

By Representative Reddick

1 A bill to be entitled
2 An act relating to uniform traffic control;
3 amending s. 316.1974, F.S.; providing for
4 funeral procession right-of-way and liability;
5 providing definitions; providing for required
6 equipment; providing for right-of-way;
7 providing for driving in procession; providing
8 for other vehicles; providing for liability;
9 amending s. 316.072, F.S.; including certain
10 law enforcement vehicles in a list of
11 authorized emergency vehicles; providing an
12 effective date.

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14 WHEREAS, it is the intent of the Legislature to ensure
15 that the time-honored tradition of paying respect to the dead
16 by way of a funeral procession be continued and fostered in
17 the state, and

18 WHEREAS, this goal must be accomplished in conjunction
19 with protecting the health, safety, and welfare of the
20 residents of the state, and

21 WHEREAS, the liability of persons participating in
22 funeral processions is unclear, and

23 WHEREAS, it is necessary to establish procedures for
24 the conduct of funeral processions and to clarify the
25 liability of funeral procession participants, NOW, THEREFORE,

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27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 316.1974, Florida Statutes, is
30 amended to read:

31 (Substantial rewording of section. See

1 s. 316.1974, F.S., for present text.)
2 316.1974 Funeral procession right-of-way and
3 liability.--
4 (1) DEFINITIONS.--
5 (a) "Funeral director" and "funeral establishment"
6 shall have the same meaning as set forth in s. 470.002.
7 (b) "Funeral procession" means two or more vehicles
8 accompanying the body of a deceased person, or traveling to
9 the church, chapel, or other location at which the funeral
10 service is to be held, in the daylight hours, including a
11 funeral lead vehicle or a funeral escort vehicle.
12 (c) "Funeral lead vehicle" means any non-law
13 enforcement motor vehicle properly equipped pursuant to
14 subsection (2) being used to lead and facilitate the movement
15 of a funeral procession. A funeral hearse may serve as a
16 funeral lead vehicle.
17 (d) "Funeral escort" means a person or entity that
18 provides escort services for funeral processions, including
19 law enforcement personnel and agencies.
20 (e) "Funeral escort vehicle" means any motor vehicle
21 that is properly equipped pursuant to subsection (2) and which
22 escorts a funeral procession.
23 (2) EQUIPMENT.--
24 (a) All non-law enforcement funeral escort vehicles
25 and funeral lead vehicles shall be equipped with at least one
26 lighted circulation lamp exhibiting an amber light or lens
27 visible under normal atmospheric conditions for a distance of
28 500 feet from the front of the vehicle. Flashing amber lights
29 may be used only when such vehicles are used in a funeral
30 procession.
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1 (b) Any law enforcement funeral escort vehicle may be
2 equipped with red, blue, or amber flashing lights which meet
3 the criteria established in paragraph (a).

4 (3) FUNERAL PROCESSION RIGHT-OF-WAY; FUNERAL ESCORT
5 VEHICLES; FUNERAL LEAD VEHICLES.--

6 (a) Regardless of any traffic control device or
7 right-of-way provisions prescribed by state or local
8 ordinance, pedestrians and operators of all vehicles, except
9 as stated in paragraph (d), shall yield the right-of-way to
10 any vehicle which is part of a funeral procession being led by
11 a funeral escort vehicle or a funeral lead vehicle.

12 (b) Regardless of any traffic control device or
13 right-of-way provisions prescribed by state or local
14 ordinance, the driver of a funeral escort vehicle may direct
15 and control the drivers of vehicles whether or not they are
16 participating in a funeral procession, except operators of
17 vehicles as described in paragraph (d), including those in or
18 approaching any intersection, to stop, proceed, or make such
19 turns or other movements as required.

20 (c) Funeral escort vehicles may exceed the speed limit
21 by 15 miles per hour when overtaking the funeral procession to
22 direct traffic at ensuing intersections.

23 (d) Funeral processions shall have the right-of-way at
24 intersections regardless of traffic control devices, subject
25 to the following conditions and exceptions:

26 1. Operators of vehicles in a funeral procession shall
27 yield the right-of-way to an approaching emergency vehicle
28 giving an audible or visible signal.

29 2. Operators of vehicles in a funeral procession shall
30 yield the right-of-way when directed to do so by a police
31 officer.

