

By Senator Book

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1 A bill to be entitled
2 An act relating to bicycle and pedestrian safety;
3 amending s. 316.003, F.S.; defining the terms "bicycle
4 lane" and "separated bicycle lane"; amending s.
5 316.083, F.S.; revising and providing requirements for
6 the driver of a motor vehicle overtaking a bicycle or
7 other nonmotorized vehicle, an electric bicycle, or a
8 pedestrian; providing exceptions; providing a penalty;
9 requiring the Department of Highway Safety and Motor
10 Vehicles to provide an awareness campaign, and include
11 information in certain educational materials,
12 regarding certain safety precautions; amending s.
13 316.0875, F.S.; exempting a motor vehicle driver from
14 certain provisions relating to no-passing zones when
15 overtaking a bicycle or other nonmotorized vehicle, an
16 electric bicycle, or a pedestrian; making a technical
17 change; amending s. 316.151, F.S.; revising
18 requirements for vehicles turning at intersections;
19 providing turn signaling and distance requirements for
20 a motor vehicle driver when overtaking and passing a
21 bicycle; making a technical change; amending s.
22 316.2065, F.S.; prohibiting persons riding bicycles in
23 a bicycle lane from riding more than two abreast;
24 providing requirements for persons riding bicycles in
25 groups when stopping at a stop sign; making a
26 technical change; amending s. 322.12, F.S.; requiring
27 a specified portion of the examination for a Class E
28 driver license to address bicycle and pedestrian
29 safety; amending ss. 212.05, 316.306, and 655.960,

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30 F.S.; conforming cross-references; providing an
31 effective date.
32

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

35 Section 1. Present subsections (5) through (76) and (77)
36 through (105) of section 316.003, Florida Statutes, are
37 redesignated as subsections (6) through (77) and (79) through
38 (107), respectively, new subsections (5) and (78) are added to
39 that section, and present subsection (62) of that section is
40 amended, 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 which
46 is designated by pavement markings and signs for preferential or
47 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 to
56 read:

57 316.083 Overtaking and passing a vehicle, a bicycle or
58 other nonmotorized vehicle, an electric bicycle, or a

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59 pedestrian.—The following rules shall govern the overtaking and
60 passing of vehicles, bicycles and other nonmotorized vehicles,
61 electric bicycles, and pedestrians ~~proceeding in the same~~
62 ~~direction~~, subject to those limitations, exceptions, and special
63 rules hereinafter stated:

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

70 (2) The driver of a vehicle overtaking a bicycle or other
71 nonmotorized vehicle, an electric bicycle, or a pedestrian
72 occupying the same travel lane must vacate the lane or, if such
73 movement cannot be safely accomplished, must remain at a safe
74 distance behind the bicycle or other nonmotorized vehicle,
75 electric bicycle, or pedestrian until the driver can safely
76 vacate the lane and must not reenter the lane until safely clear
77 of the overtaken bicycle or other nonmotorized vehicle, electric
78 bicycle, or pedestrian.

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.

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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 awareness campaign
99 informing the motoring public about the safety precautions to be
100 taken pursuant to this section when overtaking a bicycle or
101 other nonmotorized vehicle, an electric bicycle, or a pedestrian
102 and must provide information about such precautions in all newly
103 printed driver license educational materials.

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

106 316.0875 No-passing zones.—

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

116 (2) Where signs or markings are in place to define a no-

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117 passing zone as set forth in subsection (1), ~~a~~ ~~ne~~ driver may
118 not, shall at any time, drive on the left side of the roadway
119 within ~~with~~ such no-passing zone or on the left side of any
120 pavement striping designed to mark such no-passing zone
121 throughout its length.

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

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

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

130 (c) Overtake and pass a bicycle or other nonmotorized
131 vehicle, an electric bicycle, or a pedestrian pursuant to s.
132 316.083(2) or (3).

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

136 Section 4. Section 316.151, Florida Statutes, is amended to
137 read:

138 316.151 Required position and method of turning at
139 intersections.—

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

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

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146 2. When overtaking and passing a bicycle proceeding in the
147 same direction, give an appropriate signal as provided for in s.
148 316.156 and make the right turn only if the bicycle is at least
149 20 feet from the intersection.

150 (b) *Left turn.*—

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

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

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

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

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

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175 officer regulating traffic on the highway along which the person
176 ~~bicyclist~~ intends to proceed.

