



297958

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/31/2021	.	
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	.	

The Committee on Transportation (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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



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

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

18 (63)~~(62)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
19 provided in paragraph (86) (b) ~~(84) (b)~~, any privately owned way
20 or place used for vehicular travel by the owner and those having
21 express or implied permission from the owner, but not by other
22 persons.

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

25 Section 2. Section 316.083, Florida Statutes, is amended to
26 read:

27 316.083 Overtaking and passing a vehicle, a bicycle or
28 other nonmotorized vehicle, an electric bicycle, or a
29 pedestrian.—The following rules shall govern the overtaking and
30 passing of vehicles, bicycles and other nonmotorized vehicles,
31 electric bicycles, and pedestrians proceeding in the same
32 direction, subject to those limitations, exceptions, and special
33 rules hereinafter stated:

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



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40 (2) The driver of a vehicle overtaking a bicycle or other
41 nonmotorized vehicle, an electric bicycle, or a pedestrian
42 occupying the same travel lane must pass the bicycle or other
43 nonmotorized vehicle, electric bicycle, or pedestrian at a safe
44 distance of not less than 3 feet or, if such movement cannot be
45 safely accomplished, must remain at a safe distance behind the
46 bicycle or other nonmotorized vehicle, electric bicycle, or
47 pedestrian until the driver can safely pass at a distance of not
48 less than 3 feet and must safely clear the overtaken bicycle or
49 other nonmotorized vehicle, electric bicycle, or pedestrian.

50 (3) The driver of a vehicle overtaking a bicycle or other
51 nonmotorized vehicle, or an electric bicycle, occupying a
52 bicycle lane must pass the bicycle, other nonmotorized vehicle,
53 or electric bicycle at a safe distance of not less than 3 feet
54 between the vehicle and the bicycle, other nonmotorized vehicle,
55 or electric bicycle.

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

59 (5)~~(2)~~ Except when overtaking and passing on the right is
60 permitted, the driver of an overtaken vehicle must ~~shall~~ give
61 way to the right in favor of the overtaking vehicle, on audible
62 signal or upon the visible blinking of the headlamps of the
63 overtaking vehicle if such overtaking is being attempted at
64 nighttime, and must ~~shall~~ not increase the speed of his or her
65 vehicle until completely passed by the overtaking vehicle.

66 (6)~~(3)~~ A person who violates ~~violation of~~ this section
67 commits ~~is~~ a noncriminal traffic infraction, punishable as a
68 moving violation as provided in chapter 318.



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

73 Section 3. Section 316.0875, Florida Statutes, is amended
74 to read:

75 316.0875 No-passing zones.—

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

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

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

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

95 (b) Turn ~~exists making it necessary to drive to the left of~~
96 ~~the center of the highway, nor to the driver of a vehicle~~
97 ~~turning left into or from an alley, a private road, or a~~



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98 driveway; or

99 (c) Overtake and pass a bicycle or other nonmotorized
100 vehicle, an electric bicycle, or a pedestrian pursuant to s.
101 316.083(2) or (3).

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

105 Section 4. Section 316.151, Florida Statutes, is amended to
106 read:

107 316.151 Required position and method of turning at
108 intersections.-

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

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

115 2. When overtaking and passing a bicycle proceeding in the
116 same direction, give an appropriate signal as provided for in s.
117 316.156 and make the right turn only if the bicycle is at least
118 20 feet from the intersection.

119 (b) Left turn.-

120 1. The driver of a vehicle intending to turn left at an any
121 intersection onto a highway, public or private roadway, or
122 driveway must ~~shall~~ approach the intersection in the extreme
123 left-hand lane lawfully available to traffic moving in the
124 direction of travel of such vehicle, and must make, ~~after~~
125 ~~entering the intersection,~~ the left turn ~~shall be made~~ so as to
126 leave the intersection in a lane lawfully available to traffic



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127 moving in such direction upon the roadway being entered.

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

131 a. Whenever practicable, make the left turn ~~shall be made~~
132 in that portion of the intersection to the left of the center of
133 the intersection; or-

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

138 b. Approach the turn as close as practicable to the right
139 curb or edge of the roadway; after proceeding across the
140 intersecting roadway, make the turn ~~shall be made~~ as close as
141 practicable to the curb or edge of the roadway on the far side
142 of the intersection; and, before proceeding, ~~the bicyclist shall~~
143 comply with any official traffic control device or police
144 officer regulating traffic on the highway along which the person
145 ~~bicyclist~~ intends to proceed.

