

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Beshears offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsections (94) and (95) are added to section
6 316.003, Florida Statutes, to read:

7 316.003 Definitions.—The following words and phrases, when
8 used in this chapter, shall have the meanings respectively
9 ascribed to them in this section, except where the context
10 otherwise requires:

11 (94) BODILY INJURY.—Except for purposes of any statute
12 referring to the term "serious bodily injury," the term "bodily
13 injury" means an injury to a human being consisting of a broken
14 bone, a torn ligament, a concussion, a laceration requiring

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15 stitches, or any other physical injury that results in
16 impairment of the function of a bodily member, organ, or mental
17 faculty.

18 (95) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE
19 USER.—

20 (a) A pedestrian, including a person actually engaged in
21 work upon a highway, work upon utility facilities along a
22 highway, or the provision of emergency services within the
23 right-of-way;

24 (b) A person operating, or who is a passenger on, a
25 bicycle, motorcycle, scooter, or moped lawfully on the roadway;

26 (c) A person riding an animal; or

27 (d) A person lawfully operating on a public roadway,
28 crosswalk, or shoulder of the roadway:

29 1. A farm tractor or similar vehicle designed primarily
30 for farm use;

31 2. A horse-drawn carriage;

32 3. An electric personal assistive mobility device; or

33 4. A wheelchair.

34 Section 2. Section 316.083, Florida Statutes, is amended
35 to read:

36 316.083 Overtaking and passing a vehicle.—The following
37 provisions ~~rules shall~~ govern the overtaking and passing of a
38 vehicle ~~vehicles~~ proceeding in the same direction, ~~subject to~~
39 ~~those limitations, exceptions, and special rules hereinafter~~
40 ~~stated:~~

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41 (1) The driver of a vehicle overtaking another vehicle
42 proceeding in the same direction shall give an appropriate
43 signal as provided for in s. 316.156, shall pass to the left
44 thereof at a safe distance, and shall not again drive to the
45 right side of the roadway until safely clear of the overtaken
46 vehicle.

47 (2) The driver of a motor vehicle overtaking a person
48 operating a bicycle or other vulnerable user of a public roadway
49 ~~nonmotorized vehicle~~ must pass the person operating the bicycle
50 or other vulnerable user ~~nonmotorized vehicle~~ at a safe distance
51 of not less than 3 feet between any part of or attachment to the
52 motor vehicle, anything extending from the motor vehicle, and
53 any trailer or other thing being towed by the motor vehicle and
54 the bicycle, the person operating the bicycle, or other
55 vulnerable user ~~nonmotorized vehicle~~.

56 (3)~~(2)~~ Except when overtaking and passing on the right is
57 permitted, the driver of an overtaken vehicle shall give way to
58 the right in favor of the overtaking vehicle, on audible signal
59 or upon the visible blinking of the headlamps of the overtaking
60 vehicle if such overtaking is being attempted at nighttime, and
61 shall not increase the speed of his or her vehicle until
62 completely passed by the overtaking vehicle.

63 (4)~~(3)~~ A violation of this section is a noncriminal
64 traffic infraction, punishable as a moving violation as provided
65 in chapter 318. If a violation of this section contributed to
66 the bodily injury of a vulnerable user of a public roadway, the

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67 law enforcement officer issuing the citation for the violation
68 shall note such information on the citation.

69 Section 3. Subsection (3) of section 316.0875, Florida
70 Statutes, is amended to read:

71 316.0875 No-passing zones.—

72 (3) This section does not apply to a person who safely and
73 briefly drives to the left of the center of the highway only to
74 the extent necessary to:

75 (a) Avoid ~~When an obstruction; exists making it necessary~~
76 ~~to drive to the left of the center of the highway, nor~~

77 (b) Turn ~~To the driver of a vehicle turning~~ left into or
78 from an alley, private road, or driveway; or

79 (c) Comply with the requirements regarding a safe distance
80 to pass a vulnerable road user, as required by s. 316.083(2).

81 Section 4. Section 316.1925, Florida Statutes, is amended
82 to read:

83 316.1925 Careless driving.—

84 (1) A ~~Any~~ person operating a vehicle upon the streets or
85 highways within the state shall drive the same in a careful and
86 prudent manner, having regard for the width, grade, curves,
87 corners, traffic, and all other attendant circumstances, so as
88 not to endanger the life, limb, or property of any person. A
89 person who fails ~~Failure~~ to drive in such manner commits ~~shall~~
90 ~~constitute careless driving and a violation of this section.~~

91 ~~(2) Any person who violates this section shall be cited~~
92 for a moving violation, punishable as provided in chapter 318.

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93 (2) If a violation under subsection (1) contributed to the
94 bodily injury of a vulnerable user of a public roadway, the law
95 enforcement officer issuing the citation for the violation shall
96 note such information on the citation.

97 Section 5. Section 318.142, Florida Statutes, is created
98 to read:

99 318.142 Infractions contributing to bodily injury of a
100 vulnerable user of a public roadway.—In addition to any other
101 penalty imposed for a violation under s. 316.083 or s. 316.1925,
102 if the violation contributed to the bodily injury of a
103 vulnerable user of a public roadway as defined in s. 316.003,
104 the designated official may impose a fine of not more than
105 \$2,000.

106 Section 6. Section 318.19, Florida Statutes, is amended to
107 read:

108 318.19 Infractions requiring a mandatory hearing.—Any
109 person cited for the infractions listed in this section shall
110 not have the provisions of s. 318.14(2), (4), and (9) available
111 to him or her but must appear before the designated official at
112 the time and location of the scheduled hearing:

113 (1) Any infraction which results in a crash that causes
114 the death of another;

115 (2) Any infraction which results in a crash that causes
116 "serious bodily injury" of another as defined in s. 316.1933(1);

117 (3) Any infraction of s. 316.172(1)(b);

118 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

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- 119 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
- 120 316.189 of exceeding the speed limit by 30 m.p.h. or more; or
- 121 (6) Any infraction of s. 316.083 or s. 316.1925 which
- 122 contributes to bodily injury of a vulnerable user of a public
- 123 roadway as defined in s. 316.003.

Section 7. This act shall take effect July 1, 2015.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to transportation; amending s.
 316.003, F.S.; providing definitions; amending s.
 316.083, F.S.; revising provisions relating to the
 passing of a vehicle; directing a law enforcement
 officer issuing a citation for specified violations to
 note certain information on the citation; amending s.
 316.0875, F.S.; revising exceptions to provisions for
 designated no-passing zones; amending s. 316.1925,
 F.S.; revising provisions relating to careless
 driving; directing a law enforcement officer issuing a
 citation for specified violations to note certain
 information on the citation; creating s. 318.142,
 F.S.; providing penalties for specified infractions
 contributing to bodily injury of a vulnerable user;
 amending s. 318.19, F.S.; requiring a hearing for

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145 specified offenses; providing an effective date.

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147 WHEREAS, the Legislature recognizes that everyone must
148 share the road, and

149 WHEREAS, there are laws in place, such as ss. 316.2065 and
150 316.2068, Florida Statutes, that require certain vulnerable road
151 users to follow safe practices when operating on the roadways of
152 the state, and

153 WHEREAS, there are laws in place that similarly require
154 persons who operate a vehicle on the highways of the state to
155 operate the vehicle in a safe manner, and

156 WHEREAS, it is the intent of the Legislature to amend the
157 Florida Uniform Traffic Control laws to protect vulnerable road
158 users while balancing their rights against the rights of those
159 who choose to travel by motor vehicle, NOW, THEREFORE,

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