

By Senator Passidomo

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1 A bill to be entitled
2 An act relating to highway safety; amending s.
3 316.003, F.S.; providing definitions; conforming a
4 cross-reference; amending s. 316.027, F.S.; deleting
5 the definition of the term "vulnerable road user";
6 conforming provisions to changes made by the act;
7 amending s. 316.083, F.S.; revising provisions
8 relating to the overtaking and passing of a vehicle;
9 requiring the driver of a motor vehicle overtaking a
10 person operating a bicycle or other vulnerable user of
11 a public roadway to pass such persons at a safe
12 distance, subject to certain requirements; directing a
13 law enforcement officer issuing a citation for
14 specified violations to note certain information on
15 the citation; authorizing a designated official to
16 impose a fine up to a specified amount for such
17 violations; amending s. 316.084, F.S.; exempting
18 bicycles from provisions for passing a vehicle on the
19 right at the bicycle rider's own risk with no
20 liability to other motor vehicle drivers under certain
21 circumstances; amending s. 316.085, F.S.; prohibiting
22 a vehicle from turning within an intersection or into
23 an alley, private road, or driveway under certain
24 circumstances; amending s. 316.0875, F.S.; exempting
25 persons from provisions for designated no-passing
26 zones who safely and briefly drive to the left of the
27 center of the roadway or pavement striping only to the
28 extent necessary to avoid an obstruction, turn left
29 into or from an alley, private road, or driveway, or
30 comply with specified requirements regarding a safe
31 distance necessary to pass a vulnerable user; amending
32 s. 316.151, F.S.; revising provisions for turning at

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33 intersections onto a highway, public or private
34 roadway, or driveway; directing a law enforcement
35 officer issuing a citation for specified violations to
36 note certain information on the citation; authorizing
37 a designated official to impose a fine up to a
38 specified amount for such violations; amending s.
39 316.1925, F.S.; revising provisions relating to
40 careless driving; directing a law enforcement officer
41 issuing a citation for specified violations to note
42 certain information on the citation; authorizing a
43 designated official to impose a fine up to a specified
44 amount for such violations; amending s. 316.2065,
45 F.S.; revising provisions for operation of a bicycle;
46 specifying that a bicycle is a vehicle under Florida
47 law and shall be operated in the same manner as any
48 other vehicle; specifying that every person operating
49 a bicycle has all of the rights and duties applicable
50 to the driver of any other vehicle under this chapter,
51 subject to certain exceptions; requiring persons
52 operating a bicycle at a certain speed to ride in the
53 bicycle lane or, if there is no bicycle lane in the
54 roadway, as close as practicable to the right-hand
55 curb or edge of the roadway except under specified
56 situations; prohibiting persons riding bicycles in a
57 bicycle lane from riding more than two abreast except
58 on bicycle paths or parts of roadways set aside for
59 the exclusive use of bicycles; requiring persons
60 riding bicycles in groups of a certain number or more
61 to proceed through a stop sign in a group of a certain

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62 number or fewer at a time under certain circumstances;
63 requiring motor vehicle operators to allow such groups
64 of bicycles to travel through an intersection before
65 moving forward; amending s. 318.19, F.S.; requiring a
66 hearing for specified offenses; directing a law
67 enforcement officer issuing a citation for specified
68 infractions to note certain information on the
69 citation; authorizing a designated official to impose
70 a fine up to a specified amount for such infractions;
71 amending ss. 212.05, 316.545, 316.613, 320.08,
72 322.0261, 655.960, and 860.065, F.S.; conforming
73 cross-references; conforming provisions to changes
74 made by the act; making technical changes; reenacting
75 s. 316.072(4)(b), F.S., relating to obedience to and
76 effect of traffic laws, to incorporate the amendment
77 made to s. 316.1925, F.S., in a reference thereto;
78 reenacting s. 316.1923(5), F.S., relating to
79 aggressive careless driving, to incorporate the
80 amendments made to ss. 316.083 and 316.084, F.S., in
81 references thereto; reenacting s. 318.14(2), F.S.,
82 relating to noncriminal traffic infractions, to
83 incorporate the amendment made to s. 318.19, F.S., in
84 a reference thereto; reenacting s. 318.18(1)(b), F.S.,
85 relating to amount of penalties, to incorporate the
86 amendment made to s. 316.2065, F.S., in a reference
87 thereto; providing an effective date.

88

89 WHEREAS, the Legislature recognizes that everyone must
90 share the road, and

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91 WHEREAS, there are laws in place, such as ss. 316.2065 and
92 316.2068, Florida Statutes, that require certain vulnerable road
93 users to follow safe practices when operating on the roadways of
94 the state, and

95 WHEREAS, there are laws in place that similarly require
96 persons who operate vehicles on the highways of the state to
97 operate the vehicles in a safe manner, and

98 WHEREAS, it is the intent of the Legislature to amend the
99 Florida Uniform Traffic Control Law to protect vulnerable road
100 users while balancing their rights against the rights of those
101 who choose to travel by motor vehicle, NOW, THEREFORE,

102

103 Be It Enacted by the Legislature of the State of Florida:

104

105 Section 1. Present subsections (4) through (96) of section
106 316.003, Florida Statutes, are redesignated as subsections (5)
107 through (97), respectively, present subsection (97) of that
108 section is redesignated as subsection (99), a new subsection (4)
109 and subsection (98) are added to that section, and present
110 subsection (55) of that section, is amended, to read:

111 316.003 Definitions.—The following words and phrases, when
112 used in this chapter, shall have the meanings respectively
113 ascribed to them in this section, except where the context
114 otherwise requires:

115 (4) BICYCLE LANE.—A portion of a roadway or highway which
116 has been designated by pavement markings and signs for the
117 preferential or exclusive use by bicycles.

