

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

26 technical change; amending s. 322.12, F.S.; requiring  
 27 a specified portion of the examination for a Class E  
 28 driver license to address bicycle and pedestrian  
 29 safety; amending ss. 212.05, 316.306, and 655.960,  
 30 F.S.; conforming cross-references; providing an  
 31 effective date.

32

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

34

35 Section 1. Present subsections (5) through (76) and (77)  
 36 through (105) of section 316.003, Florida Statutes, are  
 37 redesignated as subsections (6) through (77) and (79) through  
 38 (107), respectively, new subsections (5) and (78) are added to  
 39 that section, and present subsection (62) of that section is  
 40 amended, to read:

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

45 (5) BICYCLE LANE.—Any portion of a roadway or highway  
 46 which is designated by pavement markings and signs for  
 47 preferential or exclusive use by bicycles.

48 (63)~~(62)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
 49 provided in paragraph (86) (b) ~~(84) (b)~~, any privately owned way  
 50 or place used for vehicular travel by the owner and those having

51 | express or implied permission from the owner, but not by other  
 52 | persons.

53 | (78) SEPARATED BICYCLE LANE.—A bicycle lane that is  
 54 | separated from motor vehicle traffic by a physical barrier.

55 | Section 2. Section 316.083, Florida Statutes, is amended  
 56 | to read:

57 | 316.083 Overtaking and passing a vehicle, a bicycle or  
 58 | other nonmotorized vehicle, an electric bicycle, or a  
 59 | pedestrian.—The following rules shall govern the overtaking and  
 60 | passing of vehicles, bicycles and other nonmotorized vehicles,  
 61 | electric bicycles, and pedestrians ~~proceeding in the same~~  
 62 | ~~direction,~~ subject to those limitations, exceptions, and special  
 63 | rules hereinafter stated:

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

70 | (2) The driver of a vehicle overtaking a bicycle or other  
 71 | nonmotorized vehicle, an electric bicycle, or a pedestrian  
 72 | occupying the same travel lane must vacate the lane or, if such  
 73 | movement cannot be safely accomplished, must remain at a safe  
 74 | distance behind the bicycle or other nonmotorized vehicle,  
 75 | electric bicycle, or pedestrian until the driver can safely

76 vacate the lane and must not reenter the lane until safely clear  
 77 of the overtaken bicycle or other nonmotorized vehicle, electric  
 78 bicycle, or pedestrian.

79 (3) The driver of a vehicle overtaking a bicycle or other  
 80 nonmotorized vehicle, or an electric bicycle, occupying a  
 81 bicycle lane must pass the bicycle, other nonmotorized vehicle,  
 82 or electric bicycle at a safe distance of not less than 3 feet  
 83 between the vehicle and the bicycle, other nonmotorized vehicle,  
 84 or electric bicycle.

85 (4) Subsections (2) and (3) do not apply when a bicycle or  
 86 other nonmotorized vehicle, or an electric bicycle, occupies a  
 87 separated bicycle lane.

88 (5)~~(2)~~ Except when overtaking and passing on the right is  
 89 permitted, the driver of an overtaken vehicle must ~~shall~~ give  
 90 way to the right in favor of the overtaking vehicle, on audible  
 91 signal or upon the visible blinking of the headlamps of the  
 92 overtaking vehicle if such overtaking is being attempted at  
 93 nighttime, and must ~~shall~~ not increase the speed of his or her  
 94 vehicle until completely passed by the overtaking vehicle.

95 (6)~~(3)~~ A person who violates ~~violation of~~ this section  
 96 commits ~~is~~ a noncriminal traffic infraction, punishable as a  
 97 moving violation as provided in chapter 318.

98 (7) The department must provide an awareness campaign  
 99 informing the motoring public about the safety precautions to be  
 100 taken pursuant to this section when overtaking a bicycle or

101 other nonmotorized vehicle, an electric bicycle, or a pedestrian  
 102 and must provide information about such precautions in all newly  
 103 printed driver license educational materials.

104 Section 3. Section 316.0875, Florida Statutes, is amended  
 105 to read:

106 316.0875 No-passing zones.—

107 (1) The Department of Transportation and local authorities  
 108 may ~~are authorized to~~ determine those portions of any highway  
 109 under their respective jurisdictions ~~jurisdiction~~ where  
 110 overtaking and passing or driving to the left of the roadway  
 111 would be especially hazardous and may, by appropriate signs or  
 112 markings on the roadway, indicate the beginning and end of such  
 113 zones. ~~and~~ When such signs or markings are in place and clearly  
 114 visible to an ordinarily observant person, a ~~every~~ driver of a  
 115 vehicle must ~~shall~~ obey the directions thereof.

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

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

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

126 (b) Turn ~~exists making it necessary to drive to the left~~  
 127 ~~of the center of the highway, nor to the driver of a vehicle~~  
 128 ~~turning~~ left into or from an alley, a private road, or a  
 129 driveway; or

130 (c) Overtake and pass a bicycle or other nonmotorized  
 131 vehicle, an electric bicycle, or a pedestrian pursuant to s.  
 132 316.083(2) or (3).

