

By Senator Sebesta

20-609-00

See HB 373

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.

28  
29   Be It Enacted by the Legislature of the State of Florida:  
30  
31

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 in violation  
9 of s. 316.085.

10 (c) Following another vehicle too closely in violation  
11 of s. 316.0895.

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

13 (e) Improperly passing in violation of s. 316.083, s.  
14 316.084, or s. 316.085.

15 (f) Failure to follow the instructions of any  
16 traffic-control device or any traffic-control signal in  
17 violation of s. 316.074 or s. 316.075.

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

20 (a) Upon a first conviction:

21 1. By a mandatory court appearance as described in s.  
22 318.19.

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

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

31

1 point assessment to one point. This option is available only  
2 for a first conviction.

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

23 (b) Upon a second conviction:

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

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

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

30 4. If the court has reasonable cause to believe that  
31 the use of alcohol, a chemical substance as set forth in s.

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

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

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 \$500 nor more than  
25 \$1,000.

26 3. If the person's aggressive careless driving causes  
27 or results in an accident, the person may be sentenced to  
28 serve 240 community service hours as provided in s.  
29 316.027(4).

30 4. If the court has reasonable cause to believe that  
31 the use of alcohol, a chemical substance as set forth in s.

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

19 Section 2. Paragraph (d) of subsection (3) of section  
20 322.27, Florida Statutes, is amended to read:

21 322.27 Authority of department to suspend or revoke  
22 license.--

23 (3) There is established a point system for evaluation  
24 of convictions of violations of motor vehicle laws or  
25 ordinances, and violations of applicable provisions of s.  
26 403.413(6)(b) when such violations involve the use of motor  
27 vehicles, for the determination of the continuing  
28 qualification of any person to operate a motor vehicle. The  
29 department is authorized to suspend the license of any person  
30 upon showing of its records or other good and sufficient  
31 evidence that the licensee has been convicted of violation of

1 motor vehicle laws or ordinances, or applicable provisions of  
2 s. 403.413(6)(b), amounting to 12 or more points as determined  
3 by the point system. The suspension shall be for a period of  
4 not more than 1 year.

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

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

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

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

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

13 5. Unlawful speed:

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

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

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

20 However, no points shall be imposed for a violation of s.  
21 316.0741 or s. 316.2065(12).

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

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

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

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

30 318.1451 Driver improvement schools.--  
31

1           (1) The Department of Highway Safety and Motor  
2 Vehicles shall approve the courses of all driver improvement  
3 schools, as the courses relate to ss. 316.1923, 318.14(9),  
4 322.0261, 322.095, and 322.291. The chief judge of the  
5 applicable judicial circuit may establish requirements  
6 regarding the location of schools within the judicial circuit.  
7 A person may engage in the business of operating a driver  
8 improvement school that offers department-approved courses  
9 related to ss. 316.1923, 318.14(9), 322.0261, 322.095, and  
10 322.291.

11           Section 4. Section 318.17, Florida Statutes, is  
12 amended to read:

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

16           (1) Fleeing or attempting to elude a police officer,  
17 in violation of s. 316.1935;

18           (2) Leaving the scene of a crash, in violation of ss.  
19 316.027 and 316.061;

20           (3) Driving, or being in actual physical control of,  
21 any vehicle while under the influence of alcoholic beverages,  
22 any chemical substance set forth in s. 877.111, or any  
23 substance controlled under chapter 893, in violation of s.  
24 316.193, or driving with an unlawful blood-alcohol level;

25           (4) Reckless driving, in violation of s. 316.192;

26           (5) Making false crash reports, in violation of s.  
27 316.067;

28           (6) Willfully failing or refusing to comply with any  
29 lawful order or direction of any police officer or member of  
30 the fire department, in violation of s. 316.072(3);

31

1           (7) Obstructing an officer, in violation of s.  
2 316.545(1); ~~or~~

3           (8) Aggressive careless driving, in violation of s.  
4 316.1923; or

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

7           Section 5. Section 318.19, Florida Statutes, is  
8 amended 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           (1) Any infraction which results in a crash that  
15 causes the death of another; ~~or~~

16           (2) Any infraction which results in a crash that  
17 causes "serious bodily injury" of another as defined in s.  
18 316.1933(1); ~~or~~

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

20           (4) Any infraction of s. 316.1923.

21           Section 6. Section 322.264, Florida Statutes, is  
22 amended to read:

23           322.264 "Habitual traffic offender" defined.--A  
24 "habitual traffic offender" is any person whose record, as  
25 maintained by the Department of Highway Safety and Motor  
26 Vehicles, shows that such person has accumulated the specified  
27 number of convictions for offenses described in subsection (1)  
28 or subsection (2) within a 5-year period:

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

31



1 (a) Voluntary or involuntary manslaughter resulting  
2 from the operation of a motor vehicle;

3 (b) Any violation of s. 316.193, former s. 316.1931,  
4 or former s. 860.01;

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

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

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

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

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

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

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

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

\*\*\*\*\*

LEGISLATIVE SUMMARY

Provides that the commission of two or more specified traffic 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.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31