118 (56) ~~(55)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
119 provided in paragraph (78) (b) ~~(77) (b)~~, any privately owned way

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120 or place used for vehicular travel by the owner and those having
 121 express or implied permission from the owner, but not by other
 122 persons.

123 (98) VULNERABLE USER OF A PUBLIC ROADWAY OR VULNERABLE
 124 USER.-

125 (a) A pedestrian, including a person actually engaged in
 126 work upon a highway, work upon utility facilities along a
 127 highway, or the provision of emergency services within the
 128 right-of-way;

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

131 (c) A person riding an animal; or

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

134 1. A farm tractor or similar vehicle designed primarily for
 135 farm use;

136 2. A horse-drawn carriage;

137 3. An electric personal assistive mobility device; or

138 4. A wheelchair.

139 Section 2. Subsection (1) and paragraphs (e) and (f) of
 140 subsection (2) of section 316.027, Florida Statutes, are amended
 141 to read:

142 316.027 Crash involving death or personal injuries.-

143 (1) As used in this section, the term-

144 ~~(a)~~ "serious bodily injury" means an injury to a person,
 145 including the driver, which consists of a physical condition
 146 that creates a substantial risk of death, serious personal
 147 disfigurement, or protracted loss or impairment of the function
 148 of a bodily member or organ.

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149 ~~(b) "Vulnerable road user" means:~~

150 ~~1. A pedestrian, including a person actually engaged in~~
151 ~~work upon a highway, or in work upon utility facilities along a~~
152 ~~highway, or engaged in the provision of emergency services~~
153 ~~within the right-of-way;~~

154 ~~2. A person operating a bicycle, motorcycle, scooter, or~~
155 ~~moped lawfully on the roadway;~~

156 ~~3. A person riding an animal; or~~

157 ~~4. A person lawfully operating on a public right-of-way,~~
158 ~~crosswalk, or shoulder of the roadway:~~

159 ~~a. A farm tractor or similar vehicle designed primarily for~~
160 ~~farm use;~~

161 ~~b. A skateboard, roller skates, or in-line skates;~~

162 ~~c. A horse-drawn carriage;~~

163 ~~d. An electric personal assistive mobility device; or~~

164 ~~e. A wheelchair.~~

165 (2)

166 (e) A driver who violates paragraph (a), paragraph (b), or
167 paragraph (c) shall have his or her driver license revoked for
168 at least 3 years as provided in s. 322.28(4).

169 1. A person convicted of violating paragraph (a), paragraph
170 (b), or paragraph (c) shall, before his or her driving privilege
171 may be reinstated, present to the department proof of completion
172 of a victim's impact panel session in a judicial circuit if such
173 a panel exists, or if such a panel does not exist, a department-
174 approved driver improvement course relating to the rights of
175 vulnerable road users relative to vehicles on the roadway as
176 provided in s. 322.0261(2).

177 2. The department may reinstate an offender's driving

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178 privilege after he or she satisfies the 3-year revocation period
179 as provided in s. 322.28(4) and successfully completes either a
180 victim's impact panel session or a department-approved driver
181 improvement course relating to the rights of vulnerable ~~road~~
182 users relative to vehicles on the roadway as provided in s.
183 322.0261(2).

184 3. For purposes of this paragraph, an offender's driving
185 privilege may be reinstated only after the department verifies
186 that the offender participated in and successfully completed a
187 victim's impact panel session or a department-approved driver
188 improvement course.

189 (f) For purposes of sentencing under chapter 921 and
190 determining incentive gain-time eligibility under chapter 944,
191 an offense listed in this subsection is ranked one level above
192 the ranking specified in s. 921.0022 or s. 921.0023 for the
193 offense committed if the victim of the offense was a vulnerable
194 ~~road~~ user.

195 Section 3. Section 316.083, Florida Statutes, is amended to
196 read:

197 316.083 Overtaking and passing a vehicle.—The following
198 provisions ~~rules shall~~ govern the overtaking and passing of a
199 vehicle ~~vehicles~~ proceeding in the same direction, ~~subject to~~
200 ~~those limitations, exceptions, and special rules hereinafter~~
201 ~~stated:~~

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

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207 vehicle.

208 (2) The driver of a motor vehicle overtaking a person
209 operating a bicycle or other vulnerable user of a public roadway
210 ~~nonmotorized vehicle~~ must pass the person operating the bicycle
211 or other vulnerable user nonmotorized vehicle at a safe distance
212 of not less than 3 feet between any part of or attachment to the
213 motor vehicle, anything extending from the motor vehicle, or any
214 trailer or other thing being towed by the motor vehicle and the
215 bicycle, the person operating the bicycle, or other vulnerable
216 user nonmotorized vehicle.

217 (3)~~(2)~~ Except when overtaking and passing on the right is
218 permitted, the driver of an overtaken vehicle shall give way to
219 the right in favor of the overtaking vehicle, on audible signal
220 or upon the visible blinking of the headlamps of the overtaking
221 vehicle if such overtaking is being attempted at nighttime, and
222 shall not increase the speed of his or her vehicle until
223 completely passed by the overtaking vehicle.

224 (4)~~(3)~~ A violation of this section is a noncriminal traffic
225 infraction, punishable as a moving violation as provided in
226 chapter 318. If a violation of this section contributes to the
227 bodily injury of a vulnerable user of a public roadway or to the
228 damage to a motor vehicle and bodily injury of a motor vehicle
229 occupant, the law enforcement officer issuing the citation to
230 the party responsible for the violation shall note such
231 information on the citation, and the designated official may
232 impose a fine of not more than \$2,500.