133 (4) A person who violates ~~violation of~~ this section  
 134 commits ~~is~~ a noncriminal traffic infraction, punishable as a  
 135 moving violation as provided in chapter 318.

136 Section 4. Section 316.151, Florida Statutes, is amended  
 137 to read:

138 316.151 Required position and method of turning at  
 139 intersections.—

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

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

146 2. When overtaking and passing a bicycle proceeding in the  
 147 same direction, give an appropriate signal as provided for in s.  
 148 316.156 and make the right turn only if the bicycle is at least  
 149 20 feet from the intersection.

150 (b) Left turn.—

151        1. The driver of a vehicle intending to turn left at an  
152 any intersection onto a highway, public or private roadway, or  
153 driveway must ~~shall~~ approach the intersection in the extreme  
154 left-hand lane lawfully available to traffic moving in the  
155 direction of travel of such vehicle, and must make, ~~after~~  
156 ~~entering the intersection,~~ the left turn ~~shall be made~~ so as to  
157 leave the intersection in a lane lawfully available to traffic  
158 moving in such direction upon the roadway being entered.

159        2. A person riding a bicycle and intending to turn left in  
160 accordance with this section is entitled to the full use of the  
161 lane from which the turn may legally be made. The person must:

162        a. Whenever practicable, make the left turn ~~shall be made~~  
163 in that portion of the intersection to the left of the center of  
164 the intersection; or-

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

169        b. Approach the turn as close as practicable to the right  
170 curb or edge of the roadway; after proceeding across the  
171 intersecting roadway, make the turn ~~shall be made~~ as close as  
172 practicable to the curb or edge of the roadway on the far side  
173 of the intersection; and, before proceeding, ~~the bicyclist shall~~  
174 comply with any official traffic control device or police  
175 officer regulating traffic on the highway along which the person

176 ~~bicyclist~~ intends to proceed.

177 (2) The state, county, and local authorities in their  
 178 respective jurisdictions may cause official traffic control  
 179 devices to be placed within or adjacent to intersections and  
 180 thereby require and direct that a different course from that  
 181 specified in this section be traveled by vehicles turning at an  
 182 intersection. When such devices are so placed, a ~~no~~ driver of a  
 183 vehicle may not turn a vehicle at an intersection other than as  
 184 directed and required by such devices.

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

188 Section 5. Subsections (5), (6), and (19) of section  
 189 316.2065, Florida Statutes, are amended to read:

190 316.2065 Bicycle regulations.—

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

198 1. When overtaking and passing another bicycle or vehicle  
 199 proceeding in the same direction.

200 2. When preparing for a left turn at an intersection or



201 into a private road or driveway.

202 3. When reasonably necessary to avoid any condition or  
203 potential conflict, including, but not limited to, a fixed or  
204 moving object, parked or moving vehicle, bicycle, pedestrian,  
205 animal, surface hazard, turn lane, or substandard-width lane,  
206 which makes it unsafe to continue along the right-hand curb or  
207 edge or within a bicycle lane. For the purposes of this  
208 subsection, a "substandard-width lane" is a lane that is too  
209 narrow for a bicycle and another vehicle to travel safely side  
210 by side within the lane.

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

214 (6) (a) Persons riding bicycles upon a roadway or in a  
215 bicycle lane may not ride more than two abreast except on a  
216 bicycle path ~~paths or parts of roadways set aside for the~~  
217 ~~exclusive use of bicycles~~. Persons riding two abreast may not  
218 impede traffic when traveling at less than the normal speed of  
219 traffic at the time and place and under the conditions then  
220 existing and must ~~shall~~ ride within a single lane.

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

226 (19) Except as otherwise provided in this section, a  
 227 person who violates ~~violation of~~ this section commits ~~is~~ a  
 228 noncriminal traffic infraction, punishable as a pedestrian  
 229 violation as provided in chapter 318. A law enforcement officer  
 230 may issue traffic citations for a violation of subsection (3) or  
 231 subsection (15) only if the violation occurs on a bicycle path  
 232 or road, as defined in s. 334.03. However, a law enforcement  
 233 officer may not issue citations to persons on private property,  
 234 except any part thereof which is open to the use of the public  
 235 for purposes of vehicular traffic.

236 Section 6. Subsection (3) of section 322.12, Florida  
 237 Statutes, is amended to read:

238 322.12 Examination of applicants.—

239 (3) For an applicant for a Class E driver license, such  
 240 examination shall include all of the following:

241 (a) A test of the applicant's eyesight given by the driver  
 242 license examiner designated by the department or by a licensed  
 243 ophthalmologist, optometrist, or physician.

