on the handlebars when operating a bicycle as specified in s. 316.2065(7), F.S. The section also renumbers subsections (8) through (20), F.S., and cross-references contained therein. According to the Florida Department of Transportation (FDOT) it is unsafe not to keep at least one hand on the handlebars when riding a bicycle. Because this regulatory change may disincentivise the safe operation of bicycles by some users, the FDOT believes it could result in an increased number of injuries due to bicycle accidents and an increase in related personal injury costs and possibly litigation costs.<sup>4</sup> The Florida Department of Highway Safety and Motor Vehicles (HSMV) likewise believes that the change “will result in bicycles being operated in a less safe manner, which could increase bicycle accidents.”<sup>5</sup>

**Section 2** amends cross-references in s. 322.27, F.S., to reflect the renumbering of s. 316.2065(7) done in Section 1.

**Section 3** provides an effective date of July 1, 2011.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

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<sup>3</sup> Conversation with Richard Mechlin, Florida Highway Patrol (Mar. 29, 2011).

<sup>4</sup> E-mail from Cindy Price, Florida Department of Transportation, to Shirlyne Everette, Senate Transportation Committee (Mar. 15, 2011) (on file with the Senate Committee on Community Affairs).

<sup>5</sup> Department of Highway Safety and Motor Vehicles, *Senate Bill 788 Bill Analysis* (Feb. 3, 2011) (on file with the Senate Committee on Community Affairs).

**B. Private Sector Impact:**

According to both FDOT<sup>6</sup> and HSMV<sup>7</sup>, costs due to personal injury may increase by an unquantified amount. The FDOT also expressed concerns about resulting litigation.

**C. Government Sector Impact:**

The HSMV states that local governments may see additional costs for increased emergency medical services if bicycle-related accidents increase.<sup>8</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

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

None.

**B. Amendments:**

None.

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

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<sup>6</sup> E-mail from Cindy Price, Florida Department of Transportation, to Shirlyne Everette, Senate Transportation Committee (Mar. 15, 2011) (on file with the Senate Committee on Community Affairs).

<sup>7</sup> Department of Highway Safety and Motor Vehicles, *Senate Bill 788 Bill Analysis* (Feb. 3, 2011) (on file with the Senate Committee on Community Affairs).

<sup>8</sup> *Id.*