

By the Committee on Transportation and Senator Sebesta

306-2213-00

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 penalties;  
6           providing increasingly severe penalties for  
7           first, second, and third or subsequent  
8           violations; amending s. 322.27, F.S.; providing  
9           a point assessment for certain violations;  
10          amending s. 318.1451, F.S.; providing for the  
11          approval of a driver improvement course with  
12          respect to aggressive careless driving  
13          violations; amending s. 318.17, F.S.; excepting  
14          a violation of s. 318.1923, F.S., for  
15          aggressive careless driving from the provisions  
16          of the chapter; amending s. 318.19, F.S.;  
17          requiring a mandatory hearing for an infraction  
18          of s. 318.1923, F.S.; amending s. 322.264,  
19          F.S.; including certain violations of s.  
20          316.1923, F.S., within the definition of a  
21          habitual traffic offender in conformance to the  
22          act; amending s. 316.65, F.S., providing for  
23          modification of the traffic citation; providing  
24          an effective date.

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

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

30           316.1923 Aggressive careless driving.--  
31

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

4           (a) Exceeding the posted speed.

5           (b) Unsafely or improperly changing lanes as defined  
6 in s. 316.085.

7           (c) Following another vehicle too closely as defined  
8 in s. 316.0895(1).

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

10           (e) Improperly passing as defined in s. 316.083, s.  
11 316.084, or s. 316.085.

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

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

16           (a) Upon a first conviction:

17           1. By a mandatory court appearance as described in s.  
18 318.19.

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

21           3. By a minimum point assessment of six points on the  
22 person's driver's license pursuant to s. 322.27, provided that  
23 a person who is punished for a first conviction pursuant to  
24 this paragraph shall have the option to attend an 8-hour  
25 aggressive driver behavior modification course, paid for by  
26 the offender, which shall reduce the point assessment to three  
27 points. This option shall only be available for a first  
28 conviction. Such aggressive driver behavior modification  
29 course, which must be authorized by experts in the field of  
30 behavioral psychology, shall primarily include and cover the  
31 following specific topics:

- 1           a. How to control driving-related stress and anger.  
2           b. Education about the possible consequences of  
3 aggressive driving.  
4           c. Intervention in self-destructive behavioral  
5 patterns specific to aggressive driving.  
6           (b) Upon a second conviction:  
7           1. By a minimum point assessment of six points on the  
8 person's driver's license pursuant to s. 322.27.  
9           2. By a fine of not less than \$250 or more than \$500.  
10           3. The court may revoke, for a period not to exceed 1  
11 year, the driver's license of a person who is convicted for a  
12 second violation pursuant to this paragraph.  
13           (c) Upon a third or subsequent conviction, the  
14 offender shall be treated as a habitual traffic offender as  
15 defined in s. 322.264, and shall be punished as follows:  
16           1. By a minimum point assessment of six points on the  
17 person's driver's license pursuant to s. 322.27. The  
18 department shall revoke the license pursuant to s. 322.27(5)  
19 and such person shall not be eligible for relicensure for a  
20 minimum of 5 years from the date of revocation. Pursuant to  
21 s. 322.291(1)(b), such person shall submit to the department  
22 proof of enrollment in a department-approved advanced driver  
23 improvement course prior to the reinstatement of his or her  
24 driving privilege as set forth in s. 318.1451.  
25           2. By a fine of not less than \$500 or more than  
26 \$1,000.  
27           3. If the person's aggressive careless driving causes  
28 or results in a crash, the person may be sentenced to serve  
29 120 community service hours as provided in s. 316.027(4).  
30  
31

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

4           Section 2. Paragraph (d) of subsection (3) of section  
5 322.27, Florida Statutes, is amended to read:

6           322.27 Authority of department to suspend or revoke  
7 license.--

8           (3) There is established a point system for evaluation  
9 of convictions of violations of motor vehicle laws or  
10 ordinances, and violations of applicable provisions of s.  
11 403.413(6)(b) when such violations involve the use of motor  
12 vehicles, for the determination of the continuing  
13 qualification of any person to operate a motor vehicle. The  
14 department is authorized to suspend the license of any person  
15 upon showing of its records or other good and sufficient  
16 evidence that the licensee has been convicted of violation of  
17 motor vehicle laws or ordinances, or applicable provisions of  
18 s. 403.413(6)(b), amounting to 12 or more points as determined  
19 by the point system. The suspension shall be for a period of  
20 not more than 1 year.

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

- 24           1. Reckless driving, willful and wanton--4 points.  
25           2. Leaving the scene of a crash resulting in property  
26 damage of more than \$50--6 points.  
27           3. Unlawful speed resulting in a crash--6 points.  
28           4. Passing a stopped school bus--4 points.  
29           5. Unlawful speed:  
30           a. Not in excess of 15 miles per hour of lawful or  
31 posted speed--3 points.

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

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

5 However, no points shall be imposed for a violation of s.  
6 316.0741 or s. 316.2065(12).

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

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

10           9. A conviction under s. 316.1923--6 points, provided  
11 that a reduction in points may be awarded pursuant to s.  
12 316.1923(2)(a).