- 1 (4) DRIVING IN PROCESSION.--
2 (a) All vehicles comprising a funeral procession shall
3 follow the preceding vehicle in the funeral procession as
4 closely as is practical and safe.
5 (b) Any ordinance, law, or regulation stating that
6 motor vehicles shall be operated to allow sufficient space
7 enabling any other vehicle to enter and occupy such space
8 without danger shall not be applicable to vehicles in a
9 funeral procession.
10 (c) On rural highways and interstate highways, where
11 the posted speed limit is 50 miles per hour or more, vehicles
12 in a funeral procession shall proceed at a maximum speed of 45
13 miles per hour, and on other streets and roads at a speed not
14 to exceed 5 miles per hour below the posted speed limit.
15 (d) Each vehicle which is a part of a funeral
16 procession shall have the headlights and taillights of such
17 vehicle lighted.
18 (5) OTHER VEHICLES.--
19 (a) No driver of a vehicle shall drive between the
20 vehicles comprising a funeral procession while they are in
21 motion except when authorized to do so by a police officer or
22 when such vehicle is an emergency vehicle giving an audible or
23 visible signal.
24 (b) Operators of vehicles not part of a funeral
25 procession shall not join a funeral procession for the purpose
26 of securing the right-of-way granted by subsection (3).
27 (c) The operator of a vehicle not in a funeral
28 procession shall not attempt to pass vehicles in a funeral
29 procession on a two-lane highway or roadway.
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1 (d) The operator of any vehicle may pass a funeral
2 procession on its left side on any multi-lane highway whenever
3 such passing can be done safely.

4 (e) When a funeral procession is proceeding through a
5 red signal as permitted by subsection (3), a vehicle that is
6 not in the funeral procession may not enter the intersection,
7 even if it is facing a green signal, unless it can do so
8 without crossing the path of the funeral procession.

9 (6) LIABILITY.--

10 (a) Liability for any death, personal injury, or
11 property damage suffered by any person in a funeral procession
12 shall not be imposed upon the funeral director or funeral
13 establishment or their employees or agents unless such death,
14 personal injury, or property damage is proximately caused by
15 the negligent or intentional act of an employee or agent of
16 the funeral director or funeral establishment.

17 (b) Liability for any death, personal injury, or
18 property damage that results from, is caused by, or arises out
19 of any action or inaction of any operator of a vehicle in a
20 funeral procession under the control of a funeral director or
21 funeral establishment shall not be imposed on such funeral
22 director or funeral establishment or its employees unless the
23 death, personal injury, or property damage is proximately
24 caused by the negligent or intentional act of an employee of
25 the funeral director or funeral establishment.

26 (c) The operator of a funeral escort vehicle or a
27 vehicle in a funeral procession shall not be deemed to be an
28 agent of the funeral director or funeral establishment unless
29 such operator is an employee of the funeral director or
30 funeral establishment, acting in the course of his employment.

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1 (d) A funeral director, funeral establishment, funeral
2 escort, or other participant that leads, organizes, or
3 participates in a funeral procession in accordance with this
4 section shall be presumed to have acted with reasonable care.

5 (e) A funeral director or funeral establishment
6 responsible for transportation of a deceased person shall have
7 no duty of care with respect to the planning of or selection
8 of the route to be followed by the funeral procession.

9 (f) Compliance with the provisions of this section by
10 a funeral director, funeral establishment, funeral escort, and
11 each participant in a funeral procession shall be a complete
12 defense to any claim or cause of action arising from any
13 death, personal injury, or property damage in connection with
14 a funeral procession.

15 Section 2. Paragraph (a) of subsection (5) of section
16 316.072, Florida Statutes, is amended to read:

17 316.072 Obedience to and effect of traffic laws.--

18 (5) AUTHORIZED EMERGENCY VEHICLES.--

19 (a)1. The driver of an authorized emergency vehicle,
20 when responding to an emergency call, when in the pursuit of
21 an actual or suspected violator of the law, or when responding
22 to a fire alarm, but not upon returning from a fire; ~~or~~

23 2. A medical staff physician or technician of a
24 medical facility licensed by the state when responding to an
25 emergency in the line of duty in his or her privately owned
26 vehicle, using red lights as authorized in s. 316.2398; ~~or~~

27 3. The driver of an authorized law enforcement
28 vehicle, when conducting a nonemergency escort, to warn the
29 public of an approaching motorcade;

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1 may exercise the privileges set forth in this section, but
2 subject to the conditions herein stated.

3 Section 3. This act shall take effect October 1, 1997.

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HOUSE SUMMARY

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Revises laws governing state uniform traffic control to
provide for funeral procession right-of-way and
liability. See bill for details.

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