



539296

CHAMBER ACTION

| <u>Senate</u> | . | <u>House</u> |
|---------------|---|--------------|
| Comm: WD      | . |              |
| 4/22/2008     | . |              |
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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) 52 and 53,  
7 insert:

8 Section 1. Sections 1 through 8 of this act may be cited as  
9 the "Highway Safety Act."

10 Section 2. The Legislature finds that road rage and  
11 aggressive careless driving are a growing threat to the health,  
12 safety, and welfare of the public. The intent of the Legislature  
13 is to reduce road rage and aggressive careless driving, reduce  
14 the incidence of drivers' interfering with the movement of  
15 traffic, minimize crashes, and promote the orderly, free flow of  
16 traffic on the roads and highways of the state.



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17 Section 3. Subsection (86) is added to section 316.003,  
18 Florida Statutes, to read:

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

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

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

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

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

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

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

44 2. The driver is in the process of overtaking a slower  
45 motor vehicle in the adjacent right-hand lane for the purpose of



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46 passing the slower moving vehicle so that the driver may move to  
47 the adjacent right-hand lane;

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

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

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

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

57 Section 5. Section 316.1923, Florida Statutes, is amended  
58 to read:

59 316.1923 Aggressive careless driving.--

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

63 (a) ~~(1)~~ Exceeding the posted speed as defined in s.  
64 322.27(3)(d)5.b.

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

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

69 (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.  
70 316.079, s. 316.0815, or s. 316.123.

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

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



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75       (2) Any person convicted of aggressive careless driving  
76 shall be cited for a moving violation and punished as provided in  
77 chapter 318, and by the accumulation of points as provided in s.  
78 322.27, for each act of aggressive careless driving.

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

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

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

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

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

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

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



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104        (d) Twenty-five percent shall be transferred to the  
105 Emergency Medical Services Trust fund and made available to rural  
106 emergency medical services as defined in s. 401.107(5), and shall  
107 be used solely to improve and expand prehospital emergency  
108 medical services in this state. Additionally, these moneys may be  
109 used for improvement, expansion, or continuation of services  
110 provided.

111        Section 6. Section 318.19, Florida Statutes, is amended to  
112 read:

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

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

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

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

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

124        (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
125 316.189 of exceeding the speed limit by 30 m.p.h. or more; ~~or~~

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

127        Section 7. The Department of Highway Safety and Motor  
128 Vehicles shall provide information about the Highway Safety Act  
129 in all newly printed driver's license educational materials after  
130 October 1, 2008.

131        Section 8. For the purpose of incorporating the amendments  
132 made by this act to section 316.1923, Florida Statutes, in a



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133 reference thereto, paragraph (a) of subsection (1) of section  
134 316.650, Florida Statutes, is reenacted to read:

135 316.650 Traffic citations.--

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

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

153 And the title is amended as follows:

154 On line(s) 2, after the semicolon,  
155 insert:

156 creating the "Highway Safety Act"; providing legislative  
157 intent relating to road rage and aggressive careless  
158 driving; amending s. 316.003, F.S.; defining the term  
159 "road rage"; amending s. 316.083, F.S.; requiring an  
160 operator of a motor vehicle to yield the left lane when  
161 being overtaken on a multilane highway; providing  
162 exceptions; amending s. 316.1923, F.S.; revising the



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