

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
 ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
 ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
 FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
 WITHDRAWN \_\_\_\_\_ (Y/N)  
 OTHER \_\_\_\_\_

1 Committee/Subcommittee hearing bill: Criminal Justice  
 2 Subcommittee  
 3 Representative Passidomo offered the following:  
 4

**Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsections (94) and (95) are added to section  
 8 316.003, Florida Statutes, to read:

9 316.003 Definitions.—The following words and phrases, when  
 10 used in this chapter, shall have the meanings respectively  
 11 ascribed to them in this section, except where the context  
 12 otherwise requires:

13 (94) BODILY INJURY.—

14 (a) A cut, abrasion, bruise, burn, or disfigurement;

15 (b) Physical pain;

16 (c) Illness;

17 (d) Impairment of the function of a bodily member, organ,

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18 or mental faculty; or

19 (e) Any other injury to the body, no matter how temporary.

20 (95) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE  
21 USER.—

22 (a) A pedestrian, including a person actually engaged in  
23 work upon a highway, work upon utility facilities along a  
24 highway, or the provision of emergency services within the  
25 right-of-way;

26 (b) A person operating, or who is a passenger on, a  
27 bicycle, motorcycle, scooter, or moped lawfully on the roadway;

28 (c) A person riding an animal; or

29 (d) A person lawfully operating on a public roadway,  
30 crosswalk, or shoulder of the roadway:

31 1. A farm tractor or similar vehicle designed primarily  
32 for farm use;

33 2. A horse-drawn carriage;

34 3. An electric personal assistive mobility device; or

35 4. A wheelchair.

36 Section 2. Section 316.083, Florida Statutes, is amended  
37 to read:

38 316.083 Overtaking and passing a vehicle.—The following  
39 provisions ~~rules shall~~ govern the overtaking and passing of  
40 vehicles proceeding in the same direction, ~~subject to those~~  
41 ~~limitations, exceptions, and special rules hereinafter stated:~~

42 (1) The driver of a vehicle overtaking another vehicle  
43 proceeding in the same direction shall give an appropriate

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44 signal as provided for in s. 316.156, shall pass to the left  
45 thereof at a safe distance, and shall not again drive to the  
46 right side of the roadway until safely clear of the overtaken  
47 vehicle.

48 (2) The driver of a motor vehicle overtaking a person  
49 operating a bicycle or other vulnerable user of a public roadway  
50 ~~nonmotorized vehicle~~ must pass the person operating the bicycle  
51 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance  
52 of not less than 3 feet between any part of or attachment to the  
53 motor vehicle, any thing extending from the motor vehicle, and  
54 any trailer or other thing being towed by the motor vehicle and  
55 the bicycle, the person operating the bicycle, or other  
56 vulnerable user ~~nonmotorized vehicle~~.

57 (3)-(2) Except when overtaking and passing on the right is  
58 permitted, the driver of an overtaken vehicle shall give way to  
59 the right in favor of the overtaking vehicle, on audible signal  
60 or upon the visible blinking of the headlamps of the overtaking  
61 vehicle if such overtaking is being attempted at nighttime, and  
62 shall not increase the speed of his or her vehicle until  
63 completely passed by the overtaking vehicle.

64 (4)-(3) A violation of this section is a noncriminal  
65 traffic infraction, punishable as a moving violation as provided  
66 in chapter 318. If a violation of this section contributed to  
67 the bodily injury of a vulnerable user of a public roadway, the  
68 law enforcement officer issuing the citation for the violation  
69 shall note such information on the citation.

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70 Section 3. Section 316.0833, Florida Statutes, is created  
71 to read:

72 316.0833 Turning when passing vulnerable user.-

73 (1) A person operating a vehicle who overtakes and passes  
74 a vulnerable user of a public roadway proceeding in the same  
75 direction may not make a right or left turn at an intersection  
76 or into a private road or driveway unless the turn can be made  
77 at a safe distance from the vulnerable user with reasonable  
78 safety and will not impede the travel of the vulnerable user.

79 (2) A violation of subsection (1) is a noncriminal traffic  
80 infraction, punishable as a moving violation as provided in  
81 chapter 318. If a violation of subsection (1) contributed to the  
82 bodily injury of a vulnerable user of a public roadway, the law  
83 enforcement officer issuing the citation for the violation shall  
84 note such information on the citation.

