

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

41 316.003 Definitions.—The following words and phrases, when  
 42 used in this chapter, shall have the meanings respectively  
 43 ascribed to them in this section, except where the context  
 44 otherwise requires:

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

48 (63)~~(62)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
 49 provided in paragraph (86) (b) ~~(84) (b)~~, any privately owned way  
 50 or place used for vehicular travel by the owner and those having

51 | express or implied permission from the owner, but not by other  
 52 | persons.

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

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

57 | 316.083 Overtaking and passing a vehicle, a bicycle or  
 58 | other nonmotorized vehicle, or an electric bicycle.—The  
 59 | following rules shall govern the overtaking and passing of  
 60 | vehicles, bicycles and other nonmotorized vehicles, and electric  
 61 | bicycles ~~proceeding in the same direction~~, subject to those  
 62 | limitations, exceptions, and special rules hereinafter stated:

63 | (1) The driver of a vehicle overtaking another vehicle  
 64 | proceeding in the same direction must ~~shall~~ give an appropriate  
 65 | signal as provided for in s. 316.156, must ~~shall~~ pass to the  
 66 | left thereof at a safe distance, and must ~~shall~~ not again drive  
 67 | to the right side of the roadway until safely clear of the  
 68 | overtaken vehicle.

69 | (2) The driver of a vehicle overtaking a bicycle or other  
 70 | nonmotorized vehicle or an electric bicycle occupying the same  
 71 | travel lane must pass the bicycle or other nonmotorized vehicle  
 72 | or electric bicycle at a safe distance of not less than 3 feet  
 73 | or, if such movement cannot be safely accomplished, must remain  
 74 | at a safe distance behind the bicycle or other nonmotorized  
 75 | vehicle or electric bicycle until the driver can safely pass at

76 | a distance of not less than 3 feet and must safely clear the  
 77 | overtaken bicycle or other nonmotorized vehicle or electric  
 78 | bicycle.

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

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

88 |       (5)~~(2)~~ Except when overtaking and passing on the right is  
 89 | permitted, the driver of an overtaken vehicle must ~~shall~~ give  
 90 | way to the right in favor of the overtaking vehicle, on audible  
 91 | signal or upon the visible blinking of the headlamps of the  
 92 | overtaking vehicle if such overtaking is being attempted at  
 93 | nighttime, and must ~~shall~~ not increase the speed of his or her  
 94 | vehicle until completely passed by the overtaking vehicle.

95 |       (6)~~(3)~~ A person who violates ~~violation of~~ this section  
 96 | commits ~~is~~ a noncriminal traffic infraction, punishable as a  
 97 | moving violation as provided in chapter 318.

98 |       (7) The department must provide an annual awareness and  
 99 | safety campaign informing the public about the safety  
 100 | precautions to be taken when overtaking a bicycle or other

101 nonmotorized vehicle or an electric bicycle.

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

104 316.0875 No-passing zones.—

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

114 (2) Where signs or markings are in place to define a no-  
115 passing zone as set forth in subsection (1), a ~~no~~ driver may  
116 not, ~~shall~~ at any time, drive on the left side of the roadway  
117 within ~~with~~ such no-passing zone or on the left side of any  
118 pavement striping designed to mark such no-passing zone  
119 throughout its length.

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

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

124 (b) Turn ~~exists making it necessary to drive to the left~~  
125 ~~of the center of the highway, nor to the driver of a vehicle~~

126 ~~turning~~ left into or from an alley, a private road, or a  
 127 driveway; or

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

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

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

135 316.151 Required position and method of turning at  
 136 intersections.—

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

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

143 2. When overtaking and passing a bicycle proceeding in the  
 144 same direction, give an appropriate signal as provided for in s.  
 145 316.156 and make the right turn only if the bicycle is at least  
 146 20 feet from the intersection and at such a distance that the  
 147 driver of the vehicle may safely turn.

148 (b) Left turn.—

149 1. The driver of a vehicle intending to turn left at an  
 150 any intersection onto a highway, public or private roadway, or

151 driveway must ~~shall~~ approach the intersection in the extreme  
152 left-hand lane lawfully available to traffic moving in the  
153 direction of travel of such vehicle, and must make, ~~after~~  
154 ~~entering the intersection,~~ the left turn ~~shall be made~~ so as to  
155 leave the intersection in a lane lawfully available to traffic  
156 moving in such direction upon the roadway being entered.

