

By Senator Fasano

11-808-07

See HB 331

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled
An act relating to pedestrian safety; amending
ss. 316.075 and 316.130, F.S.; requiring a
driver to stop at certain intersections to
allow a pedestrian to cross a roadway when the
pedestrian is either in the crosswalk or steps
into the crosswalk; providing penalties;
providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section
316.075, Florida Statutes, is amended to read:

316.075 Traffic control signal devices.--

(1) Except for automatic warning signal lights
installed or to be installed at railroad crossings, whenever
traffic, including municipal traffic, is controlled by traffic
control signals exhibiting different colored lights, or
colored lighted arrows, successively one at a time or in
combination, only the colors green, red, and yellow shall be
used, except for special pedestrian signals carrying a word
legend, and the lights shall indicate and apply to drivers of
vehicles and pedestrians as follows:

(c) Steady red indication.--

1. Vehicular traffic facing a steady red signal shall
stop before entering the crosswalk on the near side of the
intersection or, if none, then before entering the
intersection and shall remain standing until a green
indication is shown; however:

a. The driver of a vehicle which is stopped at a
clearly marked stop line, but if none, before entering the

1 | crosswalk on the near side of the intersection, or, if none
2 | then at the point nearest the intersecting roadway where the
3 | driver has a view of approaching traffic on the intersecting
4 | roadway before entering the intersection in obedience to a
5 | steady red signal may make a right turn, but shall yield the
6 | right-of-way to pedestrians and other traffic proceeding as
7 | directed by the signal at the intersection, except that
8 | municipal and county authorities may prohibit any such right
9 | turn against a steady red signal at any intersection, which
10 | prohibition shall be effective when a sign giving notice
11 | thereof is erected in a location visible to traffic
12 | approaching the intersection.

13 | b. The driver of a vehicle on a one-way street that
14 | intersects another one-way street on which traffic moves to
15 | the left shall stop in obedience to a steady red signal, but
16 | may then make a left turn into the one-way street, but shall
17 | yield the right-of-way to pedestrians and other traffic
18 | proceeding as directed by the signal at the intersection,
19 | except that municipal and county authorities may prohibit any
20 | such left turn as described, which prohibition shall be
21 | effective when a sign giving notice thereof is attached to the
22 | traffic control signal device at the intersection.

23 | 2.a. The driver of a vehicle facing a steady red
24 | signal shall stop before entering the crosswalk and remain
25 | stopped to allow a pedestrian, with a permitted signal, to
26 | cross a roadway when the pedestrian is either in the crosswalk
27 | or steps into the crosswalk.

28 | b. Unless otherwise directed by a pedestrian control
29 | signal as provided in s. 316.0755, pedestrians facing a steady
30 | red signal shall not enter the roadway.

31 |

1 (4) A violation of this section is a noncriminal
2 traffic infraction, punishable pursuant to chapter 318 as
3 either a pedestrian violation or, if the infraction resulted
4 from the operation of a vehicle, as a moving violation.

5 Section 2. Section 316.130, Florida Statutes, is
6 amended to read:

7 316.130 Pedestrians; ~~Pedestrian obedience to traffic~~
8 ~~control devices and~~ traffic regulations.--

9 (1) A pedestrian shall obey the instructions of any
10 official traffic control device specifically applicable to the
11 pedestrian unless otherwise directed by a police officer.

12 (2) Pedestrians shall be subject to traffic control
13 signals at intersections as provided in s. 316.075, but at all
14 other places pedestrians shall be accorded the privileges and
15 be subject to the restrictions stated in this chapter.

16 (3) Where sidewalks are provided, no pedestrian shall,
17 unless required by other circumstances, walk along and upon
18 the portion of a roadway paved for vehicular traffic.

19 (4) Where sidewalks are not provided, any pedestrian
20 walking along and upon a highway shall, when practicable, walk
21 only on the shoulder on the left side of the roadway in
22 relation to the pedestrian's direction of travel, facing
23 traffic which may approach from the opposite direction.

24 (5) No person shall stand in the portion of a roadway
25 paved for vehicular traffic for the purpose of soliciting a
26 ride, employment, or business from the occupant of any
27 vehicle.

28 (6) No person shall stand on or in proximity to a
29 street or highway for the purpose of soliciting the watching
30 or guarding of any vehicle while parked or about to be parked
31 on a street or highway.