233 Section 4. Section 316.084, Florida Statutes, is amended to
234 read:

235 316.084 When overtaking on the right is permitted.—

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236 (1) The driver of a vehicle may overtake and pass on the
237 right of another vehicle only under the following conditions:

238 (a) When the vehicle overtaken is making or about to make a
239 left turn;

240 (b) Upon a street or highway with unobstructed pavement not
241 occupied by parked vehicles of sufficient width for two or more
242 lines of moving traffic in each direction;

243 (c) Upon a one-way street, or upon any roadway on which
244 traffic is restricted to one direction of movement, where the
245 roadway is free from obstructions and of sufficient width for
246 two or more lines of moving vehicles.

247 (2) The driver of a vehicle may overtake and pass another
248 vehicle on the right only under conditions permitting such
249 movement in safety. In no event shall such movement be made by
250 driving off the pavement or main-traveled portion of the
251 roadway.

252 (3) This section does not prohibit a bicycle that is in a
253 bicycle lane or on the shoulder of a roadway or highway from
254 passing another vehicle on the right at the bicycle rider's own
255 risk with no liability to other motor vehicle drivers.

256 (4)~~(3)~~ A violation of this section is a noncriminal traffic
257 infraction, punishable as a moving violation as provided in
258 chapter 318.

259 Section 5. Section 316.085, Florida Statutes, is amended to
260 read:

261 316.085 Limitations on overtaking, passing, changing lanes,
262 ~~and~~ changing course, and turning.—

263 (1) No vehicle shall be driven to the left side of the
264 center of the roadway in overtaking and passing another vehicle

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265 proceeding in the same direction unless authorized by the
266 provisions of this chapter and unless such left side is clearly
267 visible and is free of oncoming traffic for a sufficient
268 distance ahead to permit such overtaking and passing to be
269 completely made without interfering with the operation of any
270 vehicle approaching from the opposite direction of any vehicle
271 overtaken. In every event the overtaking vehicle must return to
272 an authorized lane of travel as soon as practicable and, in the
273 event the passing movement involves the use of a lane authorized
274 for vehicles approaching from the opposite direction, before
275 coming within 200 feet of any approaching vehicle.

276 (2) No vehicle shall be driven from a direct course in any
277 lane on any highway or turned within an intersection or into an
278 alley, private road, or driveway until the driver has determined
279 that the vehicle is not being approached or passed by any other
280 vehicle in the lane or on the side to which the driver desires
281 to move or turn and that the move or turn can be completely made
282 with safety and without interfering with the safe operation of
283 any vehicle approaching from the same direction.

284 (3) A violation of this section is a noncriminal traffic
285 infraction, punishable as a moving violation as provided in
286 chapter 318.

287 Section 6. Section 316.0875, Florida Statutes, is amended
288 to read:

289 316.0875 No-passing zones.—

290 (1) The Department of Transportation and local authorities
291 may ~~are authorized to~~ determine those portions of any highway
292 under their respective jurisdictions ~~jurisdiction~~ where
293 overtaking and passing or driving to the left of the roadway

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294 would be especially hazardous and may, by appropriate signs or
295 markings on the roadway, indicate the beginning and end of such
296 zones. ~~and~~ When such signs or markings are in place and clearly
297 visible to an ordinarily observant person, each ~~every~~ driver of
298 a vehicle shall obey the directions thereof.

299 (2) Where signs or markings are in place to define a no-
300 passing zone as set forth in subsection (1), a ~~no~~ driver may
301 not, ~~shall~~ at any time, drive on the left side of the roadway
302 that has ~~with~~ such no-passing zone or on the left side of any
303 pavement striping designed to mark such no-passing zone
304 throughout its length.

305 (3) This section does not apply to a person who safely and
306 briefly drives to the left of the center of the roadway or
307 pavement striping only to the extent necessary to:

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

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

312 (c) Comply with the requirements of s. 316.083(2) regarding
313 a safe distance necessary to pass a vulnerable user.

314 (4) A violation of this section is a noncriminal traffic
315 infraction, punishable as a moving violation as provided in
316 chapter 318.

317 Section 7. Section 316.151, Florida Statutes, is amended to
318 read:

319 316.151 Required position and method of turning at
320 intersections.—

321 (1) (a) Right turn.—If the driver of a vehicle intends
322 ~~intending~~ to turn right at an intersection onto a highway,

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323 public or private roadway, or driveway, shall do so as follows:

324 ~~(a) Right turn.~~ both the approach for a right turn and a
325 right turn shall be made as close as practicable to the right-
326 hand curb or edge of the roadway.

327 (b) *Left turn.*—The driver of a vehicle intending to turn
328 left at an any intersection onto a highway, public or private
329 roadway, or driveway shall do so as follows:

330 1. The driver shall approach the intersection in the
331 extreme left-hand lane lawfully available to traffic moving in
332 the direction of travel of such vehicle. Thereafter, and, after
333 ~~entering the intersection,~~ the left turn shall be made so as to
334 leave the intersection in a lane lawfully available to traffic
335 moving in such direction upon the roadway being entered.

336 2. A person riding a bicycle and intending to turn left in
337 accordance with this section is entitled to the full use of the
338 lane from which the turn may legally be made. Whenever
339 practicable the left turn shall be made in that portion of the
340 intersection to the left of the center of the intersection.