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

246 (c) ~~The examination shall also include~~ A test of the  
 247 applicant's ability to read and understand highway signs  
 248 regulating, warning, and directing traffic; his or her knowledge  
 249 of the traffic laws of this state, including laws regulating  
 250 driving under the influence of alcohol or controlled substances,

251 driving with an unlawful blood-alcohol level, and driving while  
252 intoxicated; and his or her knowledge of the effects of alcohol  
253 and controlled substances upon persons and the dangers of  
254 driving a motor vehicle while under the influence of alcohol or  
255 controlled substances. Twenty percent of the test questions  
256 related to this paragraph must address bicycle and pedestrian  
257 safety.

258 (d) ~~and shall include~~ An actual demonstration of ability  
259 to exercise ordinary and reasonable control in the operation of  
260 a motor vehicle.

261 Section 7. Paragraph (c) of subsection (1) of section  
262 212.05, Florida Statutes, is amended to read:

263 212.05 Sales, storage, use tax.—It is hereby declared to  
264 be the legislative intent that every person is exercising a  
265 taxable privilege who engages in the business of selling  
266 tangible personal property at retail in this state, including  
267 the business of making mail order sales, or who rents or  
268 furnishes any of the things or services taxable under this  
269 chapter, or who stores for use or consumption in this state any  
270 item or article of tangible personal property as defined herein  
271 and who leases or rents such property within the state.

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

275 (c) At the rate of 6 percent of the gross proceeds derived

276 from the lease or rental of tangible personal property, as  
277 defined herein; however, the following special provisions apply  
278 to the lease or rental of motor vehicles:

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

281 a. If the motor vehicle is rented in Florida, the entire  
282 amount of such rental is taxable, even if the vehicle is dropped  
283 off in another state.

284 b. If the motor vehicle is rented in another state and  
285 dropped off in Florida, the rental is exempt from Florida tax.

286 2. Except as provided in subparagraph 3., for the lease or  
287 rental of a motor vehicle for a period of not less than 12  
288 months, sales tax is due on the lease or rental payments if the  
289 vehicle is registered in this state; provided, however, that no  
290 tax shall be due if the taxpayer documents use of the motor  
291 vehicle outside this state and tax is being paid on the lease or  
292 rental payments in another state.

293 3. The tax imposed by this chapter does not apply to the  
294 lease or rental of a commercial motor vehicle as defined in s.  
295 316.003(14)(a) ~~s. 316.003(13)(a)~~ to one lessee or rentee for a  
296 period of not less than 12 months when tax was paid on the  
297 purchase price of such vehicle by the lessor. To the extent tax  
298 was paid with respect to the purchase of such vehicle in another  
299 state, territory of the United States, or the District of  
300 Columbia, the Florida tax payable shall be reduced in accordance

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301 with the provisions of s. 212.06(7). This subparagraph shall  
302 only be available when the lease or rental of such property is  
303 an established business or part of an established business or  
304 the same is incidental or germane to such business.

305 Section 8. Paragraph (a) of subsection (3) of section  
306 316.306, Florida Statutes, is amended to read:

307 316.306 School and work zones; prohibition on the use of a  
308 wireless communications device in a handheld manner.-

309 (3)(a)1. A person may not operate a motor vehicle while  
310 using a wireless communications device in a handheld manner in a  
311 designated school crossing, school zone, or work zone area as  
312 defined in s. 316.003(107) ~~s. 316.003(105)~~. This subparagraph  
313 shall only be applicable to work zone areas if construction  
314 personnel are present or are operating equipment on the road or  
315 immediately adjacent to the work zone area. For the purposes of  
316 this paragraph, a motor vehicle that is stationary is not being  
317 operated and is not subject to the prohibition in this  
318 paragraph.

319 2.a. During the period from October 1, 2019, through  
320 December 31, 2019, a law enforcement officer may stop motor  
321 vehicles to issue verbal or written warnings to persons who are  
322 in violation of subparagraph 1. for the purposes of informing  
323 and educating such persons of this section. This sub-  
324 subparagraph shall stand repealed on October 1, 2020.

325 b. Effective January 1, 2020, a law enforcement officer

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326 | may stop motor vehicles and issue citations to persons who are  
327 | driving while using a wireless communications device in a  
328 | handheld manner in violation of subparagraph 1.

329 |       Section 9. Subsection (1) of section 655.960, Florida  
330 | Statutes, is amended to read:

331 |       655.960 Definitions; ss. 655.960-655.965.—As used in this  
332 | section and ss. 655.961-655.965, unless the context otherwise  
333 | requires:

334 |       (1) "Access area" means any paved walkway or sidewalk  
335 | which is within 50 feet of any automated teller machine. The  
336 | term does not include any street or highway open to the use of  
337 | the public, as defined in s. 316.003(86)(a) or (b) ~~s.~~  
338 | ~~316.003(84)(a) or (b)~~, including any adjacent sidewalk, as  
339 | defined in s. 316.003.

340 |       Section 10. This act shall take effect July 1, 2021.