

By Senator Sebesta

20-1516-99

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A bill to be entitled
An act relating to traffic infractions;
creating s. 316.1923, F.S.; prescribing acts
that constitute the offense of aggressive
driving; providing criminal penalties;
providing for a court to order substance-abuse
treatment in specified circumstances; providing
for the Department of Highway Safety and Motor
Vehicles to cancel a person's driving privilege
for failure to complete such treatment;
providing an effective date.

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

Section 1. Section 316.1923, Florida Statutes, is
created to read:

316.1923 Aggressive driving.--

(1) A person is guilty of the offense of aggressive
driving when he or she commits two or more of the following
acts:

- (a) Exceeding the posted speed.
- (b) Unsafely or improperly changing lanes.
- (c) Following too closely.
- (d) Failing to yield the right-of-way.
- (e) Passing on the right.
- (f) Passing on the shoulder.
- (g) Improper passing.
- (h) Violating traffic-control devices.
- (i) Violating traffic signals.

(2) A person who is convicted of aggressive driving
shall be punished:

1 (a) Upon a first conviction, by imprisonment for a
2 period of not more than 60 days or by a fine of not less than
3 \$25 nor more than \$500, or by both.

4 (b) On a second or subsequent conviction, by
5 imprisonment for not more than 6 months or by a fine of not
6 less than \$50 nor more than \$1,000, or by both. In addition,
7 if the person's aggressive driving causes or results in the
8 death of another, the person may be sentenced to serve 120
9 community hours as provided in s. 316.027(4).

10 (3) In addition to any other penalty provided under
11 this section, if the court has reasonable cause to believe
12 that the use of alcohol, chemical substances described in s.
13 877.111, or substances controlled under chapter 893
14 contributed to a violation of this section, the court shall
15 direct the person so convicted to complete the substance-abuse
16 course provided under s. 316.193(5) within a reasonable period
17 of time specified by the court. The agency conducting the
18 course may refer the person to an authorized agency for
19 substance-abuse evaluation and treatment. The court order that
20 requires the completion of such a course must be enforced as
21 provided in s. 322.245. If a person who has been referred to a
22 substance-abuse education course or treatment under this
23 subsection fails to report for or complete such treatment or
24 education, the agency conducting the course or treatment must
25 notify the court and the department of the failure. Upon
26 receipt of such notice, the department shall cancel the
27 person's driving privilege. The department shall reinstate the
28 driving privilege when the person completes the
29 substance-abuse education course or reenters treatment
30 required under this subsection.

31 Section 2. This act shall take effect October 1, 1999.

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SENATE SUMMARY

Provides that the commission of two or more specified violations constitutes the offense of aggressive driving. Provides criminal penalties. Provides that a court may order a person who is convicted of aggressive driving in circumstances involving substance abuse to undergo treatment for substance abuse. Allows the Department of Highway Safety and Motor Vehicles to cancel a person's driving privilege for failure to complete such treatment.