85 Section 4. Subsection (3) of section 316.0875, Florida  
86 Statutes, is amended to read:

87 316.0875 No-passing zones.-

88 (3) This section does not apply:

89 (a) When an obstruction exists making it necessary to  
90 drive to the left of the center of the highway; ~~nor~~

91 (b) To the driver of a vehicle turning left into or from  
92 an alley, private road, or driveway; or

93 (c) When the driver of a motor vehicle is required to  
94 cross pavement striping indicating a no-passing zone when  
95 passing a vulnerable user of a public roadway in order to

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96 provide at least 3 feet between the motor vehicle and the  
97 vulnerable user.

98 Section 5. Section 316.1921, Florida Statutes, is created  
99 to read:

100 316.1921 Harassing, taunting, or throwing object at person  
101 riding a bicycle.—It is unlawful to harass, taunt, or  
102 maliciously throw an object at or in the direction of a person  
103 riding a bicycle. A person who violates this section commits a  
104 misdemeanor of the first degree, punishable by a fine of at  
105 least \$250 or by imprisonment of not more than 30 days, or both.

106 Section 6. Section 316.1925, Florida Statutes, is amended  
107 to read:

108 316.1925 Careless driving.—

109 (1) A ~~Any~~ person operating a vehicle upon the streets or  
110 highways within the state shall drive the same in a careful and  
111 prudent manner, having regard for the width, grade, curves,  
112 corners, traffic, and all other attendant circumstances, so as  
113 not to endanger the life, limb, or property of any person. A  
114 person who fails ~~Failure~~ to drive in such manner commits ~~shall~~  
115 ~~constitute~~ careless driving and ~~a violation of this section.~~

116 ~~(2) Any person who violates this section shall be cited~~  
117 ~~for a moving violation, punishable as provided in chapter 318.~~

118 (2) If a violation under this section contributed to the  
119 bodily injury of a vulnerable user of a public roadway, the law  
120 enforcement officer issuing the citation for the violation shall  
121 note such information on the citation.

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122 Section 7. Section 318.142, Florida Statutes, is created  
123 to read:

124 318.142 Infractions contributing to bodily injury of a  
125 vulnerable user of a public roadway.—In addition to any other  
126 penalty imposed for a violation under s. 316.083, s. 316.0833,  
127 or s. 316.1925, if the violation contributed to the bodily  
128 injury of a vulnerable user of a public roadway as defined in s.  
129 316.003, the designated official shall impose a fine of not more  
130 than \$2,000.

131 Section 8. Section 318.19, Florida Statutes, is amended to  
132 read:

133 318.19 Infractions requiring a mandatory hearing.—Any  
134 person cited for the infractions listed in this section shall  
135 not have the provisions of s. 318.14(2), (4), and (9) available  
136 to him or her but must appear before the designated official at  
137 the time and location of the scheduled hearing:

138 (1) Any infraction which results in a crash that causes  
139 the death of another;

140 (2) Any infraction which results in a crash that causes  
141 "serious bodily injury" of another as defined in s. 316.1933(1);

142 (3) Any infraction of s. 316.172(1)(b);

143 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

144 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
145 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

146 (6) Any infraction of s. 316.083, s. 316.0833, or s.  
147 316.1925 which contributes to bodily injury of a vulnerable user

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148 of a public roadway as defined in s. 316.003.

149 Section 9. If any provision of this act or its application  
150 to any person or circumstance is held invalid, the invalidity  
151 does not affect other provisions or applications of this act  
152 which can be given effect without the invalid provision or  
153 application, and, to this end, the provisions of this act are  
154 severable.

155 Section 10. This act shall take effect July 1, 2015.

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**T I T L E A M E N D M E N T**

159 Remove everything before the enacting clause and insert:  
160 An act relating to transportation; amending s. 316.003, F.S.;  
161 providing definitions; amending s. 316.083, F.S.; revising  
162 provisions relating to the passing of a vehicle; creating s.  
163 316.0833, F.S.; prohibiting passing and turning in front of a  
164 vulnerable user in an unsafe manner; providing penalties;  
165 amending s. 316.0875, F.S.; revising exceptions to provisions  
166 for designated no-passing zones; creating s. 316.1921, F.S.;  
167 prohibiting harassing, taunting, or throwing object at person  
168 riding a bicycle; providing penalties; amending s. 316.1925,  
169 F.S.; revising provisions relating to careless driving; creating  
170 s. 318.142, F.S.; providing penalties for specified infractions  
171 contributing to bodily injury of a vulnerable user; amending s.  
172 318.19, F.S.; requiring a hearing for specified offenses;  
173 providing severability; providing an effective date.