

1 A bill to be entitled
2 An act relating to bicycle and pedestrian safety;
3 amending s. 316.003, F.S.; defining the terms "bicycle
4 lane" and "protected bicycle lane"; amending s.
5 316.083, F.S.; revising and providing requirements for
6 the driver of a motor vehicle overtaking a bicycle,
7 pedestrian, or nonmotorized vehicle; providing
8 exceptions; providing a penalty; requiring the
9 Department of Highway Safety and Motor Vehicles to
10 provide an awareness campaign, and include information
11 in certain educational materials, regarding certain
12 safety precautions; amending s. 316.0875, F.S.;
13 exempting a motor vehicle driver from certain
14 provisions relating to no-passing zones when
15 overtaking a bicycle, pedestrian, or nonmotorized
16 vehicle; providing a penalty; amending s. 316.151,
17 F.S.; revising requirements for turning at
18 intersections; providing turn signaling and distance
19 requirements for a motor vehicle driver when
20 overtaking and passing a bicycle; providing a penalty;
21 amending s. 316.2065, F.S.; prohibiting persons riding
22 bicycles in a bicycle lane from riding more than two
23 abreast; providing requirements for persons riding
24 bicycles in groups when stopping at a stop sign;
25 providing a penalty; amending s. 322.12, F.S.;

26 requiring a specified portion of the examination for a
27 Class E driver license to address bicycle and
28 pedestrian safety; amending ss. 212.05 and 655.960,
29 F.S.; conforming cross-references; providing an
30 effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

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34 Section 1. Subsections (4) through (57) and (58) through
35 (99) of section 316.003, Florida Statutes, are renumbered as
36 subsections (5) through (58) and (60) through (101),
37 respectively, present subsection (57) is amended, and new
38 subsections (4) and (59) are added to that section, to read:

39 316.003 Definitions.—The following words and phrases, when
40 used in this chapter, shall have the meanings respectively
41 ascribed to them in this section, except where the context
42 otherwise requires:

43 (4) BICYCLE LANE.—A portion of a roadway or highway that
44 is designated by pavement markings and signs for preferential or
45 exclusive use by bicycles.

46 (58) ~~(57)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
47 provided in paragraph (81) (b) ~~(79) (b)~~, any privately owned way
48 or place used for vehicular travel by the owner and those having
49 express or implied permission from the owner, but not by other
50 persons.

51 (59) PROTECTED BICYCLE LANE.—A bicycle lane that is
 52 separated from motor vehicle traffic by a physical barrier.

53 Section 2. Section 316.083, Florida Statutes, is amended
 54 to read:

55 316.083 Overtaking and passing a vehicle, bicycle, or
 56 pedestrian.—The following rules shall govern the overtaking and
 57 passing of vehicles, bicycles, and pedestrians ~~proceeding in the~~
 58 ~~same direction~~, subject to those limitations, exceptions, and
 59 special rules hereinafter stated:

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

66 (2) The driver of a vehicle overtaking a bicycle,
 67 pedestrian, or nonmotorized vehicle occupying the same travel
 68 lane must vacate the lane or, if such movement cannot be safely
 69 accomplished, must remain at a safe distance behind the bicycle,
 70 pedestrian, or nonmotorized vehicle until the driver can safely
 71 vacate the lane and must not reenter the lane until safely clear
 72 of the overtaken bicycle, pedestrian, or nonmotorized vehicle.

73 (3) The driver of a vehicle overtaking a bicycle or ~~other~~
 74 nonmotorized vehicle occupying a bicycle lane must pass the
 75 bicycle or ~~other~~ nonmotorized vehicle at a safe distance of not

76 | less than 3 feet between the vehicle and the bicycle or ~~other~~
 77 | nonmotorized vehicle.

78 | (4) Subsections (2) and (3) do not apply when a bicycle or
 79 | nonmotorized vehicle occupies a protected bicycle lane.

80 | (5)~~(2)~~ Except when overtaking and passing on the right is
 81 | permitted, the driver of an overtaken vehicle must ~~shall~~ give
 82 | way to the right in favor of the overtaking vehicle, on audible
 83 | signal or upon the visible blinking of the headlamps of the
 84 | overtaking vehicle if such overtaking is being attempted at
 85 | nighttime, and must ~~shall~~ not increase the speed of his or her
 86 | vehicle until completely passed by the overtaking vehicle.

87 | (6)~~(3)~~ A person who violates ~~violation of~~ this section
 88 | commits ~~is~~ a noncriminal traffic infraction, punishable as a
 89 | moving violation as provided in chapter 318.

90 | (7) The department must provide an awareness campaign
 91 | informing the motoring public about the safety precautions to be
 92 | taken pursuant to this section when overtaking a bicycle,
 93 | pedestrian, or nonmotorized vehicle and must provide information
 94 | about such precautions in all newly printed driver license
 95 | educational materials.