13           Section 3. Subsections (1) and (4) of section  
14 318.1451, Florida Statutes, are amended to read:

15           318.1451 Driver improvement schools.--

16           (1) The Department of Highway Safety and Motor  
17 Vehicles shall approve the courses of all driver improvement  
18 schools, as the courses relate to ss. 318.14(9), 322.0261,  
19 322.095, and 322.291. The chief judge of the applicable  
20 judicial circuit may establish requirements regarding the  
21 location of schools within the judicial circuit. A person may  
22 engage in the business of operating a driver improvement  
23 school that offers department-approved courses related to ss.  
24 318.14(9), 322.0261, ~~322.095~~, and 322.291. The course provider  
25 for an aggressive driver behavior modification course related  
26 to s. 316.1923 may only be a governmental program or a  
27 not-for-profit corporation, unless its course is approved by  
28 and operated within a Florida judicial circuit.

29           (4) In addition to a regular course fee, an assessment  
30 fee in the amount of \$2.50 shall be collected by the school  
31 from each person who elects to attend a course, as it relates

1 to ss. 316.1923(2)(a)3., 318.14(9), 322.0261, 322.291, and  
2 627.06501, which shall be remitted to the Department of  
3 Highway Safety and Motor Vehicles and deposited in the Highway  
4 Safety Operating Trust Fund to administer this program and to  
5 fund the general operations of the department.

6 Section 4. Sections 318.17, Florida Statutes, is  
7 amended to read:

8 318.17 Offenses excepted.--No provision of this  
9 chapter is available to a person who is charged with any of  
10 the following offenses:

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

13 (2) Leaving the scene of a crash, in violation of ss.  
14 316.027 and 316.061;

15 (3) Driving, or being in actual physical control of,  
16 any vehicle while under the influence of alcoholic beverages,  
17 any chemical substance set forth in s. 877.111, or any  
18 substance controlled under chapter 893, in violation of s.  
19 316.193, or driving with an unlawful blood-alcohol level;

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

21 (5) Making false crash reports, in violation of s.  
22 316.067;

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

26 (7) Obstructing an officer, in violation of s.  
27 316.545(1); ~~or~~

28 (8) Aggressive careless driving, in violation of s.  
29 316.1923; or

30 (9)~~(8)~~ Any other offense in chapter 316 which is  
31 classified as a criminal violation.

1           Section 5. Section 318.19, Florida Statutes, is  
2 amended to read:

3           318.19 Infractions requiring a mandatory hearing.--Any  
4 person cited for the infractions listed in this section shall  
5 not have the provisions of s. 318.14(2), (4), and (9)  
6 available to him or her but must appear before the designated  
7 official at the time and location of the scheduled hearing:

8           (1) Any infraction which results in a crash that  
9 causes the death of another; ~~or~~

10           (2) Any infraction which results in a crash that  
11 causes "serious bodily injury" of another as defined in s.  
12 316.1933(1); ~~or~~

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

14           (4) Any infraction of s. 316.1923.

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

17           322.264 "Habitual traffic offender" defined.--A  
18 "habitual traffic offender" is any person whose record, as  
19 maintained by the Department of Highway Safety and Motor  
20 Vehicles, shows that such person has been convicted three or  
21 more times of aggressive careless driving or has accumulated  
22 the specified number of convictions for offenses described in  
23 subsection (1) or subsection (2) within a 5-year period:

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

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

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

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

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

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

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

8 (g) Aggressive careless driving.

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

12  
13 Any violation of any federal law, any law of another state or  
14 country, or any valid ordinance of a municipality or county of  
15 another state similar to a statutory prohibition specified in  
16 subsection (1), ~~or~~ subsection (2), or subsection (3) shall be  
17 counted as a violation of such prohibition. In computing the  
18 number of convictions, all convictions during the 5 years  
19 previous to July 1, 1972, will be used, provided at least one  
20 conviction occurs after that date. The fact that previous  
21 convictions may have resulted in suspension, revocation, or  
22 disqualification under another section does not exempt them  
23 from being used for suspension or revocation under this  
24 section as a habitual offender.

25 Section 7. Paragraph (a) of subsection (1) of section  
26 316.650, Florida Statutes, is amended to read:

27 316.650 Traffic citations.--

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



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

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

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
12 COMMITTEE SUBSTITUTE FOR  
13 SB 732

14 The CS provides that first time offenders have the option to  
15 attend an aggressive driver behavior modification course.  
16 Attendance of this course would reduce the point assessment  
17 from six to three points. The CS specifies topics to be  
18 included in such a course.

19 The CS deletes a provision in the bill authorizing the court  
20 to require certain persons to complete a substance abuse  
21 course.

22 The CS reduces the number of community service hours certain  
23 offenders may be sentenced to from 240 hours to 120 hours.

24 The CS provides that uniform traffic citations are to be  
25 printed with a box to indicate if aggressive driving was a  
26 factor in the violation and/or crash.

27 The CS implements several technical revisions.  
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