341 ~~(c) Left turn by bicycle.~~—In addition ~~to the method of~~
342 ~~making a left turn described in paragraph (b),~~ a person riding a
343 bicycle and intending to turn left may do so as follows ~~has the~~
344 ~~option of following the course described hereafter:~~

345 a. The rider shall approach the turn as close as
346 practicable to the right curb or edge of the roadway;

347 b. After proceeding across the intersecting roadway, the
348 turn shall be made as close as practicable to the curb or edge
349 of the roadway on the far side of the intersection; and,

350 c. Before proceeding, the bicyclist shall comply with any
351 official traffic control device or police officer regulating

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352 traffic on the highway along which the bicyclist intends to
 353 proceed.

354 (2) The state, county, and local authorities in their
 355 respective jurisdictions may cause official traffic control
 356 devices to be placed within or adjacent to intersections and
 357 thereby require and direct that a different course from that
 358 specified in this section be traveled by vehicles turning at an
 359 intersection. When such devices are so placed, the ~~no~~ driver of
 360 a vehicle may not turn a vehicle at an intersection other than
 361 as directed and required by such devices.

362 (3) A violation of this section is a noncriminal traffic
 363 infraction, punishable as a moving violation as provided in
 364 chapter 318. If a violation of this section contributes to the
 365 bodily injury of a vulnerable user of a public roadway or to the
 366 damage to a motor vehicle and injury of a motor vehicle
 367 occupant, the law enforcement officer issuing the citation to
 368 the party responsible for the violation shall note such
 369 information on the citation, and the designated official may
 370 impose a fine of not more than \$2,500.

371 Section 8. Section 316.1925, Florida Statutes, is amended
 372 to read:

373 316.1925 Careless driving.—

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

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

383 (2) If a violation under subsection (1) contributes to the
384 bodily injury of a vulnerable user of a public roadway or to the
385 damage to a motor vehicle and injury of a motor vehicle
386 occupant, the law enforcement officer issuing the citation for
387 the violation shall note such information on the citation, and
388 the designated official may impose a fine of not more than
389 \$2,500.

390 Section 9. Subsections (1), (5), and (6) of section
391 316.2065, Florida Statutes, are amended to read:

392 316.2065 Bicycle regulations.—

393 (1) A bicycle is a vehicle under Florida law and shall be
394 operated in the same manner as any other vehicle, and every
395 person operating a bicycle propelling a vehicle by human power
396 has all of the rights and all of the duties applicable to the
397 driver of any other vehicle under this chapter, except as to
398 special regulations in this chapter, and except as to provisions
399 of this chapter which by their nature can have no application.

400 (5) (a) Any person operating a bicycle upon a roadway at
401 less than the normal speed of traffic at the time and place and
402 under the conditions then existing shall ride in the bicycle
403 lane marked for bicycle use or, if there is no bicycle lane in
404 the roadway is marked for bicycle use, as close as practicable
405 to the right-hand curb or edge of the roadway except under any
406 of the following situations:

407 1. When overtaking and passing another bicycle or vehicle
408 proceeding in the same direction.

409 2. When preparing for a left turn at an intersection or

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410 into a private road or driveway.

411 3. When reasonably necessary to avoid any condition or
412 potential conflict, including, but not limited to, a fixed or
413 moving object, parked or moving vehicle, bicycle, pedestrian,
414 animal, surface hazard, turn lane, or substandard-width lane,
415 which makes it unsafe to continue along the right-hand curb or
416 edge or within a bicycle lane. For the purposes of this
417 subsection, a "substandard-width lane" is a lane that is too
418 narrow for a bicycle and another vehicle to travel safely side
419 by side within the lane.

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

423 (6) (a) Persons riding bicycles upon a roadway or in a
424 bicycle lane may not ride more than two abreast except on
425 bicycle paths or parts of roadways set aside for the exclusive
426 use of bicycles. Persons riding two abreast may not impede
427 traffic when traveling at less than the normal speed of traffic
428 at the time and place and under the conditions then existing and
429 shall ride within a single lane.

430 (b) When stopping at a stop sign, persons riding bicycles
431 in groups of 4 or more, after coming to a full stop and obeying
432 all traffic laws, may proceed through the stop sign in a group
433 of 10 or fewer at a time, and motor vehicle operators shall
434 allow that group to travel through the intersection before
435 moving forward.

436 Section 10. Section 318.19, Florida Statutes, is amended to
437 read:

438 318.19 Infractions requiring a mandatory hearing.—Any

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439 person cited for the infractions listed in this section shall
440 not have the provisions of s. 318.14(2), (4), and (9) available
441 to him or her but must appear before the designated official at
442 the time and location of the scheduled hearing:

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

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

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

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

449 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
450 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

451 (6) Any infraction of s. 316.083, s. 316.151, or s.
452 316.1925 which contributes to the bodily injury of a vulnerable
453 user of a public roadway as defined in s. 316.003. If an
454 infraction listed in this subsection contributes to the bodily
455 injury of a vulnerable user of a public roadway or to the damage
456 to a motor vehicle and injury of a motor vehicle occupant, the
457 law enforcement officer issuing the citation to the party
458 responsible for the infraction shall note such information on
459 the citation, and the designated official may impose a fine of
460 not more than \$2,500.

461 Section 11. Paragraph (c) of subsection (1) of section
462 212.05, Florida Statutes, is amended to read:

463 212.05 Sales, storage, use tax.—It is hereby declared to be
464 the legislative intent that every person is exercising a taxable
465 privilege who engages in the business of selling tangible
466 personal property at retail in this state, including the
467 business of making mail order sales, or who rents or furnishes

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468 any of the things or services taxable under this chapter, or who
469 stores for use or consumption in this state any item or article
470 of tangible personal property as defined herein and who leases
471 or rents such property within the state.

