

By the Committee on Transportation; and Senator Book

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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

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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 which
48 is designated by pavement markings and signs for preferential or
49 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 to
58 read:

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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.

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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.

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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 of~~
128 ~~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 commits
135 ~~is~~ a noncriminal traffic infraction, punishable as a moving
136 violation as provided in chapter 318.

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

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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 any
153 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~~

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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 ~~ne~~ 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 commits
187 ~~is~~ a noncriminal traffic infraction, punishable as a moving
188 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

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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 highway
216 with two or more marked traffic lanes may ride as near the left-
217 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 bicycles.~~ 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.

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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 person
239 who violates ~~violation of~~ this section commits ~~is~~ a noncriminal
240 traffic infraction, punishable as a pedestrian violation as
241 provided in chapter 318. A law enforcement officer may issue
242 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 driver
257 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

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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 to
270 exercise ordinary and reasonable control in the operation of a
271 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 be
275 the legislative intent that every person is exercising a taxable
276 privilege who engages in the business of selling tangible
277 personal property at retail in this state, including the
278 business of making mail order sales, or who rents or furnishes
279 any of the things or services taxable under this chapter, or who
280 stores for use or consumption in this state any item or article
281 of tangible personal property as defined herein and who leases
282 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 of

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291 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.-

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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 may
337 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 which
346 is within 50 feet of any automated teller machine. The term does
347 not include any street or highway open to the use of the public,
348 as defined in s. 316.003(86) (a) or (b) ~~s. 316.003(84) (a) or (b)~~,

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349 including any adjacent sidewalk, as defined in s. 316.003.

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