

By the Committees on Judiciary; and Health Regulation; and
Senator Bennett

590-04766-10

2010482c2

1 A bill to be entitled
2 An act relating to transportation; creating the
3 "Highway Safety Act"; providing legislative intent
4 relating to road rage and aggressive careless driving;
5 requiring the Department of Highway Safety and Motor
6 Vehicles to provide information about the Highway
7 Safety Act in driver's license educational materials;
8 amending s. 316.003, F.S.; defining the term "road
9 rage"; amending s. 316.083, F.S.; requiring an
10 operator of a motor vehicle to yield the left lane
11 when being overtaken on a multilane highway; providing
12 exceptions; amending s. 316.1923, F.S.; revising the
13 number of specified acts necessary to qualify as an
14 aggressive careless driver; providing specified
15 punishments for aggressive careless driving;
16 specifying the allocation of moneys received from the
17 increased fine imposed for aggressive careless
18 driving; reenacting s. 316.650(1)(a), F.S., relating
19 to traffic citations, to incorporate the amendments
20 made to s. 316.1923, F.S., in a reference thereto;
21 amending s. 318.1451, F.S.; requiring driver
22 improvement schools to collect a fee from certain
23 persons taking a basic driver improvement course;
24 providing for such fees to be used to provide signage
25 and educational materials relating to the act;
26 amending s. 318.19, F.S.; providing that a second or
27 subsequent infraction as an aggressive careless driver
28 requires attendance at a mandatory hearing; providing
29 for the disposition of the increased penalties;

590-04766-10

2010482c2

30 amending s. 320.697, F.S.; authorizing actions for
31 civil damages against motor vehicle dealers; amending
32 s. 322.05, F.S.; requiring certain persons under 19
33 years of age to complete a basic driver improvement
34 course before being issued a driver's license;
35 providing an exception; creating s. 335.199, F.S.;;
36 directing the Department of Transportation to notify
37 certain property owners and local governmental
38 entities of certain proposed projects before
39 finalizing the design of certain transportation
40 projects; providing a timeframe for notification;
41 requiring the department to hold a public hearing and
42 receive public input regarding the effects of the
43 project on local businesses; directing the department
44 to consider the comments in the final design of the
45 project; providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. This act may be cited as the "Highway Safety
50 Act."

51 Section 2. The Legislature finds that road rage and
52 aggressive careless driving are a growing threat to the health,
53 safety, and welfare of the public. The intent of the Legislature
54 is to reduce road rage and aggressive careless driving, reduce
55 the incidence of drivers' interfering with the movement of
56 traffic, minimize crashes, and promote the orderly, free flow of
57 traffic on the roads and highways of the state.

58 Section 3. The Department of Highway Safety and Motor

590-04766-10

2010482c2

59 Vehicles shall provide information about the Highway Safety Act
60 in all newly printed driver's license educational materials
61 after October 1, 2010.

62 Section 4. Subsection (86) is added to section 316.003,
63 Florida Statutes, to read:

64 316.003 Definitions.—The following words and phrases, when
65 used in this chapter, shall have the meanings respectively
66 ascribed to them in this section, except where the context
67 otherwise requires:

68 (86) ROAD RAGE.—The act of a driver or passenger to
69 intentionally or unintentionally, due to a loss of emotional
70 control, injure or kill another driver, passenger, or
71 pedestrian, or to attempt or threaten to injure or kill another
72 driver, passenger, or pedestrian.

73 Section 5. Present subsection (3) of section 316.083,
74 Florida Statutes, is redesignated as subsection (4), and a new
75 subsection (3) is added to that section, to read:

76 316.083 Overtaking and passing a vehicle.—The following
77 rules shall govern the overtaking and passing of vehicles
78 proceeding in the same direction, subject to those limitations,
79 exceptions, and special rules hereinafter stated:

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

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

590-04766-10

2010482c2

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

90 2. The driver is in the process of overtaking a slower
91 motor vehicle in the adjacent right-hand lane for the purpose of
92 passing the slower moving vehicle so that the driver may move to
93 the adjacent right-hand lane;

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

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

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

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

103 (c) A driver who violates s. 316.183 and this subsection
104 simultaneously shall receive a uniform traffic citation solely
105 under s. 316.183.