96 | Section 3. Section 316.0875, Florida Statutes, is amended
 97 | to read:

98 | 316.0875 No-passing zones.—

99 | (1) The Department of Transportation and local authorities
 100 | may ~~are authorized to~~ determine those portions of any highway

101 under their respective jurisdictions ~~jurisdiction~~ where
 102 overtaking and passing or driving to the left of the roadway
 103 would be especially hazardous and may, by appropriate signs or
 104 markings on the roadway, indicate the beginning and end of such
 105 zones. ~~and~~ When such signs or markings are in place and clearly
 106 visible to an ordinarily observant person, a ~~every~~ driver of a
 107 vehicle must ~~shall~~ obey the directions thereof.

108 (2) Where signs or markings are in place to define a no-
 109 passing zone as set forth in subsection (1), a ~~no~~ driver may
 110 not, ~~shall~~ at any time, drive on the left side of the roadway
 111 within ~~with~~ such no-passing zone or on the left side of any
 112 pavement striping designed to mark such no-passing zone
 113 throughout its length.

114 (3) This section does not apply to a driver who safely and
 115 briefly drives to the left of the center of the roadway only to
 116 the extent necessary to:

117 (a) Avoid ~~when~~ an obstruction;

118 (b) Turn ~~exists making it necessary to drive to the left~~
 119 ~~of the center of the highway, nor to the driver of a vehicle~~
 120 ~~turning~~ left into or from an alley, private road, or driveway;
 121 or

122 (c) Overtake and pass a bicycle, pedestrian, or
 123 nonmotorized vehicle pursuant to s. 316.082(2) or (3).

124 (4) A person who violates ~~violation of~~ this section
 125 commits ~~is~~ a noncriminal traffic infraction, punishable as a

126 moving violation as provided in chapter 318.

127 Section 4. Section 316.151, Florida Statutes, is amended
128 to read:

129 316.151 Required position and method of turning at
130 intersections.—

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

134 1. (a) Make Right turn.—both the approach for a right turn
135 and a right turn ~~shall be made~~ as close as practicable to the
136 right-hand curb or edge of the roadway.

137 2. When overtaking and passing a bicycle proceeding in the
138 same direction, give an appropriate signal as provided for in s.
139 316.156 and make the right turn only if the bicycle is at least
140 20 feet from the intersection.

141 (b) Left turn.—

142 1. The driver of a vehicle intending to turn left at an
143 any intersection onto a highway, public or private roadway, or
144 driveway must ~~shall~~ approach the intersection in the extreme
145 left-hand lane lawfully available to traffic moving in the
146 direction of travel of such vehicle, and must make, ~~after~~
147 ~~entering the intersection,~~ the left turn ~~shall be made~~ so as to
148 leave the intersection in a lane lawfully available to traffic
149 moving in such direction upon the roadway being entered.

150 2. A person riding a bicycle and intending to turn left in

151 accordance with this section is entitled to the full use of the
152 lane from which the turn may legally be made. The person must:

153 a. Whenever practicable, make the left turn ~~shall be made~~
154 in that portion of the intersection to the left of the center of
155 the intersection; or-

156 ~~(c) Left turn by bicycle. In addition to the method of~~
157 ~~making a left turn described in paragraph (b), a person riding a~~
158 ~~bicycle and intending to turn left has the option of following~~
159 ~~the course described hereafter: The rider shall~~

160 b. Approach the turn as close as practicable to the right
161 curb or edge of the roadway; after proceeding across the
162 intersecting roadway, make the turn ~~shall be made~~ as close as
163 practicable to the curb or edge of the roadway on the far side
164 of the intersection; and, before proceeding, ~~the bicyclist shall~~
165 comply with any official traffic control device or police
166 officer regulating traffic on the highway along which the person
167 ~~bicyclist~~ intends to proceed.

168 (2) The state, county, and local authorities in their
169 respective jurisdictions may cause official traffic control
170 devices to be placed within or adjacent to intersections and
171 thereby require and direct that a different course from that
172 specified in this section be traveled by vehicles turning at an
173 intersection. When such devices are so placed, a ~~no~~ driver of a
174 vehicle may not turn a vehicle at an intersection other than as
175 directed and required by such devices.

176 (3) A person who violates ~~violation of~~ this section
 177 commits ~~is~~ a noncriminal traffic infraction, punishable as a
 178 moving violation as provided in chapter 318.

179 Section 5. Subsections (5), (6), and (19) of section
 180 316.2065, Florida Statutes, are amended to read:

181 316.2065 Bicycle regulations.—

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

189 1. When overtaking and passing another bicycle or vehicle
 190 proceeding in the same direction.

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

193 3. When reasonably necessary to avoid any condition or
 194 potential conflict, including, but not limited to, a fixed or
 195 moving object, parked or moving vehicle, bicycle, pedestrian,
 196 animal, surface hazard, turn lane, or substandard-width lane,
 197 which makes it unsafe to continue along the right-hand curb or
 198 edge or within a bicycle lane. For the purposes of this
 199 subsection, a "substandard-width lane" is a lane that is too
 200 narrow for a bicycle and another vehicle to travel safely side

201 by side within the lane.