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

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

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

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

175 (2) The state, county, and local authorities in their

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

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

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

188 |       316.2065 Bicycle regulations.—

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

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

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

200 |           3. When reasonably necessary to avoid any condition or



201 potential conflict, including, but not limited to, a fixed or  
202 moving object, parked or moving vehicle, bicycle, pedestrian,  
203 animal, surface hazard, turn lane, or substandard-width lane,  
204 which makes it unsafe to continue along the right-hand curb or  
205 edge or within a bicycle lane. On roads that contain a  
206 substandard-width lane, persons operating bicycles must ride  
207 single-file to maintain the minimum 3 feet of space for motor  
208 vehicles to pass persons operating a bicycle as provided in s.  
209 316.083. For the purposes of this subsection, a "substandard-  
210 width lane" is a lane that is too narrow for a bicycle and  
211 another vehicle to travel safely side by side within the lane.

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

215 (6) (a) Persons riding bicycles upon a roadway or in a  
216 bicycle lane may not ride more than two abreast except on a  
217 bicycle path ~~paths or parts of roadways set aside for the~~  
218 ~~exclusive use of bicycles.~~ Persons riding two abreast may not  
219 impede traffic when traveling at less than the normal speed of  
220 traffic at the time and place and under the conditions then  
221 existing and must ~~shall~~ ride within a single lane. Where bicycle  
222 lanes exist, persons riding bicycles may ride two abreast if  
223 both are able to remain within the bicycle lane. If the bicycle  
224 lane is too narrow to allow two persons riding bicycles to ride  
225 two abreast, the persons must ride single-file and within the

226 bicycle lane. On roads that contain a substandard-width lane as  
227 defined in subparagraph (5)(a)3., persons riding bicycles may  
228 temporarily ride two abreast only to avoid hazards in the  
229 roadway or to overtake another person riding a bicycle.

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

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

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

247 322.12 Examination of applicants.—

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

250 (a) A test of the applicant's eyesight given by the driver

251 license examiner designated by the department or by a licensed  
 252 ophthalmologist, optometrist, or physician.

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

255 (c) ~~The examination shall also include~~ A test of the  
 256 applicant's ability to read and understand highway signs  
 257 regulating, warning, and directing traffic; his or her knowledge  
 258 of the traffic laws of this state, including laws regulating  
 259 driving under the influence of alcohol or controlled substances,  
 260 driving with an unlawful blood-alcohol level, and driving while  
 261 intoxicated; and his or her knowledge of the effects of alcohol  
 262 and controlled substances upon persons and the dangers of  
 263 driving a motor vehicle while under the influence of alcohol or  
 264 controlled substances. At least 25 questions within the bank of  
 265 test questions must address bicycle and pedestrian safety.

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

269 Section 7. Paragraph (c) of subsection (1) of section  
 270 212.05, Florida Statutes, is amended to read:

271 212.05 Sales, storage, use tax.—It is hereby declared to  
 272 be the legislative intent that every person is exercising a  
 273 taxable privilege who engages in the business of selling  
 274 tangible personal property at retail in this state, including  
 275 the business of making mail order sales, or who rents or

276 | furnishes any of the things or services taxable under this  
277 | chapter, or who stores for use or consumption in this state any  
278 | item or article of tangible personal property as defined herein  
279 | and who leases or rents such property within the state.

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

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

287 |             1. When a motor vehicle is leased or rented for a period  
288 | of less than 12 months:

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

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

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

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

313           Section 8. Paragraph (a) of subsection (3) of section  
314 316.306, Florida Statutes, is amended to read:

315           316.306 School and work zones; prohibition on the use of a  
316 wireless communications device in a handheld manner.—

317           (3)(a)1. A person may not operate a motor vehicle while  
318 using a wireless communications device in a handheld manner in a  
319 designated school crossing, school zone, or work zone area as  
320 defined in s. 316.003(107) ~~s. 316.003(105)~~. This subparagraph  
321 shall only be applicable to work zone areas if construction  
322 personnel are present or are operating equipment on the road or  
323 immediately adjacent to the work zone area. For the purposes of  
324 this paragraph, a motor vehicle that is stationary is not being  
325 operated and is not subject to the prohibition in this

326 paragraph.

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

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

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

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

342 (1) "Access area" means any paved walkway or sidewalk  
 343 which is within 50 feet of any automated teller machine. The  
 344 term does not include any street or highway open to the use of  
 345 the public, as defined in s. 316.003(86) (a) or (b) ~~s.~~  
 346 ~~316.003(84) (a) or (b)~~, including any adjacent sidewalk, as  
 347 defined in s. 316.003.

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