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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 or an electric bicycle;
8 providing exceptions; providing a penalty; requiring
9 the Department of Highway Safety and Motor Vehicles to
10 provide an annual awareness and safety campaign
11 regarding certain safety precautions; amending s.
12 316.0875, F.S.; exempting a motor vehicle driver from
13 certain provisions relating to no-passing zones when
14 overtaking a bicycle or other nonmotorized vehicle or
15 an electric bicycle; making a technical change;
16 amending s. 316.151, F.S.; revising requirements for
17 vehicles turning at intersections; providing turn
18 signaling and distance requirements for a motor
19 vehicle driver when overtaking and passing a bicycle;
20 making a technical change; amending s. 316.2065, F.S.;
21 providing requirements for persons riding bicycles on
22 a substandard-width lane; prohibiting persons riding
23 bicycles in a bicycle lane from riding more than two
24 abreast; providing requirements for riding in a
25 bicycle lane; providing requirements for persons
26 riding bicycles in groups when stopping at a stop
27 sign; making a technical change; amending s. 322.12,
28 F.S.; requiring a minimum number of questions in the
29 test bank for a Class E driver license to address

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30 bicycle and pedestrian safety; amending ss. 212.05,
31 316.306, and 655.960, F.S.; conforming cross-
32 references; providing an effective date.
33

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

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

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

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

49 (63)~~(62)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
50 provided in paragraph (86) (b) ~~(84) (b)~~, any privately owned way
51 or place used for vehicular travel by the owner and those having
52 express or implied permission from the owner, but not by other
53 persons.

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

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

58 316.083 Overtaking and passing a vehicle, a bicycle or

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59 other nonmotorized vehicle, or an electric bicycle.—The
60 following rules shall govern the overtaking and passing of
61 vehicles, bicycles and other nonmotorized vehicles, and electric
62 bicycles, ~~proceeding in the same direction,~~ subject to those
63 limitations, exceptions, and special 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 or an electric bicycle occupying the same
72 travel lane must pass the bicycle or other nonmotorized vehicle
73 or electric bicycle at a safe distance of not less than 3 feet
74 or, if such movement cannot be safely accomplished, must remain
75 at a safe distance behind the bicycle or other nonmotorized
76 vehicle or electric bicycle until the driver can safely pass at
77 a distance of not less than 3 feet and must safely clear the
78 overtaken bicycle or other nonmotorized vehicle or electric
79 bicycle.

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

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

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88 separated bicycle lane.

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

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

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

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

105 316.0875 No-passing zones.—

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

115 (2) Where signs or markings are in place to define a no-
116 passing zone as set forth in subsection (1), a ~~no~~ driver may

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117 ~~not, shall~~ at any time, drive on the left side of the roadway
118 within ~~with~~ such no-passing zone or on the left side of any
119 pavement striping designed to mark such no-passing zone
120 throughout its length.

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

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

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

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

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

134 Section 4. Section 316.151, Florida Statutes, is amended to
135 read:

136 316.151 Required position and method of turning at
137 intersections.—

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

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

144 2. When overtaking and passing a bicycle proceeding in the
145 same direction, give an appropriate signal as provided for in s.

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146 316.156 and make the right turn only if the bicycle is at least
147 20 feet from the intersection, and is of such a distance that
148 the driver of a vehicle may safely turn.

149 (b) *Left turn.*—

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

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

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

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

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

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175 ~~bicyclist~~ intends to proceed.

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

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

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

189 316.2065 Bicycle regulations.—

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

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

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

201 3. When reasonably necessary to avoid any condition or
202 potential conflict, including, but not limited to, a fixed or
203 moving object, parked or moving vehicle, bicycle, pedestrian,

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204 animal, surface hazard, turn lane, or substandard-width lane,
205 which makes it unsafe to continue along the right-hand curb or
206 edge or within a bicycle lane. For the purposes of this
207 subsection, a "substandard-width lane" is a lane that is too
208 narrow for a bicycle and another vehicle to travel safely side
209 by side within the lane.

