



168192

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/24/2008	.	
	.	
	.	

1 The Committee on Transportation and Economic Development
2 Appropriations (Diaz de la Portilla) recommended the following
3 **amendment:**

4
5 **Senate Amendment (with title amendment)**

6 Between line(s) 586 and 587

7 insert:

8
9 Section 5. The Legislature finds that road rage and
10 aggressive careless driving are a growing threat to the health,
11 safety, and welfare of the public. The intent of the Legislature
12 is to reduce road rage and aggressive careless driving, reduce
13 the incidence of drivers' interfering with the movement of
14 traffic, minimize crashes, and promote the orderly, free flow of
15 traffic on the roads and highways of the state.

16 Section 6. Subsection (86) is added to section 316.003,
17 Florida Statutes, to read:



168192

18 316.003 Definitions.--The following words and phrases, when
19 used in this chapter, shall have the meanings respectively
20 ascribed to them in this section, except where the context
21 otherwise requires:

22 (86) ROAD RAGE.--The act of a driver or passenger to
23 intentionally injure or kill another driver, passenger, or
24 pedestrian, or to attempt or threaten to injure or kill another
25 driver, passenger, or pedestrian.

26 Section 7. Present subsection (3) of section 316.083,
27 Florida Statutes, is redesignated as subsection (4), and a new
28 subsection (3) is added to that section, to read:

29 316.083 Overtaking and passing a vehicle.--The following
30 rules shall govern the overtaking and passing of vehicles
31 proceeding in the same direction, subject to those limitations,
32 exceptions, and special rules hereinafter stated:

33 (3) (a) On roads, streets, or highways having two or more
34 lanes that allow movement in the same direction, a driver may not
35 continue to operate a motor vehicle in the furthestmost left-hand
36 lane if the driver knows, or reasonably should know, that he or
37 she is being overtaken in that lane from the rear by a motor
38 vehicle traveling at a higher rate of speed.

39 (b) Paragraph (a) does not apply to a driver operating a
40 motor vehicle in the furthestmost left-hand lane if:

41 1. The driver is driving the legal speed limit and is not
42 impeding the flow of traffic in the furthestmost left-hand lane;

43 2. The driver is in the process of overtaking a slower
44 motor vehicle in the adjacent right-hand lane for the purpose of
45 passing the slower moving vehicle so that the driver may move to
46 the adjacent right-hand lane;



168192

47 3. Conditions make the flow of traffic substantially the
48 same in all lanes or preclude the driver from moving to the
49 adjacent right-hand lane;

50 4. The driver's movement to the adjacent right-hand lane
51 could endanger the driver or other drivers;

52 5. The driver is directed by a law enforcement officer,
53 road sign, or road crew to remain in the furthestmost left-hand
54 lane; or

55 6. The driver is preparing to make a left turn.

56 Section 8. Section 316.1923, Florida Statutes, is amended
57 to read:

58 316.1923 Aggressive careless driving.--

59 (1) "Aggressive careless driving" means committing three
60 ~~two~~ or more of the following acts simultaneously or in
61 succession:

62 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
63 322.27(3)(d)5.b.

64 (b) ~~(2)~~ Unsafely or improperly changing lanes as defined in
65 s. 316.085.

66 (c) ~~(3)~~ Following another vehicle too closely as defined in
67 s. 316.0895(1).

68 (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.
69 316.079, s. 316.0815, or s. 316.123.

70 (e) ~~(5)~~ Improperly passing or failing to yield to overtaking
71 vehicles as defined in s. 316.083, s. 316.084, or s. 316.085.

72 (f) ~~(6)~~ Violating traffic control and signal devices as
73 defined in ss. 316.074 and 316.075.

74 (2) Any person convicted of aggressive careless driving
75 shall be cited for a moving violation and punished as provided in



168192

76 chapter 318, and by the accumulation of points as provided in s.
77 322.27, for each act of aggressive careless driving.

78 (3) In addition to any fine or points administered under
79 subsection (2), a person convicted of aggressive careless driving
80 shall also pay:

81 (a) Upon a first violation, a fine of \$100.

82 (b) Upon a second or subsequent conviction, a fine of not
83 less than \$250 but not more than \$500 and be subject to a
84 mandatory hearing under s. 318.19.