146 (2) The state, county, and local authorities in their
147 respective jurisdictions may cause official traffic control
148 devices to be placed within or adjacent to intersections and
149 thereby require and direct that a different course from that
150 specified in this section be traveled by vehicles turning at an
151 intersection. When such devices are so placed, a ~~no~~ driver of a
152 vehicle may not turn a vehicle at an intersection other than as
153 directed and required by such devices.

154 (3) A person who violates ~~violation of~~ this section commits
155 ~~is~~ a noncriminal traffic infraction, punishable as a moving



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156 violation as provided in chapter 318.

157 Section 5. Subsections (5), (6), and (19) of section
158 316.2065, Florida Statutes, are amended to read:

159 316.2065 Bicycle regulations.—

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

167 1. When overtaking and passing another bicycle or vehicle
168 proceeding in the same direction.

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

171 3. When reasonably necessary to avoid any condition or
172 potential conflict, including, but not limited to, a fixed or
173 moving object, parked or moving vehicle, bicycle, pedestrian,
174 animal, surface hazard, turn lane, or substandard-width lane,
175 which makes it unsafe to continue along the right-hand curb or
176 edge or within a bicycle lane. On roads that contain a
177 substandard-width lane, persons operating bicycles must ride
178 single-file to maintain the minimum 3 feet of space for motor
179 vehicles to pass persons operating a bicycle as provided in s.
180 316.083. For the purposes of this subsection, a "substandard-
181 width lane" is a lane that is too narrow for a bicycle and
182 another vehicle to travel safely side by side within the lane.

183 (b) A ~~Any~~ person operating a bicycle upon a one-way highway
184 with two or more marked traffic lanes may ride as near the left-



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185 hand curb or edge of such roadway as practicable.

186 (6) (a) Persons riding bicycles upon a roadway or in a
187 bicycle lane may not ride more than two abreast except on a
188 bicycle path ~~paths or parts of roadways set aside for the~~
189 ~~exclusive use of bicycles.~~ Persons riding two abreast may not
190 impede traffic when traveling at less than the normal speed of
191 traffic at the time and place and under the conditions then
192 existing and must shall ride within a single lane. Where bicycle
193 lanes exist, persons riding bicycles may ride two abreast if
194 both are able to remain within the bicycle lane. If the bicycle
195 lane is too narrow to allow two persons riding bicycles to ride
196 two abreast, the persons must ride single-file and within the
197 bicycle lane. On roads that contain a substandard-width lane as
198 defined in subparagraph (5) (a)3., persons riding bicycles may
199 temporarily ride two abreast only to avoid hazards in the
200 roadway or to overtake another person riding a bicycle.

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

206 (19) Except as otherwise provided in this section, a person
207 who violates ~~violation of~~ this section commits ~~is~~ a noncriminal
208 traffic infraction, punishable as a pedestrian violation as
209 provided in chapter 318. A law enforcement officer may issue
210 traffic citations for a violation of subsection (3) or
211 subsection (15) only if the violation occurs on a bicycle path
212 or road, as defined in s. 334.03. However, a law enforcement
213 officer may not issue citations to persons on private property,



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214 except any part thereof which is open to the use of the public
215 for purposes of vehicular traffic.

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

218 322.12 Examination of applicants.—

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

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

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

226 (c) ~~The examination shall also include~~ A test of the
227 applicant's ability to read and understand highway signs
228 regulating, warning, and directing traffic; his or her knowledge
229 of the traffic laws of this state, including laws regulating
230 driving under the influence of alcohol or controlled substances,
231 driving with an unlawful blood-alcohol level, and driving while
232 intoxicated; and his or her knowledge of the effects of alcohol
233 and controlled substances upon persons and the dangers of
234 driving a motor vehicle while under the influence of alcohol or
235 controlled substances. At least 25 questions within the bank of
236 test questions must address bicycle and pedestrian safety.

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

240 Section 7. Paragraph (c) of subsection (1) of section
241 212.05, Florida Statutes, is amended to read:

242 212.05 Sales, storage, use tax.—It is hereby declared to be



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243 the legislative intent that every person is exercising a taxable
244 privilege who engages in the business of selling tangible
245 personal property at retail in this state, including the
246 business of making mail order sales, or who rents or furnishes
247 any of the things or services taxable under this chapter, or who
248 stores for use or consumption in this state any item or article
249 of tangible personal property as defined herein and who leases
250 or rents such property within the state.