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

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

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

481 a. If the motor vehicle is rented in Florida, the entire
482 amount of such rental is taxable, even if the vehicle is dropped
483 off in another state.

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

486 2. Except as provided in subparagraph 3., for the lease or
487 rental of a motor vehicle for a period of not less than 12
488 months, sales tax is due on the lease or rental payments if the
489 vehicle is registered in this state; provided, however, that no
490 tax shall be due if the taxpayer documents use of the motor
491 vehicle outside this state and tax is being paid on the lease or
492 rental payments in another state.

493 3. The tax imposed by this chapter does not apply to the
494 lease or rental of a commercial motor vehicle as defined in s.
495 316.003(13)(a) ~~s. 316.003(12)(a)~~ to one lessee or rentee for a
496 period of not less than 12 months when tax was paid on the

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497 purchase price of such vehicle by the lessor. To the extent tax
498 was paid with respect to the purchase of such vehicle in another
499 state, territory of the United States, or the District of
500 Columbia, the Florida tax payable shall be reduced in accordance
501 with the provisions of s. 212.06(7). This subparagraph shall
502 only be available when the lease or rental of such property is
503 an established business or part of an established business or
504 the same is incidental or germane to such business.

505 Section 12. Paragraph (b) of subsection (2) of section
506 316.545, Florida Statutes, is amended to read:

507 316.545 Weight and load unlawful; special fuel and motor
508 fuel tax enforcement; inspection; penalty; review.—

509 (2)

510 (b) The officer or inspector shall inspect the license
511 plate or registration certificate of the commercial vehicle to
512 determine whether its gross weight is in compliance with the
513 declared gross vehicle weight. If its gross weight exceeds the
514 declared weight, the penalty shall be 5 cents per pound on the
515 difference between such weights. In those cases when the
516 commercial vehicle is being operated over the highways of the
517 state with an expired registration or with no registration from
518 this or any other jurisdiction or is not registered under the
519 applicable provisions of chapter 320, the penalty herein shall
520 apply on the basis of 5 cents per pound on that scaled weight
521 which exceeds 35,000 pounds on laden truck tractor-semitrailer
522 combinations or tandem trailer truck combinations, 10,000 pounds
523 on laden straight trucks or straight truck-trailer combinations,
524 or 10,000 pounds on any unladen commercial motor vehicle. A
525 driver of a commercial motor vehicle entering the state at a

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526 designated port-of-entry location, as defined in s. 316.003 ~~s.~~
527 ~~316.003(54)~~, or operating on designated routes to a port-of-
528 entry location, who obtains a temporary registration permit
529 shall be assessed a penalty limited to the difference between
530 its gross weight and the declared gross vehicle weight at 5
531 cents per pound. If the license plate or registration has not
532 been expired for more than 90 days, the penalty imposed under
533 this paragraph may not exceed \$1,000. In the case of special
534 mobile equipment, which qualifies for the license tax provided
535 for in s. 320.08(5)(b), being operated on the highways of the
536 state with an expired registration or otherwise not properly
537 registered under the applicable provisions of chapter 320, a
538 penalty of \$75 shall apply in addition to any other penalty
539 which may apply in accordance with this chapter. A vehicle found
540 in violation of this section may be detained until the owner or
541 operator produces evidence that the vehicle has been properly
542 registered. Any costs incurred by the retention of the vehicle
543 shall be the sole responsibility of the owner. A person who has
544 been assessed a penalty pursuant to this paragraph for failure
545 to have a valid vehicle registration certificate pursuant to the
546 provisions of chapter 320 is not subject to the delinquent fee
547 authorized in s. 320.07 if such person obtains a valid
548 registration certificate within 10 working days after such
549 penalty was assessed.

550 Section 13. Paragraph (a) of subsection (2) of section
551 316.613, Florida Statutes, is amended to read:

552 316.613 Child restraint requirements.—

553 (2) As used in this section, the term "motor vehicle" means
554 a motor vehicle as defined in s. 316.003 that is operated on the

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555 roadways, streets, and highways of the state. The term does not
556 include:

557 (a) A school bus as defined in s. 316.003 ~~s. 316.003(68)~~.

558 Section 14. Section 320.08, Florida Statutes, is amended to
559 read:

560 320.08 License taxes.—Except as otherwise provided herein,
561 there are hereby levied and imposed annual license taxes for the
562 operation of motor vehicles, mopeds, motorized bicycles as
563 defined in s. 316.003(3) ~~s. 316.003(2)~~, tri-vehicles as defined
564 in s. 316.003, and mobile homes as defined in s. 320.01, which
565 shall be paid to and collected by the department or its agent
566 upon the registration or renewal of registration of the
567 following:

568 (1) MOTORCYCLES AND MOPEDS.—

569 (a) Any motorcycle: \$10 flat.

570 (b) Any moped: \$5 flat.

571 (c) Upon registration of a motorcycle, motor-driven cycle,
572 or moped, in addition to the license taxes specified in this
573 subsection, a nonrefundable motorcycle safety education fee in
574 the amount of \$2.50 shall be paid. The proceeds of such
575 additional fee shall be deposited in the Highway Safety
576 Operating Trust Fund to fund a motorcycle driver improvement
577 program implemented pursuant to s. 322.025, the Florida
578 Motorcycle Safety Education Program established in s. 322.0255,
579 or the general operations of the department.

580 (d) An ancient or antique motorcycle: \$7.50 flat, of which
581 \$2.50 shall be deposited into the General Revenue Fund.

582 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

583 (a) An ancient or antique automobile, as defined in s.