1 (7)(a) The driver of a vehicle at an intersection with
2 a traffic control signal in place shall stop before entering
3 the crosswalk and remain stopped to allow a pedestrian, with a
4 permitted signal, to cross a roadway when the pedestrian is
5 either in the crosswalk or steps into the crosswalk.

6 (b) The driver of a vehicle at any crosswalk where
7 signage so indicates shall stop and remain stopped to allow a
8 pedestrian to cross a roadway when the pedestrian is either in
9 the crosswalk or steps into the crosswalk.

10 (c) When traffic control signals are not in place or
11 in operation and there is no signage indicating otherwise, the
12 driver of a vehicle shall yield the right-of-way, slowing down
13 or stopping if need be to so yield, to a pedestrian crossing
14 the roadway within a crosswalk when the pedestrian is upon the
15 half of the roadway upon which the vehicle is traveling or
16 when the pedestrian is approaching so closely from the
17 opposite half of the roadway as to be in danger. Any
18 pedestrian crossing a roadway at a point where a pedestrian
19 tunnel or overhead pedestrian crossing has been provided shall
20 yield the right-of-way to all vehicles upon the roadway.

21 (8) No pedestrian shall suddenly leave a curb or other
22 place of safety and walk or run into the path of a vehicle
23 which is so close that it is impossible for the driver to
24 yield.

25 (9) Whenever any vehicle is stopped at a marked
26 crosswalk or at any unmarked crosswalk at an intersection to
27 permit a pedestrian to cross the roadway, the driver of any
28 other vehicle approaching from the rear shall not overtake and
29 pass such stopped vehicle.

30 (10) Every pedestrian crossing a roadway at any point
31 other than within a marked crosswalk or within an unmarked

1 crosswalk at an intersection shall yield the right-of-way to
2 all vehicles upon the roadway.

3 (11) Between adjacent intersections at which traffic
4 control signals are in operation, pedestrians shall not cross
5 at any place except in a marked crosswalk.

6 (12) No pedestrian shall, except in a marked
7 crosswalk, cross a roadway at any other place than by a route
8 at right angles to the curb or by the shortest route to the
9 opposite curb.

10 (13) Pedestrians shall move, whenever practicable,
11 upon the right half of crosswalks.

12 (14) No pedestrian shall cross a roadway intersection
13 diagonally unless authorized by official traffic control
14 devices, and, when authorized to cross diagonally, pedestrians
15 shall cross only in accordance with the official traffic
16 control devices pertaining to such crossing movements.

17 (15) Notwithstanding other provisions of this chapter,
18 every driver of a vehicle shall exercise due care to avoid
19 colliding with any pedestrian or any person propelling a
20 human-powered vehicle and give warning when necessary and
21 exercise proper precaution upon observing any child or any
22 obviously confused or incapacitated person.

23 (16) No pedestrian shall enter or remain upon any
24 bridge or approach thereto beyond the bridge signal, gate, or
25 barrier after a bridge operation signal indication has been
26 given. No pedestrian shall pass through, around, over, or
27 under any crossing gate or barrier at a railroad grade
28 crossing or bridge while such gate or barrier is closed or is
29 being opened or closed.

30 (17) No pedestrian may jump or dive from a publicly
31 owned bridge. Nothing in this provision requires the state or

1 | any political subdivision of the state to post signs notifying
2 | the public of this provision. The failure to post a sign may
3 | not be construed by any court to create liability on the part
4 | of the state or any of its political subdivisions for injuries
5 | sustained as a result of jumping or diving from a bridge in
6 | violation of this subsection.

7 | (18) No pedestrian shall walk upon a limited access
8 | facility or a ramp connecting a limited access facility to any
9 | other street or highway; however, this subsection does not
10 | apply to maintenance personnel of any governmental
11 | subdivision.

12 | (19) A violation of this section is a noncriminal
13 | traffic infraction, punishable pursuant to chapter 318 as
14 | either a pedestrian violation or, if the infraction resulted
15 | from the operation of a vehicle, as a moving violation.

16 | Section 3. This act shall take effect July 1, 2007.

17 |
18 |
19 |
20 |
21 |
22 |
23 |
24 |
25 |
26 |
27 |
28 |
29 |
30 |
31 |