

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 annual awareness and safety  
11          campaign regarding certain safety precautions;  
12          amending s. 316.0875, F.S.; exempting a motor vehicle  
13          driver from certain provisions relating to no-passing  
14          zones when overtaking a bicycle or other nonmotorized  
15          vehicle, an electric bicycle, or a pedestrian; making  
16          a technical change; amending s. 316.151, F.S.;  
17          revising requirements for vehicles turning at  
18          intersections; providing turn signaling and distance  
19          requirements for a motor vehicle driver when  
20          overtaking and passing a bicycle; making a technical  
21          change; amending s. 316.2065, F.S.; providing  
22          requirements for persons riding bicycles on a  
23          substandard-width lane; prohibiting persons riding  
24          bicycles in a bicycle lane from riding more than two  
25          abreast; providing requirements for riding in a

26 bicycle lane; providing requirements for persons  
 27 riding bicycles in groups when stopping at a stop  
 28 sign; making a technical change; amending s. 322.12,  
 29 F.S.; requiring a minimum number of questions in the  
 30 test bank for a Class E driver license to address  
 31 bicycle and pedestrian safety; amending ss. 212.05,  
 32 316.306, and 655.960, F.S.; conforming cross-  
 33 references; providing an effective date.

34

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

36

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

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

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

50 (63)~~(62)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise

51 provided in paragraph (86) (b) ~~(84) (b)~~, any privately owned way  
 52 or place used for vehicular travel by the owner and those having  
 53 express or implied permission from the owner, but not by other  
 54 persons.

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

57 Section 2. Section 316.083, Florida Statutes, is amended  
 58 to read:

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

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

72 (2) The driver of a vehicle overtaking a bicycle or other  
 73 nonmotorized vehicle, an electric bicycle, or a pedestrian  
 74 occupying the same travel lane must pass the bicycle or other  
 75 nonmotorized vehicle, electric bicycle, or pedestrian at a safe

76 | distance of not less than 3 feet or, if such movement cannot be  
 77 | safely accomplished, must remain at a safe distance behind the  
 78 | bicycle or other nonmotorized vehicle, electric bicycle, or  
 79 | pedestrian until the driver can safely pass at a distance of not  
 80 | less than 3 feet and must safely clear the overtaken bicycle or  
 81 | other nonmotorized vehicle, electric bicycle, or pedestrian.

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

88 |       (4) Subsections (2) and (3) do not apply when a bicycle or  
 89 | other nonmotorized vehicle, or an electric bicycle, occupies a  
 90 | separated bicycle lane.

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

98 |       (6)~~(3)~~ A person who violates ~~violation of~~ this section  
 99 | commits ~~is~~ a noncriminal traffic infraction, punishable as a  
 100 | moving violation as provided in chapter 318.

101        (7) The department must provide an annual awareness and  
 102 safety campaign informing the public about the safety  
 103 precautions to be taken when overtaking a bicycle or other  
 104 nonmotorized vehicle, an electric bicycle, or a pedestrian.

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

107        316.0875 No-passing zones.—

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

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

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

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

131        (c) Overtake and pass a bicycle or other nonmotorized  
 132 vehicle, an electric bicycle, or a pedestrian pursuant to s.  
 133 316.083(2) or (3).

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

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

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

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

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

147        2. When overtaking and passing a bicycle proceeding in the  
 148 same direction, give an appropriate signal as provided for in s.  
 149 316.156 and make the right turn only if the bicycle is at least  
 150 20 feet from the intersection.

151 (b) Left turn.—

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

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

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

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

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

176 officer regulating traffic on the highway along which the person  
 177 ~~bicyclist~~ intends to proceed.

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

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

189 Section 5. Subsections (5), (6), and (19) of section  
 190 316.2065, Florida Statutes, are amended to read:

191 316.2065 Bicycle regulations.—

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

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



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

203           3. When reasonably necessary to avoid any condition or  
204 potential conflict, including, but not limited to, a fixed or  
205 moving object, parked or moving vehicle, bicycle, pedestrian,  
206 animal, surface hazard, turn lane, or substandard-width lane,  
207 which makes it unsafe to continue along the right-hand curb or  
208 edge or within a bicycle lane. On roads that contain a  
209 substandard-width lane, persons operating bicycles must ride  
210 single-file to maintain the minimum 3 feet of space for motor  
211 vehicles to pass persons operating a bicycle as provided in s.  
212 316.083. For the purposes of this subsection, a "substandard-  
213 width lane" is a lane that is too narrow for a bicycle and  
214 another vehicle to travel safely side by side within the lane.

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

218           (6) (a) Persons riding bicycles upon a roadway or in a  
219 bicycle lane may not ride more than two abreast except on a  
220 bicycle path ~~paths or parts of roadways set aside for the~~  
221 ~~exclusive use of bicyeles.~~ Persons riding two abreast may not  
222 impede traffic when traveling at less than the normal speed of  
223 traffic at the time and place and under the conditions then  
224 existing and must ~~shall~~ ride within a single lane. Where bicycle  
225 lanes exist, persons riding bicycles may ride two abreast if

226 both are able to remain within the bicycle lane. If the bicycle  
227 lane is too narrow to allow two persons riding bicycles to ride  
228 two abreast, the persons must ride single-file and within the  
229 bicycle lane. On roads that contain a substandard-width lane as  
230 defined in subparagraph (5)(a)3., persons riding bicycles may  
231 temporarily ride two abreast only to avoid hazards in the  
232 roadway or to overtake another person riding a bicycle.