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584 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

585 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

586 (c) Net weight of 2,500 pounds or more, but less than 3,500
587 pounds: \$22.50 flat.

588 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

589 (3) TRUCKS.—

590 (a) Net weight of less than 2,000 pounds: \$14.50 flat.

591 (b) Net weight of 2,000 pounds or more, but not more than
592 3,000 pounds: \$22.50 flat.

593 (c) Net weight more than 3,000 pounds, but not more than
594 5,000 pounds: \$32.50 flat.

595 (d) A truck defined as a "goat," or other vehicle if used
596 in the field by a farmer or in the woods for the purpose of
597 harvesting a crop, including naval stores, during such
598 harvesting operations, and which is not principally operated
599 upon the roads of the state: \$7.50 flat. The term "goat" means a
600 motor vehicle designed, constructed, and used principally for
601 the transportation of citrus fruit within citrus groves or for
602 the transportation of crops on farms, and which can also be used
603 for hauling associated equipment or supplies, including required
604 sanitary equipment, and the towing of farm trailers.

605 (e) An ancient or antique truck, as defined in s. 320.086:
606 \$7.50 flat.

607 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
608 VEHICLE WEIGHT.—

609 (a) Gross vehicle weight of 5,001 pounds or more, but less
610 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be
611 deposited into the General Revenue Fund.

612 (b) Gross vehicle weight of 6,000 pounds or more, but less

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613 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be
614 deposited into the General Revenue Fund.

615 (c) Gross vehicle weight of 8,000 pounds or more, but less
616 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited
617 into the General Revenue Fund.

618 (d) Gross vehicle weight of 10,000 pounds or more, but less
619 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
620 into the General Revenue Fund.

621 (e) Gross vehicle weight of 15,000 pounds or more, but less
622 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
623 into the General Revenue Fund.

624 (f) Gross vehicle weight of 20,000 pounds or more, but less
625 than 26,001 pounds: \$251 flat, of which \$65 shall be deposited
626 into the General Revenue Fund.

627 (g) Gross vehicle weight of 26,001 pounds or more, but less
628 than 35,000: \$324 flat, of which \$84 shall be deposited into the
629 General Revenue Fund.

630 (h) Gross vehicle weight of 35,000 pounds or more, but less
631 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
632 into the General Revenue Fund.

633 (i) Gross vehicle weight of 44,000 pounds or more, but less
634 than 55,000 pounds: \$773 flat, of which \$201 shall be deposited
635 into the General Revenue Fund.

636 (j) Gross vehicle weight of 55,000 pounds or more, but less
637 than 62,000 pounds: \$916 flat, of which \$238 shall be deposited
638 into the General Revenue Fund.

639 (k) Gross vehicle weight of 62,000 pounds or more, but less
640 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
641 deposited into the General Revenue Fund.

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642 (1) Gross vehicle weight of 72,000 pounds or more: \$1,322
643 flat, of which \$343 shall be deposited into the General Revenue
644 Fund.

645 (m) Notwithstanding the declared gross vehicle weight, a
646 truck tractor used within a 150-mile radius of its home address
647 is eligible for a license plate for a fee of \$324 flat if:

648 1. The truck tractor is used exclusively for hauling
649 forestry products; or

650 2. The truck tractor is used primarily for the hauling of
651 forestry products, and is also used for the hauling of
652 associated forestry harvesting equipment used by the owner of
653 the truck tractor.

654
655 Of the fee imposed by this paragraph, \$84 shall be deposited
656 into the General Revenue Fund.

657 (n) A truck tractor or heavy truck, not operated as a for-
658 hire vehicle, which is engaged exclusively in transporting raw,
659 unprocessed, and nonmanufactured agricultural or horticultural
660 products within a 150-mile radius of its home address, is
661 eligible for a restricted license plate for a fee of:

662 1. If such vehicle's declared gross vehicle weight is less
663 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be
664 deposited into the General Revenue Fund.

665 2. If such vehicle's declared gross vehicle weight is
666 44,000 pounds or more and such vehicle only transports from the
667 point of production to the point of primary manufacture; to the
668 point of assembling the same; or to a shipping point of a rail,
669 water, or motor transportation company, \$324 flat, of which \$84
670 shall be deposited into the General Revenue Fund.

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671
672 Such not-for-hire truck tractors and heavy trucks used
673 exclusively in transporting raw, unprocessed, and
674 nonmanufactured agricultural or horticultural products may be
675 incidentally used to haul farm implements and fertilizers
676 delivered direct to the growers. The department may require any
677 documentation deemed necessary to determine eligibility prior to
678 issuance of this license plate. For the purpose of this
679 paragraph, "not-for-hire" means the owner of the motor vehicle
680 must also be the owner of the raw, unprocessed, and
681 nonmanufactured agricultural or horticultural product, or the
682 user of the farm implements and fertilizer being delivered.

683 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
684 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

685 (a)1. A semitrailer drawn by a GVW truck tractor by means
686 of a fifth-wheel arrangement: \$13.50 flat per registration year
687 or any part thereof, of which \$3.50 shall be deposited into the
688 General Revenue Fund.

689 2. A semitrailer drawn by a GVW truck tractor by means of a
690 fifth-wheel arrangement: \$68 flat per permanent registration, of
691 which \$18 shall be deposited into the General Revenue Fund.

692 (b) A motor vehicle equipped with machinery and designed
693 for the exclusive purpose of well drilling, excavation,
694 construction, spraying, or similar activity, and which is not
695 designed or used to transport loads other than the machinery
696 described above over public roads: \$44 flat, of which \$11.50
697 shall be deposited into the General Revenue Fund.

