

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Passidomo offered the following:

Amendment (with title amendment)

Remove lines 714-957 and insert:

Section 3. Section 316.083, Florida Statutes, is amended
 to read:

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

(1) The driver of a vehicle overtaking another vehicle
 proceeding in the same direction shall give an appropriate
 signal as provided for in s. 316.156, shall pass to the left
 thereof at a safe distance, and shall not again drive to the
 right side of the roadway until safely clear of the overtaken

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18 vehicle.

19 (2) The driver of a motor vehicle overtaking a person
20 operating a bicycle or other vulnerable user of a public roadway
21 ~~nonmotorized vehicle~~ must pass the person operating the bicycle
22 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance
23 of not less than 3 feet between any part of or attachment to the
24 motor vehicle, anything extending from the motor vehicle, or any
25 trailer or other thing being towed by the motor vehicle and the
26 bicycle, the person operating the bicycle, or other vulnerable
27 user ~~nonmotorized vehicle~~.

28 (3) ~~(2)~~ Except when overtaking and passing on the right is
29 permitted, the driver of an overtaken vehicle shall give way to
30 the right in favor of the overtaking vehicle, on audible signal
31 or upon the visible blinking of the headlamps of the overtaking
32 vehicle if such overtaking is being attempted at nighttime, and
33 shall not increase the speed of his or her vehicle until
34 completely passed by the overtaking vehicle.

35 (4) ~~(3)~~ A violation of this section is a noncriminal
36 traffic infraction, punishable as a moving violation as provided
37 in chapter 318. If a violation of this section contributed to
38 the bodily injury of a vulnerable user of a public roadway or to
39 the damage to a motor vehicle and bodily injury of motor vehicle
40 occupants, the law enforcement officer issuing the citation to
41 the responsible party for the violation shall note such
42 information on the citation.

43 Section 4. Section 316.084, Florida Statutes, is amended

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44 to read:

45 316.084 When overtaking on the right is permitted.—

46 (1) The driver of a vehicle may overtake and pass on the
47 right of another vehicle only under the following conditions:

48 (a) When the vehicle overtaken is making or about to make
49 a left turn;

50 (b) Upon a street or highway with unobstructed pavement
51 not occupied by parked vehicles of sufficient width for two or
52 more lines of moving traffic in each direction;

53 (c) Upon a one-way street, or upon any roadway on which
54 traffic is restricted to one direction of movement, where the
55 roadway is free from obstructions and of sufficient width for
56 two or more lines of moving vehicles.

57 (2) The driver of a vehicle may overtake and pass another
58 vehicle on the right only under conditions permitting such
59 movement in safety. In no event shall such movement be made by
60 driving off the pavement or main-traveled portion of the
61 roadway.

62 (3) This section does not prohibit a bicycle that is in a
63 bicycle lane or on the shoulder of a roadway or highway from
64 passing another vehicle on the right at their own risk with no
65 liability to other motor vehicle drivers.

66 (4)~~(3)~~ A violation of this section is a noncriminal
67 traffic infraction, punishable as a moving violation as provided
68 in chapter 318.

69 Section 5. Section 316.0875, Florida Statutes, is amended

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70 to read:

71 316.0875 No-passing zones.—

72 (1) The Department of Transportation and local authorities
73 are authorized to determine those portions of any highway under
74 their respective jurisdiction where overtaking and passing or
75 driving to the left of the roadway would be especially hazardous
76 and may, by appropriate signs or markings on the roadway,
77 indicate the beginning and end of such zones, and, when such
78 signs or markings are in place and clearly visible to an
79 ordinarily observant person, each ~~every~~ driver of a vehicle
80 shall obey the directions thereof.

81 (2) Where signs or markings are in place to define a no-
82 passing zone as set forth in subsection (1), a ~~no~~ driver may
83 not, ~~shall~~ at any time, drive on the left side of the roadway
84 with such no-passing zone or on the left side of any pavement
85 striping designed to mark such no-passing zone throughout its
86 length.

87 (3) This section does not apply to a person who safely and
88 briefly drives to the left of the center of the roadway or
89 pavement striping only to the extent necessary to:

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

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

94 (c) Comply with the requirements regarding a safe distance
95 to pass a vulnerable user, as required by s. 316.083(2).

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116 (4) A violation of this section is a noncriminal traffic
117 infraction, punishable as a moving violation as provided in
118 chapter 318.

119 Section 6. Section 316.151, Florida Statutes, is amended
120 to read:

121 316.151 Required position and method of turning at
122 intersections.—

123 (1) (a) Right turn.—The driver of a vehicle intending to
124 turn right at an intersection onto a highway, public or private
125 roadway, or driveway shall do so as follows:

126 1. (a) Right turn.—Both the approach for a right turn and a
127 right turn shall be made as close as practicable to the right-
128 hand curb or edge of the roadway.

129 2. When overtaking and passing a bicycle or other
130 vulnerable user proceeding in the same direction, the driver of
131 a motor vehicle shall give an appropriate signal as provided for
132 in s. 316.155 and may make the right turn only if the distance
133 from the facility in (1) (a) is at least 20 feet from the bicycle
134 or other vulnerable user.

135 (b) Left turn.—The driver of a vehicle intending to turn
136 left at an any intersection onto a highway, public or private
137 roadway, or driveway shall do so as follows:

138 1. The driver shall approach the intersection in the
139 extreme left-hand lane lawfully available to traffic moving in
140 the direction of travel of such vehicle. Thereafter, and, after
141 entering the intersection, the left turn shall be made so as to

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122 leave the intersection in a lane lawfully available to traffic
123 moving in such direction upon the roadway being entered.

