

By Representatives Russell, Bense, Prieguez, Andrews and
Byrd

1 A bill to be entitled
2 An act relating to traffic infractions;
3 creating s. 316.1923, F.S.; prescribing acts
4 that constitute the offense of aggressive
5 careless driving; providing criminal penalties;
6 providing for a court to order substance abuse
7 treatment in specified circumstances; providing
8 for the Department of Highway Safety and Motor
9 Vehicles to cancel a person's driving privilege
10 for failure to complete such treatment;
11 providing increasingly severe penalties for
12 first, second, and third or subsequent
13 violations; amending s. 322.27, F.S.; providing
14 a point assessment for certain violations;
15 amending s. 318.1451, F.S.; providing for the
16 approval of driver improvement schools with
17 respect to aggressive careless driving
18 violations; amending s. 318.17, F.S.; excepting
19 a violation of s. 318.1923, F.S., for
20 aggressive careless driving from the provisions
21 of the chapter; amending s. 318.19, F.S.;
22 requiring a mandatory hearing for an infraction
23 of s. 318.1923, F.S.; amending s. 322.264,
24 F.S.; including certain violations of s.
25 316.1923 within the definition of a habitual
26 traffic offender in conformance to the act;
27 providing an effective date.

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29 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Section 316.1923, Florida Statutes, is
2 created to read:

3 316.1923 Aggressive careless driving.--

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

7 (a) Exceeding the posted speed.

8 (b) Unsafely or improperly changing lanes as defined
9 in s. 316.085.

10 (c) Following another vehicle too closely as defined
11 in s. 316.0895.

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

13 (e) Improperly passing as defined in s. 316.083, s.
14 316.084, or s. 316.085.

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

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

19 (a) Upon a first conviction:

20 1. By a mandatory court appearance as described in s.
21 318.19.

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

24 3. By a minimum point assessment of six points on the
25 person's driver's license pursuant to s. 322.27, provided that
26 a person who is punished by a first conviction pursuant to
27 this paragraph shall have the option to attend a driver
28 improvement school as set forth in ss. 318.14, 322.271, and
29 322.291, paid for by the offender, which shall reduce the
30 point assessment to one point. This option shall only be
31 available for a first conviction.

1 4. If the court has reasonable cause to believe that
2 the use of alcohol, a chemical substance as set forth in s.
3 877.111, or any substance controlled under chapter 893
4 contributed to a violation of this section, the court shall
5 direct the person so convicted to complete the substance abuse
6 course provided under s. 316.193(5) within a reasonable period
7 of time specified by the court. The agency conducting the
8 course may refer the person to an authorized agency for
9 substance abuse evaluation and treatment. The court order that
10 requires the completion of such a course must be enforced as
11 provided in s. 322.245. If a person who has been referred to a
12 substance abuse course or treatment program under this
13 subsection fails to report for or complete such treatment or
14 education, the agency conducting the course or treatment must
15 notify the court and the department of the failure. Upon
16 receipt of such notice, the department shall cancel the
17 person's driving privilege. The department shall reinstate the
18 driving privilege when the person completes the substance
19 abuse education course or reenters treatment required under
20 this subsection.

21 (b) Upon a second conviction:

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

24 2. By a fine of not less than \$250 nor more than \$500.

25 3. The court may revoke, for a period not to exceed 1
26 year, the driver's license of a person who is convicted for a
27 second violation pursuant to this paragraph.

28 4. If the court has reasonable cause to believe that
29 the use of alcohol, a chemical substance as set forth in s.
30 877.111, or any substance controlled under chapter 893
31 contributed to a violation of this section, the court shall

1 direct the person so convicted to complete the substance abuse
2 course provided under s. 316.193(5) within a reasonable period
3 of time specified by the court. The agency conducting the
4 course may refer the person to an authorized agency for
5 substance abuse evaluation and treatment. The court order that
6 requires the completion of such a course must be enforced as
7 provided in s. 322.245. If a person who has been referred to a
8 substance abuse course or treatment program under this
9 subsection fails to report for or complete such treatment or
10 education, the agency conducting the course or treatment must
11 notify the court and the department of the failure. Upon
12 receipt of such notice, the department shall cancel the
13 person's driving privilege. The department shall reinstate the
14 driving privilege when the person completes the substance
15 abuse education course or reenters treatment required under
16 this subsection.

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

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

22 2. By a fine of not less than \$500 nor more than
23 \$1,000.

24 3. If the person's aggressive careless driving causes
25 or results in a crash, the person may be sentenced to serve
26 240 community service hours as provided in s. 316.027(4).

27 4. If the court has reasonable cause to believe that
28 the use of alcohol, a chemical substance as set forth in s.
29 877.111, or any substance controlled under chapter 893
30 contributed to a violation of this section, the court shall
31 direct the person so convicted to complete the substance abuse

1 course provided under s. 316.193(5) within a reasonable period
2 of time specified by the court. The agency conducting the
3 course may refer the person to an authorized agency for
4 substance abuse evaluation and treatment. The court order that
5 requires the completion of such a course must be enforced as
6 provided in s. 322.245. If a person who has been referred to a
7 substance abuse course or treatment program under this
8 subsection fails to report for or complete such treatment or
9 education, the agency conducting the course or treatment must
10 notify the court and the department of the failure. Upon
11 receipt of such notice, the department shall cancel the
12 person's driving privilege. The department shall reinstate the
13 driving privilege when the person completes the substance
14 abuse education course or reenters treatment required under
15 this subsection.

