

Amendment No. 02 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 The Committee on Law Enforcement & Crime Prevention offered
12 the following:

14 **Amendment (with title amendment)**

15 Remove from the bill: Everything after the enacting clause
16
17 and insert in lieu thereof:

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

20 316.1923 Aggressive careless driving.--

21 (1) A person is guilty of the offense of aggressive
22 careless driving when he or she commits two or more of the
23 following acts simultaneously or in succession:

24 (a) Exceeding the posted speed.

25 (b) Unsafely or improperly changing lanes as defined
26 in s. 316.085.

27 (c) Following another vehicle too closely as defined
28 in s. 316.0895(1).

29 (d) Failing to yield the right-of-way.

30 (e) Improperly passing as defined in s. 316.083, s.
31 316.084, or s. 316.085.

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1 (f) Violating traffic-control and signal devices as
2 defined in ss. 316.074 and 316.075.

3 (2) A person who is convicted of aggressive careless
4 driving shall be punished as follows:

5 (a) Upon a first conviction:

6 1. By a mandatory court appearance as described in s.
7 318.19.

8 2. By a fine as set forth in s. 318.18 of not less
9 than \$60.

10 3. By a minimum point assessment of six points on the
11 person's driver's license pursuant to s. 322.27, provided that
12 a person who is punished for a first conviction pursuant to
13 this paragraph shall have the option to attend an 8-hour
14 aggressive driver behavior modification course, paid for by
15 the offender, which shall reduce the point assessment to one
16 point. This option shall only be available for a first
17 conviction. Such aggressive driver behavior modification
18 course, which must be authorized by experts in the field of
19 behavioral psychology, shall primarily include and cover the
20 following specific topics:

21 a. How to control driving-related stress and anger.

22 b. Education about the possible consequences of
23 aggressive driving.

24 c. Intervention in self-destructive behavioral
25 patterns specific to aggressive driving.

26 (b) Upon a second conviction:

27 1. By a minimum point assessment of six points on the
28 person's driver's license pursuant to s. 322.27.

29 2. By a fine of not less than \$250 or more than \$500.

30 3. The court may revoke, for a period not to exceed 1
31 year, the driver's license of a person who is convicted for a

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1 second violation pursuant to this paragraph.

2 (c) Upon a third or subsequent conviction, the
3 offender shall be treated as a habitual traffic offender as
4 defined in s. 322.264, and shall be punished as follows:

5 1. By a minimum point assessment of six points on the
6 person's driver's license pursuant to s. 322.27. The
7 department shall revoke the license pursuant to s. 322.27(5)
8 and such person shall not be eligible for relicensure for a
9 minimum of 5 years from the date of revocation. Pursuant to
10 s. 322.291(1)(b), such person shall submit to the department
11 proof of enrollment in a department-approved advanced driver
12 improvement course prior to the reinstatement of his or her
13 driving privilege as set forth in s. 318.1451.

14 2. By a fine of not less than \$500 or more than
15 \$1,000.

16 3. If the person's aggressive careless driving causes
17 or results in a crash, the person may be sentenced to serve
18 120 community service hours as provided in s. 316.027(4).

19 (3) All aggressive driver behavior modification
20 courses, as the courses related to s. 316.1923, shall be
21 exempt from the provisions of s. 318.1451(5)(a).

22 Section 2. Paragraph (d) of subsection (3) of section
23 322.27, Florida Statutes, is amended to read:

24 322.27 Authority of department to suspend or revoke
25 license.--

26 (3) There is established a point system for evaluation
27 of convictions of violations of motor vehicle laws or
28 ordinances, and violations of applicable provisions of s.
29 403.413(6)(b) when such violations involve the use of motor
30 vehicles, for the determination of the continuing
31 qualification of any person to operate a motor vehicle. The

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1 department is authorized to suspend the license of any person
2 upon showing of its records or other good and sufficient
3 evidence that the licensee has been convicted of violation of
4 motor vehicle laws or ordinances, or applicable provisions of
5 s. 403.413(6)(b), amounting to 12 or more points as determined
6 by the point system. The suspension shall be for a period of
7 not more than 1 year.

8 (d) The point system shall have as its basic element a
9 graduated scale of points assigning relative values to
10 convictions of the following violations:

11 1. Reckless driving, willful and wanton--4 points.

12 2. Leaving the scene of a crash resulting in property
13 damage of more than \$50--6 points.

14 3. Unlawful speed resulting in a crash--6 points.

15 4. Passing a stopped school bus--4 points.

16 5. Unlawful speed:

17 a. Not in excess of 15 miles per hour of lawful or
18 posted speed--3 points.

19 b. In excess of 15 miles per hour of lawful or posted
20 speed--4 points.

21 6. All other moving violations (including parking on a
22 highway outside the limits of a municipality)--3 points.

23 However, no points shall be imposed for a violation of s.
24 316.0741 or s. 316.2065(12).

25 7. Any moving violation covered above, excluding
26 unlawful speed, resulting in a crash--4 points.

27 8. Any conviction under s. 403.413(5)(b)--3 points.

28 9. A conviction under s. 316.1923--6 points, provided
29 that a reduction in points may be awarded pursuant to s.
30 316.1923(2)(a).

31 Section 3. Subsections (1) and (4) of section

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1 318.1451, Florida Statutes, are amended to read:

2 318.1451 Driver improvement schools.--

3 (1) The Department of Highway Safety and Motor
4 Vehicles shall approve the courses of all driver improvement
5 schools, as the courses relate to ss. 318.14(9), 322.0261,
6 ~~322.095~~, and 322.291. The chief judge of the applicable
7 judicial circuit may establish requirements regarding the
8 location of schools within the judicial circuit. A person may
9 engage in the business of operating a driver improvement
10 school that offers department-approved courses related to ss.
11 318.14(9), 322.0261, ~~322.095~~, and 322.291. The course provider
12 for an aggressive driver behavior modification course related
13 to s. 316.1923 may only be a governmental program or a
14 not-for-profit corporation, unless it's course is currently
15 approved by and operated within a Florida judicial circuit.

