

CHAPTER 2021-180

Committee Substitute for Senate Bill No. 950

An act relating to bicycle and pedestrian safety; amending s. 316.003, F.S.; defining the terms “bicycle lane” and “separated bicycle lane”; amending s. 316.083, F.S.; revising and providing requirements for the driver of a motor vehicle overtaking a bicycle or other nonmotorized vehicle or an electric bicycle; providing exceptions; providing a penalty; requiring the Department of Highway Safety and Motor Vehicles to provide an annual awareness and safety campaign regarding certain safety precautions; amending s. 316.0875, F.S.; exempting a motor vehicle driver from certain provisions relating to no-passing zones when overtaking a bicycle or other nonmotorized vehicle or an electric bicycle; making a technical change; amending s. 316.151, F.S.; revising requirements for vehicles turning at intersections; providing turn signaling and distance requirements for a motor vehicle driver when overtaking and passing a bicycle; making a technical change; amending s. 316.2065, F.S.; providing requirements for persons riding bicycles on a substandard-width lane; prohibiting persons riding bicycles in a bicycle lane from riding more than two abreast; providing requirements for riding in a bicycle lane; providing requirements for persons riding bicycles in groups when stopping at a stop sign; making a technical change; amending s. 322.12, F.S.; requiring a minimum number of questions in the test bank for a Class E driver license to address bicycle and pedestrian safety; amending ss. 212.05, 316.306, and 655.960, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Present subsections (5) through (76) and (77) through (105) of section 316.003, Florida Statutes, are redesignated as subsections (6) through (77) and (79) through (107), respectively, new subsections (5) and (78) are added to that section, and present subsection (62) of that section is amended, to read:

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

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

~~(63)(62)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph ~~(86)(b)~~ ~~(84)(b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

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

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

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

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

(2) The driver of a vehicle overtaking a bicycle or other nonmotorized vehicle or an electric bicycle occupying the same travel lane must pass the bicycle or other nonmotorized vehicle or electric bicycle at a safe distance of not less than 3 feet or, if such movement cannot be safely accomplished, must remain at a safe distance behind the bicycle or other nonmotorized vehicle or electric bicycle until the driver can safely pass at a distance of not less than 3 feet and must safely clear the overtaken bicycle or other nonmotorized vehicle or electric bicycle.

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

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

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

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

(7) The department must provide an annual awareness and safety campaign informing the public about the safety precautions to be taken when overtaking a bicycle or other nonmotorized vehicle or an electric bicycle.

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

316.0875 No-passing zones.—

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

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

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

(a) Avoid when an obstruction;

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

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

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

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

316.151 Required position and method of turning at intersections.—

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

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

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

intersection, and is of such a distance that the driver of a vehicle may safely turn.

(b) *Left turn.*—

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

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

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

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

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

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

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

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

316.2065 Bicycle regulations.—

(5)(a) A ~~Any~~ person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing must shall ride in the bicycle lane ~~marked for bicycle use or, if there~~

~~is no bicycle lane on the roadway is marked for bicycle use, as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:~~

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

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

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

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

~~(6)(a) Persons riding bicycles upon a roadway or in a bicycle lane may not ride more than two abreast except on a bicycle path paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast may not impede traffic when traveling at less than the normal speed of traffic at the time and place and under the conditions then existing and must shall ride within a single lane. Where bicycle lanes exist, persons riding bicycles may ride two abreast if both are able to remain within the bicycle lane. If the bicycle lane is too narrow to allow two persons riding bicycles to ride two abreast, the persons must ride single-file and within the bicycle lane. On roads that contain a substandard-width lane as defined in subparagraph (5)(a)3., persons riding bicycles may temporarily ride two abreast only to avoid hazards in the roadway or to overtake another person riding a bicycle.~~

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

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

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

322.12 Examination of applicants.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.