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

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

212 (b) When stopping at a stop sign, persons riding bicycles
213 in groups, after coming to a full stop and obeying all traffic
214 laws, may proceed through the stop sign in a group of 10 or
215 fewer at a time. Motor vehicle operators must allow each such
216 group to travel through the intersection before moving forward.

217 (19) Except as otherwise provided in this section, a
218 person who violates ~~violation of~~ this section commits ~~is~~ a
219 noncriminal traffic infraction, punishable as a pedestrian
220 violation as provided in chapter 318. A law enforcement officer
221 may issue traffic citations for a violation of subsection (3) or
222 subsection (15) only if the violation occurs on a bicycle path
223 or road, as defined in s. 334.03. However, a law enforcement
224 officer may not issue citations to persons on private property,
225 except any part thereof which is open to the use of the public

226 | for purposes of vehicular traffic.

227 | Section 6. Subsection (3) of section 322.12, Florida
228 | Statutes, is amended to read:

229 | 322.12 Examination of applicants.—

230 | (3) For an applicant for a Class E driver license, such
231 | examination shall include:

232 | (a) A test of the applicant's eyesight given by the driver
233 | license examiner designated by the department or by a licensed
234 | ophthalmologist, optometrist, or physician.

235 | (b) ~~and~~ A test of the applicant's hearing given by a
236 | driver license examiner or a licensed physician.

237 | (c) ~~The examination shall also include~~ A test of the
238 | applicant's ability to read and understand highway signs
239 | regulating, warning, and directing traffic; his or her knowledge
240 | of the traffic laws of this state, including laws regulating
241 | driving under the influence of alcohol or controlled substances,
242 | driving with an unlawful blood-alcohol level, and driving while
243 | intoxicated; and his or her knowledge of the effects of alcohol
244 | and controlled substances upon persons and the dangers of
245 | driving a motor vehicle while under the influence of alcohol or
246 | controlled substances. Twenty percent of the test questions
247 | related to this paragraph must address bicycle and pedestrian
248 | safety.

249 | (d) ~~and shall include~~ An actual demonstration of ability
250 | to exercise ordinary and reasonable control in the operation of

251 a motor vehicle.

252 Section 7. Paragraph (c) of subsection (1) of section
253 212.05, Florida Statutes, is amended to read:

254 212.05 Sales, storage, use tax.—It is hereby declared to
255 be the legislative intent that every person is exercising a
256 taxable privilege who engages in the business of selling
257 tangible personal property at retail in this state, including
258 the business of making mail order sales, or who rents or
259 furnishes any of the things or services taxable under this
260 chapter, or who stores for use or consumption in this state any
261 item or article of tangible personal property as defined herein
262 and who leases or rents such property within the state.

263 (1) For the exercise of such privilege, a tax is levied on
264 each taxable transaction or incident, which tax is due and
265 payable as follows:

266 (c) At the rate of 6 percent of the gross proceeds derived
267 from the lease or rental of tangible personal property, as
268 defined herein; however, the following special provisions apply
269 to the lease or rental of motor vehicles:

270 1. When a motor vehicle is leased or rented for a period
271 of less than 12 months:

272 a. If the motor vehicle is rented in Florida, the entire
273 amount of such rental is taxable, even if the vehicle is dropped
274 off in another state.

275 b. If the motor vehicle is rented in another state and

276 | dropped off in Florida, the rental is exempt from Florida tax.

277 | 2. Except as provided in subparagraph 3., for the lease or
278 | rental of a motor vehicle for a period of not less than 12
279 | months, sales tax is due on the lease or rental payments if the
280 | vehicle is registered in this state; provided, however, that no
281 | tax shall be due if the taxpayer documents use of the motor
282 | vehicle outside this state and tax is being paid on the lease or
283 | rental payments in another state.

284 | 3. The tax imposed by this chapter does not apply to the
285 | lease or rental of a commercial motor vehicle as defined in s.
286 | 316.003(13)(a) ~~s. 316.003(12)(a)~~ to one lessee or rentee for a
287 | period of not less than 12 months when tax was paid on the
288 | purchase price of such vehicle by the lessor. To the extent tax
289 | was paid with respect to the purchase of such vehicle in another
290 | state, territory of the United States, or the District of
291 | Columbia, the Florida tax payable shall be reduced in accordance
292 | with the provisions of s. 212.06(7). This subparagraph shall
293 | only be available when the lease or rental of such property is
294 | an established business or part of an established business or
295 | the same is incidental or germane to such business.

296 | Section 8. Subsection (1) of section 655.960, Florida
297 | Statutes, is amended to read:

298 | 655.960 Definitions; ss. 655.960-655.965.—As used in this
299 | section and ss. 655.961-655.965, unless the context otherwise
300 | requires:

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301 (1) "Access area" means any paved walkway or sidewalk
302 which is within 50 feet of any automated teller machine. The
303 term does not include any street or highway open to the use of
304 the public, as defined in s. 316.003(81)(a) or (b) ~~s.~~
305 ~~316.003(79)(a) or (b)~~, including any adjacent sidewalk, as
306 defined in s. 316.003.

307 Section 9. This act shall take effect July 1, 2018.