

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 421 Driving in the Furthestmost Left-hand Lane of a Roadway

SPONSOR(S): Transportation & Modals Subcommittee, Persons-Mulicka and others

TIED BILLS: IDEN./SIM. BILLS: SB 464

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee	15 Y, 0 N, As CS	Johnson	Hinshelwood
2) Infrastructure Strategies Committee			

SUMMARY ANALYSIS

Under Florida law, on any road, street, or highway having two or more lanes going the same direction, a driver may not continue to operate a motor vehicle in the furthestmost left-hand lane if he or she knows or reasonably should know that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher speed. This does not apply to drivers operating a vehicle that is overtaking another vehicle proceeding in the same direction, or is preparing for a left turn at an intersection. A violation is a noncriminal traffic infraction, punishable as a moving violation. The statutory base fine is \$60, but with additional fees and surcharges, the total penalty may be up to \$158.

The bill provides that on any road, street, or highway having two or more lanes allowing movement in the same direction with a posted speed limit of at least 65 miles per hour, a driver may not operate a motor vehicle in the furthestmost left-hand lane, except when overtaking and passing another vehicle, when preparing to exit the road, street, or highway, or when otherwise directed by an official traffic control device. This provision does not apply to authorized emergency vehicles and vehicles engaged in highway maintenance or construction operations. The bill also defines the term “furthestmost left-hand lane” to exclude from that term high-occupancy-vehicle lanes and designated left-turn lanes. A violation is a noncriminal traffic infraction, punishable as a moving violation. The statutory base fine is \$60, but with additional fees and surcharges, the total penalty may be up to \$158.

The bill has an indeterminate fiscal impact on the state and the private sector.

The bill has an effective date of January 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Under Florida law, a vehicle must be driven upon the right half of the roadway, except:

- When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- When an obstruction exists making it necessary to drive to the left of the center of the highway, provided any person so doing yields the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
- Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
- Upon a roadway designated and signposted for one-way traffic.¹

Upon all roadways, any vehicle proceeding at less than the normal speed of traffic must be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.²

On a road, street, or highway having two or more lanes allowing movement in the same direction, a driver may not continue to operate a motor vehicle in the furthestmost left-hand lane if the driver knows or reasonably should know that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This does not apply to drivers operating a vehicle that is overtaking another vehicle proceeding in the same direction, or is preparing for a left turn at an intersection.³

Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, a vehicle may not be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted to drive around an obstruction. However, this may not be construed as prohibiting the crossing of the centerline in making a left turn.⁴

A violation of the above laws is a noncriminal traffic infraction, punishable as a moving violation.⁵ The statutory base fine is \$60,⁶ but with additional fees and surcharges, the total penalty may be up to \$158.⁷

Effect of the Bill

The bill provides that on any road, street, or highway having two or more lanes allowing movement in the same direction with a posted speed limit of at least 65 miles per hour, a driver may not operate a motor vehicle in the furthestmost left-hand lane, except when overtaking and passing another vehicle, when preparing to exit the road, street, or highway, or when otherwise directed by an official traffic control device. This does not apply to authorized emergency vehicles and vehicles engaged in highway maintenance or construction operations.

¹ S. 316.081(1), F.S.

² S. 316.081(2), F.S.

³ S. 316.081(3), F.S.

⁴ S. 316.081(4), F.S.

⁵ S. 316.081(5), F.S.

⁶ S. 318.18(3)(a), F.S.

⁷ Florida Association of Clerk of Courts, *2022 Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines*, p. 42. https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/2022/22bull098_attach_2_2022_dist.pdf (last visited Mar. 8, 2023).

The term “furthestmost left-hand lane” means the farthest most left-hand lane, except that, except if such left-hand lane is a high-occupancy-vehicle lane,⁸ or is designated as a left-hand turn lane, the furthestmost left-hand lane is that lane immediately to the right of such high-occupancy-vehicle lane or left-hand turn lane.

A violation is a noncriminal traffic infraction, punishable as a moving violation. The statutory base fine is \$60, but with additional fees and surcharges, the total penalty may be up to \$158.

The bill has an effective date of January 1, 2024.

B. SECTION DIRECTORY:

Section 1 Amends s. 316.081, F.S., relating to driving on the right side of roadway; exceptions.

Section 2 Provides an effective date of January 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate. See “Fiscal Comments” section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate.

D. FISCAL COMMENTS:

The Department of Highway Safety and Motor Vehicles (DHSMV) will need to update its driver handbook, driver license test question bank, driver improvement course curricula, and the Uniform Traffic Citation Manual to reflect the change in the law. DHSMV will also need to train Florida Highway Patrol members on this change.⁹

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

⁸ Section 316.0741(1)(a), F.S., defines the term “high-occupancy-vehicle lane” or “HOV lane” to mean a lane of a public roadway designated for use by vehicles in which there is more than one occupant unless otherwise authorized by federal law.

⁹ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2023 House Bill 421, p. 2-3. (Mar. 6, 2023)

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 15, 2023, the Transportation & Modals Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment removes the word “continuously” from the bill and defines the term “furthestmost left-hand lane” to exclude from that term high-occupancy-vehicle lanes and designated left-turn lanes.

The staff analysis has been updated to reflect the committee substitute.