124 2. A person riding a bicycle and intending to turn left in
125 accordance with this section is entitled to the full use of the
126 lane from which the turn may legally be made. Whenever
127 practicable the left turn shall be made in that portion of the
128 intersection to the left of the center of the intersection.

129 ~~(c) Left turn by bicycle. In addition to the method of~~
130 ~~making a left turn described in paragraph (b), a person riding a~~
131 ~~bicycle and intending to turn left may do so as follows has the~~
132 ~~option of following the course described hereafter:~~

133 a. The rider shall approach the turn as close as
134 practicable to the right curb or edge of the roadway;

135 b. After proceeding across the intersecting roadway, the
136 turn shall be made as close as practicable to the curb or edge
137 of the roadway on the far side of the intersection; and,

138 c. Before proceeding, the bicyclist shall comply with any
139 official traffic control device or police officer regulating
140 traffic on the highway along which the bicyclist intends to
141 proceed.

142 (2) The state, county, and local authorities in their
143 respective jurisdictions may cause official traffic control
144 devices to be placed within or adjacent to intersections and
145 thereby require and direct that a different course from that
146 specified in this section be traveled by vehicles turning at an
147 intersection. When such devices are so placed, the ~~no~~ driver of

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148 a vehicle may not turn a vehicle at an intersection other than
149 as directed and required by such devices.

150 (3) A violation of this section is a noncriminal traffic
151 infraction, punishable as a moving violation as provided in
152 chapter 318. If a violation of this section contributes to the
153 bodily injury of a vulnerable user of a public roadway or the
154 damage to a motor vehicle and injury of motor vehicle occupants,
155 the law enforcement officer issuing the citation to the
156 responsible party for the violation shall note such information
157 on the citation.

158 Section 7. Section 316.1925, Florida Statutes, is amended
159 to read:

160 316.1925 Careless driving.—

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

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

170 (2) If a violation under subsection (1) contributed to the
171 bodily injury of a vulnerable user of a public roadway, the law
172 enforcement officer issuing the citation for the violation shall
173 note such information on the citation.

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174 Section 8. Subsections (1), (5), and (6) of section
175 316.2065, Florida Statutes, are amended to read:

176 316.2065 Bicycle regulations.—

177 (1) A bicycle is a vehicle under Florida law and shall be
178 operated in the same manner as any other vehicle and every
179 person operating a bicycle ~~propelling a vehicle by human power~~
180 has all of the rights and all of the duties applicable to the
181 driver of any other vehicle under this chapter, except as to
182 special regulations in this chapter, and except as to provisions
183 of this chapter which by their nature can have no application.

184 (5) (a) Any person operating a bicycle upon a roadway at
185 less than the normal speed of traffic at the time and place and
186 under the conditions then existing shall ride in the bicycle
187 lane ~~marked for bicycle use~~ or, if there is no bicycle lane in
188 the roadway is marked for bicycle use, as close as practicable
189 to the right-hand curb or edge of the roadway except under any
190 of the following situations:

191 1. When overtaking and passing another bicycle or vehicle
192 proceeding in the same direction.

193 2. When preparing for a left turn at an intersection or
194 into a private road or driveway.

195 3. When reasonably necessary to avoid any condition or
196 potential conflict, including, but not limited to, a fixed or
197 moving object, parked or moving vehicle, bicycle, pedestrian,
198 animal, surface hazard, turn lane, or substandard-width lane,
199 which makes it unsafe to continue along the right-hand curb or

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200 edge or within a bicycle lane. For the purposes of this
201 subsection, a "substandard-width lane" is a lane that is too
202 narrow for a bicycle and another vehicle to travel safely side
203 by side within the lane.

204 (b) Any person operating a bicycle upon a one-way highway
205 with two or more marked traffic lanes may ride as near the left-
206 hand curb or edge of such roadway as practicable.

207 (6) (a) Persons riding bicycles upon a roadway or in a
208 bicycle lane may not ride more than two abreast except on
209 bicycle paths or parts of roadways set aside for the exclusive
210 use of bicycles. Persons riding two abreast may not impede
211 traffic when traveling at less than the normal speed of traffic
212 at the time and place and under the conditions then existing and
213 shall ride within a single lane.

214 (b) When stopping at a stop sign, persons riding bicycles
215 in groups of four or more, after coming to a full stop and
216 obeying all traffic laws, may proceed through the stop sign in a
217 group of 10 or fewer at a time and motor vehicle operators shall
218 allow that group to travel through the intersection before
219 moving forward.

220 Section 9. Section 318.19, Florida Statutes, is amended to
221 read:

222 318.19 Infractions requiring a mandatory hearing.—Any
223 person cited for the infractions listed in this section shall
224 not have the provisions of s. 318.14(2), (4), and (9) available
225 to him or her but must appear before the designated official at

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226 the time and location of the scheduled hearing:

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

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

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

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

233 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
234 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

235 (6) Any infraction of s. 316.083, s. 316.151, or s.
236 316.1925 which contributes to bodily injury of a vulnerable user
237 of a public roadway as defined in s. 316.003. If an infraction
238 listed in this subsection contributes to the bodily injury of a
239 vulnerable user of a public roadway or the damage to a motor
240 vehicle and injury of motor vehicle occupants, the law
241 enforcement officer issuing the citation to the responsible
242 party for the infraction shall note such information on the
243 citation.

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

247 Remove lines 26-28 and insert:

248 under certain circumstances;