85 (4) Moneys received from the increased fine imposed by
86 subsection (3) shall be remitted to the Department of Revenue and
87 deposited into the Department of Health Administrative Trust Fund
88 to provide financial support to verified trauma centers to ensure
89 the availability and accessibility of trauma services throughout
90 the state. Funds deposited into the Administrative Trust Fund
91 under this section shall be allocated as follows:

92 (a) Twenty-five percent shall be allocated equally among
93 all Level I, Level II, and pediatric trauma centers in
94 recognition of readiness costs for maintaining trauma services.

95 (b) Twenty-five percent shall be allocated among Level I,
96 Level II, and pediatric trauma centers based on each center's
97 relative volume of trauma cases as reported in the Department of
98 Health Trauma Registry.

99 (c) Twenty-five percent shall be transferred to the
100 Emergency Medical Services Trust Fund and used by the department
101 for making matching grants to emergency medical services
102 organizations as defined in s. 401.107(4).

103 (d) Twenty-five percent shall be transferred to the
104 Emergency Medical Services Trust Fund and made available to rural
105 emergency medical services as defined in s. 401.107(5), and shall



168192

106 be used solely to improve and expand prehospital emergency
107 medical services in this state. Additionally, these moneys may be
108 used for the improvement, expansion, or continuation of services
109 provided.

110 Section 9. Section 318.19, Florida Statutes, is amended to
111 read:

112 318.19 Infractions requiring a mandatory hearing.--Any
113 person cited for the infractions listed in this section shall not
114 have the provisions of s. 318.14(2), (4), and (9) available to
115 him or her but must appear before the designated official at the
116 time and location of the scheduled hearing:

117 (1) Any infraction which results in a crash that causes the
118 death of another;

119 (2) Any infraction which results in a crash that causes
120 "serious bodily injury" of another as defined in s. 316.1933(1);

121 (3) Any infraction of s. 316.172(1)(b);

122 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

123 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
124 316.189 of exceeding the speed limit by 30 m.p.h. or more; ~~or~~

125 (6) A second or subsequent infraction of s. 316.1923(1).

126 Section 10. The Department of Highway Safety and Motor
127 Vehicles shall provide information about road rage and aggressive
128 careless driving in all newly printed driver's license
129 educational materials after October 1, 2008.

130 Section 11. For the purpose of incorporating the amendments
131 made by this act to section 316.1923, Florida Statutes, in a
132 reference thereto, paragraph (a) of subsection (1) of section
133 316.650, Florida Statutes, is reenacted to read:

134 316.650 Traffic citations.--



168192

135 (1)(a) The department shall prepare, and supply to every
136 traffic enforcement agency in this state, an appropriate form
137 traffic citation containing a notice to appear (which shall be
138 issued in prenumbered books with citations in quintuplicate) and
139 meeting the requirements of this chapter or any laws of this
140 state regulating traffic, which form shall be consistent with the
141 state traffic court rules and the procedures established by the
142 department. The form shall include a box which is to be checked
143 by the law enforcement officer when the officer believes that the
144 traffic violation or crash was due to aggressive careless driving
145 as defined in s. 316.1923. The form shall also include a box
146 which is to be checked by the law enforcement officer when the
147 officer writes a uniform traffic citation for a violation of s.
148 316.074(1) or s. 316.075(1)(c)1. as a result of the driver
149 failing to stop at a traffic signal.

150
151 ===== T I T L E A M E N D M E N T =====

152 And the title is amended as follows:

153 On line(s) 25, after the semicolon,
154 insert:

155
156 providing legislative intent relating to road rage and
157 aggressive careless driving; amending s. 316.003, F.S.;
158 defining the term "road rage"; amending s. 316.083, F.S.;
159 requiring an operator of a motor vehicle to yield the left
160 lane when being overtaken on a multilane highway;
161 providing exceptions; amending s. 316.1923, F.S.; revising
162 the number of specified acts necessary to qualify as an
163 aggressive careless driver; providing specified
164 punishments for aggressive careless driving; specifying



168192

165 | the allocation of moneys received from the increased fine
166 | imposed for aggressive careless driving; amending s.
167 | 318.19, F.S.; providing that a second or subsequent
168 | infraction as an aggressive careless driver requires
169 | attendance at a mandatory hearing; providing for the
170 | disposition of the increased penalties; requiring the
171 | Department of Highway Safety and Motor Vehicles to provide
172 | information about road rage and aggressive careless
173 | driving in driver's license educational materials;
174 | reenacting s. 316.650(1)(a), F.S., relating to traffic
175 | citations, to incorporate the amendments made to s.
176 | 316.1923, F.S., in a reference thereto;