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

238 (19) Except as otherwise provided in this section, a  
239 person who violates ~~violation of~~ this section commits ~~is~~ a  
240 noncriminal traffic infraction, punishable as a pedestrian  
241 violation as provided in chapter 318. A law enforcement officer  
242 may issue traffic citations for a violation of subsection (3) or  
243 subsection (15) only if the violation occurs on a bicycle path  
244 or road, as defined in s. 334.03. However, a law enforcement  
245 officer may not issue citations to persons on private property,  
246 except any part thereof which is open to the use of the public  
247 for purposes of vehicular traffic.

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

250 322.12 Examination of applicants.—

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

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

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

258 (c) ~~The examination shall also include~~ A test of the  
 259 applicant's ability to read and understand highway signs  
 260 regulating, warning, and directing traffic; his or her knowledge  
 261 of the traffic laws of this state, including laws regulating  
 262 driving under the influence of alcohol or controlled substances,  
 263 driving with an unlawful blood-alcohol level, and driving while  
 264 intoxicated; and his or her knowledge of the effects of alcohol  
 265 and controlled substances upon persons and the dangers of  
 266 driving a motor vehicle while under the influence of alcohol or  
 267 controlled substances. At least 25 questions within the bank of  
 268 test questions must address bicycle and pedestrian safety.

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

272 Section 7. Paragraph (c) of subsection (1) of section  
 273 212.05, Florida Statutes, is amended to read:

274 212.05 Sales, storage, use tax.—It is hereby declared to  
 275 be the legislative intent that every person is exercising a

276 taxable privilege who engages in the business of selling  
277 tangible personal property at retail in this state, including  
278 the business of making mail order sales, or who rents or  
279 furnishes any of the things or services taxable under this  
280 chapter, or who stores for use or consumption in this state any  
281 item or article of tangible personal property as defined herein  
282 and who leases or rents such property within the state.

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

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

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

292 a. If the motor vehicle is rented in Florida, the entire  
293 amount of such rental is taxable, even if the vehicle is dropped  
294 off in another state.

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

297 2. Except as provided in subparagraph 3., for the lease or  
298 rental of a motor vehicle for a period of not less than 12  
299 months, sales tax is due on the lease or rental payments if the  
300 vehicle is registered in this state; provided, however, that no

301 tax shall be due if the taxpayer documents use of the motor  
 302 vehicle outside this state and tax is being paid on the lease or  
 303 rental payments in another state.

304 3. The tax imposed by this chapter does not apply to the  
 305 lease or rental of a commercial motor vehicle as defined in s.  
 306 316.003(14)(a) ~~s. 316.003(13)(a)~~ to one lessee or rentee for a  
 307 period of not less than 12 months when tax was paid on the  
 308 purchase price of such vehicle by the lessor. To the extent tax  
 309 was paid with respect to the purchase of such vehicle in another  
 310 state, territory of the United States, or the District of  
 311 Columbia, the Florida tax payable shall be reduced in accordance  
 312 with the provisions of s. 212.06(7). This subparagraph shall  
 313 only be available when the lease or rental of such property is  
 314 an established business or part of an established business or  
 315 the same is incidental or germane to such business.

316 Section 8. Paragraph (a) of subsection (3) of section  
 317 316.306, Florida Statutes, is amended to read:

318 316.306 School and work zones; prohibition on the use of a  
 319 wireless communications device in a handheld manner.—

320 (3)(a)1. A person may not operate a motor vehicle while  
 321 using a wireless communications device in a handheld manner in a  
 322 designated school crossing, school zone, or work zone area as  
 323 defined in s. 316.003(107) ~~s. 316.003(105)~~. This subparagraph  
 324 shall only be applicable to work zone areas if construction  
 325 personnel are present or are operating equipment on the road or

326 immediately adjacent to the work zone area. For the purposes of  
 327 this paragraph, a motor vehicle that is stationary is not being  
 328 operated and is not subject to the prohibition in this  
 329 paragraph.

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

336 b. Effective January 1, 2020, a law enforcement officer  
 337 may stop motor vehicles and issue citations to persons who are  
 338 driving while using a wireless communications device in a  
 339 handheld manner in violation of subparagraph 1.

340 Section 9. Subsection (1) of section 655.960, Florida  
 341 Statutes, is amended to read:

342 655.960 Definitions; ss. 655.960-655.965.—As used in this  
 343 section and ss. 655.961-655.965, unless the context otherwise  
 344 requires:

345 (1) "Access area" means any paved walkway or sidewalk  
 346 which is within 50 feet of any automated teller machine. The  
 347 term does not include any street or highway open to the use of  
 348 the public, as defined in s. 316.003(86) (a) or (b) ~~s.~~  
 349 ~~316.003(84) (a) or (b)~~, including any adjacent sidewalk, as  
 350 defined in s. 316.003.

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