

By the Committee on Civil Justice & Claims and
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; reenacting s.
12 316.072(6)(a), F.S., relating to motor vehicle
13 noise, to incorporate said amendment in a
14 reference; providing an effective date.

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

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

23 WHEREAS, the liability of persons participating in
24 funeral processions is unclear, and

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

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

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

3 (Substantial rewording of section. See
4 s. 316.1974, F.S., for present text.)

5 316.1974 Funeral procession right-of-way and
6 liability.--

7 (1) DEFINITIONS.--

8 (a) "Funeral director" and "funeral establishment"
9 shall have the same meaning as set forth in s. 470.002.

10 (b) "Funeral procession" means two or more vehicles
11 accompanying the body of a deceased person, or traveling to
12 the church, chapel, or other location at which the funeral
13 service is to be held, in the daylight hours, including a
14 funeral lead vehicle or a funeral escort vehicle.

15 (c) "Funeral lead vehicle" means any authorized law
16 enforcement or non-law enforcement motor vehicle properly
17 equipped pursuant to subsection (2) being used to lead and
18 facilitate the movement of a funeral procession. A funeral
19 hearse may serve as a funeral lead vehicle.

20 (d) "Funeral escort" means a person or entity that
21 provides escort services for funeral processions, including
22 law enforcement personnel and agencies.

23 (e) "Funeral escort vehicle" means any motor vehicle
24 that is properly equipped pursuant to subsection (2) and which
25 escorts a funeral procession.

26 (2) EQUIPMENT.--

27 (a) All non-law enforcement funeral escort vehicles
28 and funeral lead vehicles shall be equipped with at least one
29 lighted circulation lamp exhibiting an amber light or lens
30 visible under normal atmospheric conditions for a distance of
31 500 feet from the front of the vehicle. Flashing amber lights

1 may be used only when such vehicles are used in a funeral
2 procession.

3 (b) Any law enforcement funeral escort vehicle may be
4 equipped with red, blue, or amber flashing lights which meet
5 the criteria established in paragraph (a).

6 (3) FUNERAL PROCESSION RIGHT-OF-WAY; FUNERAL ESCORT
7 VEHICLES; FUNERAL LEAD VEHICLES.--

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

14 (b) When the funeral lead vehicle lawfully enters an
15 intersection, either by reason of a traffic control device or
16 at the direction of law enforcement personnel, the remaining
17 vehicles in the funeral procession may follow through the
18 intersection regardless of any traffic control devices or
19 right-of-way provisions prescribed by state or local law.

20 (c) Funeral processions shall have the right-of-way at
21 intersections regardless of traffic control devices, subject
22 to the following conditions and exceptions:

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

26 2. Operators of vehicles in a funeral procession shall
27 yield the right-of-way when directed to do so by a police
28 officer.

29 (4) DRIVING IN PROCESSION.--
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1 (a) All vehicles comprising a funeral procession shall
2 follow the preceding vehicle in the funeral procession as
3 closely as is practical and safe.

4 (b) Any ordinance, law, or regulation stating that
5 motor vehicles shall be operated to allow sufficient space
6 enabling any other vehicle to enter and occupy such space
7 without danger shall not be applicable to vehicles in a
8 funeral procession.

9 (c) Each vehicle which is part of a funeral procession
10 shall have its headlights, either high or low beam, and tail
11 lights lighted and may also use the flashing hazard lights if
12 the vehicle is so equipped.

13 (5) OTHER VEHICLES.--

14 (a) No driver of a vehicle shall drive between the
15 vehicles comprising a funeral procession while they are in
16 motion except when authorized to do so by a police officer or
17 when such vehicle is an emergency vehicle giving an audible or
18 visible signal.

19 (b) Operators of vehicles not part of a funeral
20 procession shall not join a funeral procession for the purpose
21 of securing the right-of-way granted by subsection (3).

22 (c) The operator of a vehicle not in a funeral
23 procession shall not attempt to pass vehicles in a funeral
24 procession on a two-lane highway or roadway.

25 (d) When a funeral procession is proceeding through a
26 red signal as permitted by subsection (3), a vehicle that is
27 not in the funeral procession may not enter the intersection,
28 even if it is facing a green signal, unless it can do so
29 without crossing the path of the funeral procession.

30 (6) LIABILITY.--

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1 (a) Liability for any death, personal injury, or
2 property damage suffered by any person in a funeral procession
3 shall not be imposed upon the funeral director or funeral
4 establishment or their employees or agents unless such death,
5 personal injury, or property damage is proximately caused by
6 the negligent or intentional act of an employee or agent of
7 the funeral director or funeral establishment.

8 (b) A funeral director, funeral establishment, funeral
9 escort, or other participant that leads, organizes, or
10 participates in a funeral procession in accordance with this
11 section shall be presumed to have acted with reasonable care.

12 (c) There shall be no liability on the part of a
13 funeral director or funeral establishment for failing to use
14 reasonable care in the planning or selection of the route to
15 be followed by the funeral procession.

16 Section 2. Paragraph (a) of subsection (5) of section
17 316.072, Florida Statutes, is amended to read:

18 316.072 Obedience to and effect of traffic laws.--

19 (5) AUTHORIZED EMERGENCY VEHICLES.--

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

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

28 3. The driver of an authorized law enforcement
29 vehicle, when conducting a nonemergency escort, to warn the
30 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. For purposes of incorporating the amendment
4 to s. 316.072, Florida Statutes, in references thereto,
5 paragraph (a) of subsection (6) of section 316.293, Florida
6 Statutes, is reenacted to read:

7 316.293 Motor vehicle noise.--

8 (6) EXEMPT VEHICLES.--The following are exempt from
9 the operation of this act:

10 (a) Emergency vehicles operating as specified in s.
11 316.072(5)(a).

12 Section 4. This act shall take effect October 1, 1997,
13 except that the provisions of s. 316.1974(6) shall apply only
14 to causes of action accruing on or after October 1, 1997.

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