698 (c) A school bus used exclusively to transport pupils to
699 and from school or school or church activities or functions

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700 within their own county: \$41 flat, of which \$11 shall be
701 deposited into the General Revenue Fund.

702 (d) A wrecker, as defined in s. 320.01, which is used to
703 tow a vessel as defined in s. 327.02, a disabled, abandoned,
704 stolen-recovered, or impounded motor vehicle as defined in s.
705 320.01, or a replacement motor vehicle as defined in s. 320.01:
706 \$41 flat, of which \$11 shall be deposited into the General
707 Revenue Fund.

708 (e) A wrecker that is used to tow any nondisabled motor
709 vehicle, a vessel, or any other cargo unless used as defined in
710 paragraph (d), as follows:

711 1. Gross vehicle weight of 10,000 pounds or more, but less
712 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
713 into the General Revenue Fund.

714 2. Gross vehicle weight of 15,000 pounds or more, but less
715 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
716 into the General Revenue Fund.

717 3. Gross vehicle weight of 20,000 pounds or more, but less
718 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited
719 into the General Revenue Fund.

720 4. Gross vehicle weight of 26,000 pounds or more, but less
721 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited
722 into the General Revenue Fund.

723 5. Gross vehicle weight of 35,000 pounds or more, but less
724 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
725 into the General Revenue Fund.

726 6. Gross vehicle weight of 44,000 pounds or more, but less
727 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
728 into the General Revenue Fund.

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729 7. Gross vehicle weight of 55,000 pounds or more, but less
730 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited
731 into the General Revenue Fund.

732 8. Gross vehicle weight of 62,000 pounds or more, but less
733 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
734 deposited into the General Revenue Fund.

735 9. Gross vehicle weight of 72,000 pounds or more: \$1,322
736 flat, of which \$343 shall be deposited into the General Revenue
737 Fund.

738 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50
739 shall be deposited into the General Revenue Fund.

740 (6) MOTOR VEHICLES FOR HIRE.—

741 (a) Under nine passengers: \$17 flat, of which \$4.50 shall
742 be deposited into the General Revenue Fund; plus \$1.50 per cwt,
743 of which 50 cents shall be deposited into the General Revenue
744 Fund.

745 (b) Nine passengers and over: \$17 flat, of which \$4.50
746 shall be deposited into the General Revenue Fund; plus \$2 per
747 cwt, of which 50 cents shall be deposited into the General
748 Revenue Fund.

749 (7) TRAILERS FOR PRIVATE USE.—

750 (a) Any trailer weighing 500 pounds or less: \$6.75 flat per
751 year or any part thereof, of which \$1.75 shall be deposited into
752 the General Revenue Fund.

753 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1
754 shall be deposited into the General Revenue Fund; plus \$1 per
755 cwt, of which 25 cents shall be deposited into the General
756 Revenue Fund.

757 (8) TRAILERS FOR HIRE.—

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758 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1
759 shall be deposited into the General Revenue Fund; plus \$1.50 per
760 cwt, of which 50 cents shall be deposited into the General
761 Revenue Fund.

762 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which
763 \$3.50 shall be deposited into the General Revenue Fund; plus
764 \$1.50 per cwt, of which 50 cents shall be deposited into the
765 General Revenue Fund.

766 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

767 (a) A travel trailer or fifth-wheel trailer, as defined by
768 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27
769 flat, of which \$7 shall be deposited into the General Revenue
770 Fund.

771 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
772 \$13.50 flat, of which \$3.50 shall be deposited into the General
773 Revenue Fund.

774 (c) A motor home, as defined by s. 320.01(1)(b)4.:

775 1. Net weight of less than 4,500 pounds: \$27 flat, of which
776 \$7 shall be deposited into the General Revenue Fund.

777 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
778 which \$12.25 shall be deposited into the General Revenue Fund.

779 (d) A truck camper as defined by s. 320.01(1)(b)3.:

780 1. Net weight of less than 4,500 pounds: \$27 flat, of which
781 \$7 shall be deposited into the General Revenue Fund.

782 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
783 which \$12.25 shall be deposited into the General Revenue Fund.

784 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

785 1. Net weight of less than 4,500 pounds: \$27 flat, of which
786 \$7 shall be deposited into the General Revenue Fund.

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787 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
788 which \$12.25 shall be deposited into the General Revenue Fund.

789 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
790 35 FEET TO 40 FEET.—

791 (a) Park trailers.—Any park trailer, as defined in s.
792 320.01(1)(b)7.: \$25 flat.

793 (b) A travel trailer or fifth-wheel trailer, as defined in
794 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

795 (11) MOBILE HOMES.—

796 (a) A mobile home not exceeding 35 feet in length: \$20
797 flat.

798 (b) A mobile home over 35 feet in length, but not exceeding
799 40 feet: \$25 flat.

800 (c) A mobile home over 40 feet in length, but not exceeding
801 45 feet: \$30 flat.

802 (d) A mobile home over 45 feet in length, but not exceeding
803 50 feet: \$35 flat.

804 (e) A mobile home over 50 feet in length, but not exceeding
805 55 feet: \$40 flat.

806 (f) A mobile home over 55 feet in length, but not exceeding
807 60 feet: \$45 flat.

808 (g) A mobile home over 60 feet in length, but not exceeding
809 65 feet: \$50 flat.

810 (h) A mobile home over 65 feet in length: \$80 flat.

811 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
812 motor vehicle dealer, independent motor vehicle dealer, marine
813 boat trailer dealer, or mobile home dealer and manufacturer
814 license plate: \$17 flat, of which \$4.50 shall be deposited into
815 the General Revenue Fund.