16 (4) In addition to a regular course fee, an assessment
17 fee in the amount of \$2.50 shall be collected by the school
18 from each person who elects to attend a course, as it relates
19 to ss. 316.1923(2)(a)3., 318.14(9), 322.0261, 322.291, and
20 627.06501, which shall be remitted to the Department of
21 Highway Safety and Motor Vehicles and deposited in the Highway
22 Safety Operating Trust Fund to administer this program and to
23 fund the general operations of the department.

24 Section 4. Subsection (7) of section 318.17, Florida
25 Statutes, is amended, subsection (8) is renumbered as
26 subsection (9), and a new subsection (8) is added to said
27 section, to read:

28 318.17 Offenses excepted.--No provision of this
29 chapter is available to a person who is charged with any of
30 the following offenses:

31 (7) Obstructing an officer, in violation of s.

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1 316.545(1); ~~or~~

2 (8) Aggressive careless driving, in violation of s.
3 316.1923; or

4 (9)~~(8)~~ Any other offense in chapter 316 which is
5 classified as a criminal violation.

6 Section 5. Subsection (3) of section 318.19, Florida
7 Statutes, is amended, and subsection (4) is added to said
8 section, to read:

9 318.19 Infractions requiring a mandatory hearing.--Any
10 person cited for the infractions listed in this section shall
11 not have the provisions of s. 318.14(2), (4), and (9)
12 available to him or her but must appear before the designated
13 official at the time and location of the scheduled hearing:

14 (3) Any infraction of s. 316.172(1)(b); ~~or-~~

15 (4) Any infraction of s. 316.1923.

16 Section 6. Section 322.264, Florida Statutes, is
17 amended to read:

18 322.264 "Habitual traffic offender" defined.--A
19 "habitual traffic offender" is any person whose record, as
20 maintained by the Department of Highway Safety and Motor
21 Vehicles, shows that such person has been convicted three or
22 more times of aggressive careless driving or has accumulated
23 the specified number of convictions for offenses described in
24 subsection (1) or subsection (2) within a 5-year period:

25 (1) Three or more convictions of any one or more of
26 the following offenses arising out of separate acts:

27 (a) Voluntary or involuntary manslaughter resulting
28 from the operation of a motor vehicle;

29 (b) Any violation of s. 316.193, former s. 316.1931,
30 or former s. 860.01;

31 (c) Any felony in the commission of which a motor

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1 vehicle is used;

2 (d) Driving a motor vehicle while his or her license
3 is suspended or revoked;

4 (e) Failing to stop and render aid as required under
5 the laws of this state in the event of a motor vehicle crash
6 resulting in the death or personal injury of another; or

7 (f) Driving a commercial motor vehicle while his or
8 her privilege is disqualified; or

9 (g) Aggressive careless driving.

10 (2) Fifteen convictions for moving traffic offenses
11 for which points may be assessed as set forth in s. 322.27,
12 including those offenses in subsection (1).

13

14 Any violation of any federal law, any law of another state or
15 country, or any valid ordinance of a municipality or county of
16 another state similar to a statutory prohibition specified in
17 subsection (1), or subsection (2), or subsection (3) shall be
18 counted as a violation of such prohibition. In computing the
19 number of convictions, all convictions during the 5 years
20 previous to July 1, 1972, will be used, provided at least one
21 conviction occurs after that date. The fact that previous
22 convictions may have resulted in suspension, revocation, or
23 disqualification under another section does not exempt them
24 from being used for suspension or revocation under this
25 section as a habitual offender.

26 Section 7. Section 316.650(1)(a), Florida Statutes, is
27 amended to read:

28 316.650 Traffic citations.--

29 (1)(a) The department shall prepare, and supply to
30 every traffic enforcement agency in this state, an appropriate
31 form traffic citation containing a notice to appear (which

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1 shall be issued in prenumbered books with citations in
 2 quintuplicate) and meeting the requirements of this chapter or
 3 any laws of this state regulating traffic, which form shall be
 4 consistent with the state traffic court rules and the
 5 procedures established by the department. Upon all future
 6 printings of the traffic citation, the form shall include a
 7 special box which is to be checked by the law enforcement
 8 officer when the traffic violation and/or crash was caused due
 9 to aggressive driving as defined in s. 316.1923.

10 Section 8. This act shall take effect January 1, 2001.

13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 remove from the title of the bill: the entire title

17 and insert in lieu thereof:

18 A bill to be entitled

19 An act relating to traffic infractions;
 20 creating s. 316.1923, F.S.; prescribing acts
 21 that constitute the offense of aggressive
 22 careless driving; providing penalties;
 23 providing increasingly severe penalties for
 24 first, second, and third or subsequent
 25 violations; amending s. 322.27, F.S.; providing
 26 a point assessment for certain violations;
 27 amending s. 318.1451, F.S.; providing for the
 28 approval of a driver improvement course with
 29 respect to aggressive careless driving
 30 violations; amending s. 318.17, F.S.; excepting
 31 a violation of s. 318.1923, F.S., for

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1 aggressive careless driving from the provisions
2 of the chapter; amending s. 318.19, F.S.;
3 requiring a mandatory hearing for an infraction
4 of s. 318.1923, F.S.; amending s. 322.264,
5 F.S.; including certain violations of s.
6 316.1923, F.S., within the definition of a
7 habitual traffic offender in conformance to the
8 act; amending s. 316.65, F.S., providing for
9 modification of the traffic citation; providing
10 an effective date.

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