



372306

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: WD	.	
4/22/2008	.	
	.	
	.	

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 On line(s) 81,
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.



372306

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



372306

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.



372306

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).



372306

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



372306

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) 4, 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



372306

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;