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

213 (6) (a) Persons riding bicycles upon a roadway or in a
214 bicycle lane may not ride more than two abreast except on a
215 bicycle path ~~paths or parts of roadways set aside for the~~
216 ~~exclusive use of bicycles~~. Persons riding two abreast may not
217 impede traffic when traveling at less than the normal speed of
218 traffic at the time and place and under the conditions then
219 existing and must ~~shall~~ ride within a single lane. Where bicycle
220 lanes exist, persons riding bicycles may ride two abreast if
221 both are able to remain within the bicycle lane. If the bicycle
222 lane is too narrow to allow two persons riding bicycles to ride
223 two abreast, the persons must ride single-file and within the
224 bicycle lane. On roads that contain a substandard-width lane as
225 defined in subparagraph (5) (a)3., persons riding bicycles may
226 temporarily ride two abreast only to avoid hazards in the
227 roadway or to overtake another person riding a bicycle.

228 (b) When stopping at a stop sign, persons riding bicycles
229 in groups, after coming to a full stop and obeying all traffic
230 laws, may proceed through the stop sign in a group of 10 or
231 fewer at a time. Motor vehicle operators must allow one such
232 group to travel through the intersection before moving forward.

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

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

245 322.12 Examination of applicants.—

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

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

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

253 (c) ~~The examination shall also include~~ A test of the
254 applicant's ability to read and understand highway signs
255 regulating, warning, and directing traffic; his or her knowledge
256 of the traffic laws of this state, including laws regulating
257 driving under the influence of alcohol or controlled substances,
258 driving with an unlawful blood-alcohol level, and driving while
259 intoxicated; and his or her knowledge of the effects of alcohol
260 and controlled substances upon persons and the dangers of
261 driving a motor vehicle while under the influence of alcohol or

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262 controlled substances. At least 25 questions within the bank of
263 test questions must address bicycle and pedestrian safety.

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

267 Section 7. Paragraph (c) of subsection (1) of section
268 212.05, Florida Statutes, is amended to read:

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

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

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

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

287 a. If the motor vehicle is rented in Florida, the entire
288 amount of such rental is taxable, even if the vehicle is dropped
289 off in another state.

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

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

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

299 3. The tax imposed by this chapter does not apply to the
300 lease or rental of a commercial motor vehicle as defined in s.
301 316.003(14) (a) ~~s. 316.003(13) (a)~~ to one lessee or rentee for a
302 period of not less than 12 months when tax was paid on the
303 purchase price of such vehicle by the lessor. To the extent tax
304 was paid with respect to the purchase of such vehicle in another
305 state, territory of the United States, or the District of
306 Columbia, the Florida tax payable shall be reduced in accordance
307 with the provisions of s. 212.06(7). This subparagraph shall
308 only be available when the lease or rental of such property is
309 an established business or part of an established business or
310 the same is incidental or germane to such business.

311 Section 8. Paragraph (a) of subsection (3) of section
312 316.306, Florida Statutes, is amended to read:

313 316.306 School and work zones; prohibition on the use of a
314 wireless communications device in a handheld manner.—

315 (3) (a)1. A person may not operate a motor vehicle while
316 using a wireless communications device in a handheld manner in a
317 designated school crossing, school zone, or work zone area as
318 defined in s. 316.003(107) ~~s. 316.003(105)~~. This subparagraph
319 shall only be applicable to work zone areas if construction

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320 personnel are present or are operating equipment on the road or
321 immediately adjacent to the work zone area. For the purposes of
322 this paragraph, a motor vehicle that is stationary is not being
323 operated and is not subject to the prohibition in this
324 paragraph.

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

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

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

337 655.960 Definitions; ss. 655.960-655.965.—As used in this
338 section and ss. 655.961-655.965, unless the context otherwise
339 requires:

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

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