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

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

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

260 a. If the motor vehicle is rented in Florida, the entire
261 amount of such rental is taxable, even if the vehicle is dropped
262 off in another state.

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

265 2. Except as provided in subparagraph 3., for the lease or
266 rental of a motor vehicle for a period of not less than 12
267 months, sales tax is due on the lease or rental payments if the
268 vehicle is registered in this state; provided, however, that no
269 tax shall be due if the taxpayer documents use of the motor
270 vehicle outside this state and tax is being paid on the lease or
271 rental payments in another state.



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272 3. The tax imposed by this chapter does not apply to the
273 lease or rental of a commercial motor vehicle as defined in s.
274 316.003(14) (a) ~~s. 316.003(13) (a)~~ to one lessee or rentee for a
275 period of not less than 12 months when tax was paid on the
276 purchase price of such vehicle by the lessor. To the extent tax
277 was paid with respect to the purchase of such vehicle in another
278 state, territory of the United States, or the District of
279 Columbia, the Florida tax payable shall be reduced in accordance
280 with the provisions of s. 212.06(7). This subparagraph shall
281 only be available when the lease or rental of such property is
282 an established business or part of an established business or
283 the same is incidental or germane to such business.

284 Section 8. Paragraph (a) of subsection (3) of section
285 316.306, Florida Statutes, is amended to read:

286 316.306 School and work zones; prohibition on the use of a
287 wireless communications device in a handheld manner.-

288 (3) (a)1. A person may not operate a motor vehicle while
289 using a wireless communications device in a handheld manner in a
290 designated school crossing, school zone, or work zone area as
291 defined in s. 316.003(107) ~~s. 316.003(105)~~. This subparagraph
292 shall only be applicable to work zone areas if construction
293 personnel are present or are operating equipment on the road or
294 immediately adjacent to the work zone area. For the purposes of
295 this paragraph, a motor vehicle that is stationary is not being
296 operated and is not subject to the prohibition in this
297 paragraph.

298 2.a. During the period from October 1, 2019, through
299 December 31, 2019, a law enforcement officer may stop motor
300 vehicles to issue verbal or written warnings to persons who are



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301 in violation of subparagraph 1. for the purposes of informing
302 and educating such persons of this section. This sub-
303 subparagraph shall stand repealed on October 1, 2020.

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

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

310 655.960 Definitions; ss. 655.960-655.965.—As used in this
311 section and ss. 655.961-655.965, unless the context otherwise
312 requires:

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

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

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

321 And the title is amended as follows:

322 Delete everything before the enacting clause
323 and insert:

324 A bill to be entitled
325 An act relating to bicycle and pedestrian safety;
326 amending s. 316.003, F.S.; defining the terms "bicycle
327 lane" and "separated bicycle lane"; amending s.
328 316.083, F.S.; revising and providing requirements for
329 the driver of a motor vehicle overtaking a bicycle or



330 other nonmotorized vehicle, an electric bicycle, or a
331 pedestrian; providing exceptions; providing a penalty;
332 requiring the Department of Highway Safety and Motor
333 Vehicles to provide an annual awareness and safety
334 campaign regarding certain safety precautions;
335 amending s. 316.0875, F.S.; exempting a motor vehicle
336 driver from certain provisions relating to no-passing
337 zones when overtaking a bicycle or other nonmotorized
338 vehicle, an electric bicycle, or a pedestrian; making
339 a technical change; amending s. 316.151, F.S.;
340 revising requirements for vehicles turning at
341 intersections; providing turn signaling and distance
342 requirements for a motor vehicle driver when
343 overtaking and passing a bicycle; making a technical
344 change; amending s. 316.2065, F.S.; providing
345 requirements for persons riding bicycles on a
346 substandard-width lane; prohibiting persons riding
347 bicycles in a bicycle lane from riding more than two
348 abreast; providing requirements for riding in a
349 bicycle lane; providing requirements for persons
350 riding bicycles in groups when stopping at a stop
351 sign; making a technical change; amending s. 322.12,
352 F.S.; requiring a minimum number of questions in the
353 test bank for a Class E driver license to address
354 bicycle and pedestrian safety; amending ss. 212.05,
355 316.306, and 655.960, F.S.; conforming cross-
356 references; providing an effective date.