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816 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
 817 official license plate: \$4 flat, of which \$1 shall be deposited
 818 into the General Revenue Fund.

819 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor
 820 vehicle for hire operated wholly within a city or within 25
 821 miles thereof: \$17 flat, of which \$4.50 shall be deposited into
 822 the General Revenue Fund; plus \$2 per cwt, of which 50 cents
 823 shall be deposited into the General Revenue Fund.

824 (15) TRANSPORTER.—Any transporter license plate issued to a
 825 transporter pursuant to s. 320.133: \$101.25 flat, of which
 826 \$26.25 shall be deposited into the General Revenue Fund.

827 Section 15. Subsection (2) of section 322.0261, Florida
 828 Statutes, is amended to read:

829 322.0261 Driver improvement course; requirement to maintain
 830 driving privileges; failure to complete; department approval of
 831 course.—

832 (2) With respect to an operator convicted of, or who
 833 pleaded nolo contendere to, a traffic offense giving rise to a
 834 crash identified in paragraph (1)(a) or paragraph (1)(b), the
 835 department shall require that the operator, in addition to other
 836 applicable penalties, attend a department-approved driver
 837 improvement course in order to maintain his or her driving
 838 privileges. The department shall include in the course
 839 curriculum instruction specifically addressing the rights of
 840 vulnerable ~~road~~ users as defined in s. 316.003 ~~s. 316.027~~
 841 relative to vehicles on the roadway. If the operator fails to
 842 complete the course within 90 days after receiving notice from
 843 the department, the operator's driver license shall be canceled
 844 by the department until the course is successfully completed.

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845 Section 16. Subsection (1) of section 655.960, Florida
846 Statutes, is amended to read:

847 655.960 Definitions; ss. 655.960-655.965.—As used in this
848 section and ss. 655.961-655.965, unless the context otherwise
849 requires:

850 (1) "Access area" means any paved walkway or sidewalk which
851 is within 50 feet of any automated teller machine. The term does
852 not include any street or highway open to the use of the public,
853 as defined in s. 316.003(78) (a) or (b) ~~s. 316.003(77) (a) or (b)~~,
854 including any adjacent sidewalk, as defined in s. 316.003.

855 Section 17. Subsection (1) of section 860.065, Florida
856 Statutes, is amended to read:

857 860.065 Commercial transportation; penalty for use in
858 commission of a felony.—

859 (1) It is unlawful for any person to attempt to obtain,
860 solicit to obtain, or obtain any means of public or commercial
861 transportation or conveyance, including vessels, aircraft,
862 railroad trains, or commercial motor vehicles as defined in s.
863 316.003, with the intent to use such public or commercial
864 transportation or conveyance to commit any felony or to
865 facilitate the commission of any felony.

866 Section 18. For the purpose of incorporating the amendment
867 made by this act to section 316.1925, Florida Statutes, in a
868 reference thereto, paragraph (b) of subsection (4) of section
869 316.072, Florida Statutes, is reenacted to read:

870 316.072 Obedience to and effect of traffic laws.—

871 (4) PUBLIC OFFICERS AND EMPLOYEES TO OBEY CHAPTER;
872 EXCEPTIONS.—

873 (b) Unless specifically made applicable, the provisions of

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874 this chapter, except those contained in ss. 316.192, 316.1925,
875 and 316.193, shall not apply to persons, teams, or motor
876 vehicles and other equipment while actually engaged in work upon
877 the surface of a highway, but shall apply to such persons and
878 vehicles when traveling to or from such work.

879 Section 19. For the purpose of incorporating the amendment
880 made by this act to sections 316.083 and 316.084, Florida
881 Statutes, in references thereto, subsection (5) of section
882 316.1923, Florida Statutes, is reenacted to read:

883 316.1923 Aggressive careless driving.—“Aggressive careless
884 driving” means committing two or more of the following acts
885 simultaneously or in succession:

886 (5) Improperly passing as defined in s. 316.083, s.
887 316.084, or s. 316.085.

888 Section 20. For the purpose of incorporating the amendment
889 made by this act to section 318.19, Florida Statutes, in a
890 reference thereto, subsection (2) of section 318.14, Florida
891 Statutes, is reenacted to read:

892 318.14 Noncriminal traffic infractions; exception;
893 procedures.—

894 (2) Except as provided in ss. 316.1001(2) and 316.0083, any
895 person cited for a violation requiring a mandatory hearing
896 listed in s. 318.19 or any other criminal traffic violation
897 listed in chapter 316 must sign and accept a citation indicating
898 a promise to appear. The officer may indicate on the traffic
899 citation the time and location of the scheduled hearing and must
900 indicate the applicable civil penalty established in s. 318.18.
901 For all other infractions under this section, except for
902 infractions under s. 316.1001, the officer must certify by

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903 electronic, electronic facsimile, or written signature that the
904 citation was delivered to the person cited. This certification
905 is prima facie evidence that the person cited was served with
906 the citation.

907 Section 21. For the purpose of incorporating the amendment
908 made by this act to section 316.2065, Florida Statutes, in a
909 reference thereto, paragraph (b) of subsection (1) of section
910 318.18, Florida Statutes, is reenacted to read:

911 318.18 Amount of penalties.—The penalties required for a
912 noncriminal disposition pursuant to s. 318.14 or a criminal
913 offense listed in s. 318.17 are as follows:

914 (1) Fifteen dollars for:

915 (b) All infractions of s. 316.2065, unless otherwise
916 specified.

917 Section 22. This act shall take effect October 1, 2017.