16 Section 2. Paragraph (d) of subsection (3) of section
17 322.27, Florida Statutes, is amended to read:

18 322.27 Authority of department to suspend or revoke
19 license.--

20 (3) There is established a point system for evaluation
21 of convictions of violations of motor vehicle laws or
22 ordinances, and violations of applicable provisions of s.
23 403.413(6)(b) when such violations involve the use of motor
24 vehicles, for the determination of the continuing
25 qualification of any person to operate a motor vehicle. The
26 department is authorized to suspend the license of any person
27 upon showing of its records or other good and sufficient
28 evidence that the licensee has been convicted of violation of
29 motor vehicle laws or ordinances, or applicable provisions of
30 s. 403.413(6)(b), amounting to 12 or more points as determined
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1 by the point system. The suspension shall be for a period of
2 not more than 1 year.

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

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

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

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

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

11 5. Unlawful speed:

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

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

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

18 However, no points shall be imposed for a violation of s.
19 316.0741 or s. 316.2065(12).

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

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

23 9. A conviction under s. 316.1923(12)(a) or (b)--6
24 points, provided that a reduction in points may be awarded
25 pursuant to s. 316.1923(2)(a).

26 Section 3. Subsection (1) of section 318.1451, Florida
27 Statutes, is amended to read:

28 318.1451 Driver improvement schools.--

29 (1) The Department of Highway Safety and Motor
30 Vehicles shall approve the courses of all driver improvement
31 schools, as the courses relate to ss. 316.1923, 318.14(9),

1 322.0261, 322.095, and 322.291. The chief judge of the
2 applicable judicial circuit may establish requirements
3 regarding the location of schools within the judicial circuit.
4 A person may engage in the business of operating a driver
5 improvement school that offers department-approved courses
6 related to ss. 316.1923, 318.14(9), 322.0261, 322.095, and
7 322.291.

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

12 318.17 Offenses excepted.--No provision of this
13 chapter is available to a person who is charged with any of
14 the following offenses:

15 (7) Obstructing an officer, in violation of s.
16 316.545(1); ~~or~~

17 (8) Aggressive careless driving, in violation of s.
18 316.1923; or

19 (9)~~(8)~~ Any other offense in chapter 316 which is
20 classified as a criminal violation.

21 Section 5. Subsection (3) of section 318.19, Florida
22 Statutes, is amended, and subsection (4) is added to said
23 section, to read:

24 318.19 Infractions requiring a mandatory hearing.--Any
25 person cited for the infractions listed in this section shall
26 not have the provisions of s. 318.14(2), (4), and (9)
27 available to him or her but must appear before the designated
28 official at the time and location of the scheduled hearing:

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

30 (4) Any infraction of s. 316.1923.

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1 Section 6. Section 322.264, Florida Statutes, is
2 amended to read:

3 322.264 "Habitual traffic offender" defined.--A
4 "habitual traffic offender" is any person whose record, as
5 maintained by the Department of Highway Safety and Motor
6 Vehicles, shows that such person has accumulated the specified
7 number of convictions for offenses described in subsection (1)
8 or subsection (2) within a 5-year period:

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

11 (a) Voluntary or involuntary manslaughter resulting
12 from the operation of a motor vehicle;

13 (b) Any violation of s. 316.193, former s. 316.1931,
14 or former s. 860.01;

15 (c) Any felony in the commission of which a motor
16 vehicle is used;

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

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

22 (f) Driving a commercial motor vehicle while his or
23 her privilege is disqualified.

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

27 (3) A conviction for a violation of s. 316.1923(1)(c).

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29 Any violation of any federal law, any law of another state or
30 country, or any valid ordinance of a municipality or county of
31 another state similar to a statutory prohibition specified in

1 subsection (1), ~~or~~ subsection (2), or subsection (3) shall be
2 counted as a violation of such prohibition. In computing the
3 number of convictions, all convictions during the 5 years
4 previous to July 1, 1972, will be used, provided at least one
5 conviction occurs after that date. The fact that previous
6 convictions may have resulted in suspension, revocation, or
7 disqualification under another section does not exempt them
8 from being used for suspension or revocation under this
9 section as a habitual offender.

10 Section 7. This act shall take effect July 1, 2000.

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HOUSE SUMMARY

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Provides that the commission of two or more specified violations simultaneously or in succession constitutes the offense of aggressive careless driving. Provides criminal penalties. Provides increasingly severe penalties for first, second, and third or subsequent violations of the offense of aggressive careless driving. Provides that a court may order a person who is convicted of aggressive careless 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. Provides a point assessment against an operator's license for described violations. See bill for details.