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

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

188 Section 5. Subsections (5), (6), and (19) of section
189 316.2065, Florida Statutes, are amended to read:

190 316.2065 Bicycle regulations.—

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

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

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

202 3. When reasonably necessary to avoid any condition or
203 potential conflict, including, but not limited to, a fixed or

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

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

214 (6) (a) Persons riding bicycles upon a roadway or in a
215 bicycle lane may not ride more than two abreast except on a
216 bicycle path ~~paths or parts of roadways set aside for the~~
217 ~~exclusive use of bicycles~~. Persons riding two abreast may not
218 impede traffic when traveling at less than the normal speed of
219 traffic at the time and place and under the conditions then
220 existing and must ~~shall~~ ride within a single lane.

221 (b) When stopping at a stop sign, persons riding bicycles
222 in groups, after coming to a full stop and obeying all traffic
223 laws, may proceed through the stop sign in a group of 10 or
224 fewer at a time. Motor vehicle operators must allow each such
225 group to travel through the intersection before moving forward.

226 (19) Except as otherwise provided in this section, a person
227 who violates ~~violation of~~ this section commits ~~is~~ a noncriminal
228 traffic infraction, punishable as a pedestrian violation as
229 provided in chapter 318. A law enforcement officer may issue
230 traffic citations for a violation of subsection (3) or
231 subsection (15) only if the violation occurs on a bicycle path
232 or road, as defined in s. 334.03. However, a law enforcement

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233 officer may not issue citations to persons on private property,
234 except any part thereof which is open to the use of the public
235 for purposes of vehicular traffic.

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

238 322.12 Examination of applicants.—

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

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

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

246 (c) ~~The examination shall also include~~ A test of the
247 applicant's ability to read and understand highway signs
248 regulating, warning, and directing traffic; his or her knowledge
249 of the traffic laws of this state, including laws regulating
250 driving under the influence of alcohol or controlled substances,
251 driving with an unlawful blood-alcohol level, and driving while
252 intoxicated; and his or her knowledge of the effects of alcohol
253 and controlled substances upon persons and the dangers of
254 driving a motor vehicle while under the influence of alcohol or
255 controlled substances. Twenty percent of the test questions
256 related to this paragraph must address bicycle and pedestrian
257 safety.

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

261 Section 7. Paragraph (c) of subsection (1) of section

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262 212.05, Florida Statutes, is amended to read:

263 212.05 Sales, storage, use tax.—It is hereby declared to be
264 the legislative intent that every person is exercising a taxable
265 privilege who engages in the business of selling tangible
266 personal property at retail in this state, including the
267 business of making mail order sales, or who rents or furnishes
268 any of the things or services taxable under this chapter, or who
269 stores for use or consumption in this state any item or article
270 of tangible personal property as defined herein and who leases
271 or rents such property within the state.

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

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

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

281 a. If the motor vehicle is rented in Florida, the entire
282 amount of such rental is taxable, even if the vehicle is dropped
283 off in another state.

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

286 2. Except as provided in subparagraph 3., for the lease or
287 rental of a motor vehicle for a period of not less than 12
288 months, sales tax is due on the lease or rental payments if the
289 vehicle is registered in this state; provided, however, that no
290 tax shall be due if the taxpayer documents use of the motor

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291 vehicle outside this state and tax is being paid on the lease or
292 rental payments in another state.

293 3. The tax imposed by this chapter does not apply to the
294 lease or rental of a commercial motor vehicle as defined in s.
295 316.003(14)(a) ~~s. 316.003(13)(a)~~ to one lessee or rentee for a
296 period of not less than 12 months when tax was paid on the
297 purchase price of such vehicle by the lessor. To the extent tax
298 was paid with respect to the purchase of such vehicle in another
299 state, territory of the United States, or the District of
300 Columbia, the Florida tax payable shall be reduced in accordance
301 with the provisions of s. 212.06(7). This subparagraph shall
302 only be available when the lease or rental of such property is
303 an established business or part of an established business or
304 the same is incidental or germane to such business.

305 Section 8. Paragraph (a) of subsection (3) of section
306 316.306, Florida Statutes, is amended to read:

307 316.306 School and work zones; prohibition on the use of a
308 wireless communications device in a handheld manner.—

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

319 2.a. During the period from October 1, 2019, through

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320 December 31, 2019, a law enforcement officer may stop motor
321 vehicles to issue verbal or written warnings to persons who are
322 in violation of subparagraph 1. for the purposes of informing
323 and educating such persons of this section. This sub-
324 subparagraph shall stand repealed on October 1, 2020.

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

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

331 655.960 Definitions; ss. 655.960-655.965.—As used in this
332 section and ss. 655.961-655.965, unless the context otherwise
333 requires:

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

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