106 Section 6. Section 316.1923, Florida Statutes, is amended
107 to read:

108 316.1923 Aggressive careless driving.-

109 (1) "Aggressive careless driving" means committing three
110 ~~two~~ or more of the following acts simultaneously or in
111 succession:

112 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
113 322.27(3)(d)5.b.

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

116 (c) ~~(3)~~ Following another vehicle too closely as defined in

590-04766-10

2010482c2

117 s. 316.0895(1).

118 ~~(d)(4)~~ Failing to yield the right-of-way as defined in s.
119 316.079, s. 316.0815, or s. 316.123.

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

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

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

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

131 (a) Upon a first conviction, a fine of \$100.

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

135 (4) The clerk of the court shall remit the moneys collected
136 from the increased fine imposed by subsection (3) to the
137 Department of Revenue for deposit into the Department of Health
138 Administrative Trust Fund. Of the funds deposited into the
139 Department of Health Administrative Trust Fund, \$200,000 in the
140 first year after this act takes effect, and \$50,000 in the
141 second and third years, shall be transferred to the Department
142 of Highway Safety and Motor Vehicles General Revenue Fund to
143 offset the cost of providing educational materials related to
144 this act. All other funds deposited into the Administrative
145 Trust Fund under this section shall be used to provide financial

590-04766-10

2010482c2

146 support to verified trauma centers to ensure the availability
147 and accessibility of trauma services throughout the state and
148 shall be allocated as follows:

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

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

156 (c) Twenty-five percent shall be transferred to the
157 Emergency Medical Services Trust Fund and used by the Department
158 of Health for making matching grants to emergency medical
159 services organizations as defined in s. 401.107.

160 (d) Twenty-five percent shall be transferred to the
161 Emergency Medical Services Trust Fund and made available to
162 rural emergency medical services as defined in s. 401.107, and
163 shall be used solely to improve and expand prehospital emergency
164 medical services in this state. Additionally, these moneys may
165 be used for the improvement, expansion, or continuation of
166 services provided.

167 Section 7. For the purpose of incorporating the amendments
168 made by this act to section 316.1923, Florida Statutes, in a
169 reference thereto, paragraph (a) of subsection (1) of section
170 316.650, Florida Statutes, is reenacted to read:

171 316.650 Traffic citations.—

172 (1) (a) The department shall prepare and supply to every
173 traffic enforcement agency in this state an appropriate form
174 traffic citation that contains a notice to appear, is issued in

590-04766-10

2010482c2

175 prenumbered books, meets the requirements of this chapter or any
176 laws of this state regulating traffic, and is consistent with
177 the state traffic court rules and the procedures established by
178 the department. The form shall include a box that is to be
179 checked by the law enforcement officer when the officer believes
180 that the traffic violation or crash was due to aggressive
181 careless driving as defined in s. 316.1923. The form shall also
182 include a box that is to be checked by the law enforcement
183 officer when the officer writes a uniform traffic citation for a
184 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of
185 the driver failing to stop at a traffic signal.

186 Section 8. Subsection (4) of section 318.1451, Florida
187 Statutes, is amended to read:

188 318.1451 Driver improvement schools.—

189 (4) (a) In addition to a regular course fee, an assessment
190 fee in the amount of \$2.50 shall be collected by the school from
191 each person who elects to attend a course, as it relates to ss.
192 318.14(9), 322.0261, 322.291, and 627.06501, which shall be
193 remitted to the Department of Highway Safety and Motor Vehicles
194 and deposited in the Highway Safety Operating Trust Fund to
195 administer this program and to fund the general operations of
196 the department.

197 (b) In addition to a regular course fee, an assessment fee
198 in the amount of \$2.50 shall be collected by the school from
199 each person who attends a course, as it relates to 322.05(3),
200 which shall be remitted to the Department of Highway Safety and
201 Motor Vehicles and deposited in the Highway Safety Operating
202 Trust Fund to fund the signage and educational requirements of
203 section 3 of this act.

590-04766-10

2010482c2

204 Section 9. Section 318.19, Florida Statutes, is amended to
205 read:

206 318.19 Infractions requiring a mandatory hearing.—Any
207 person cited for the infractions listed in this section shall
208 not have the provisions of s. 318.14(2), (4), and (9) available
209 to him or her but must appear before the designated official at
210 the time and location of the scheduled hearing:

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

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

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

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

217 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
218 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

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

220 Section 10. Section 320.697, Florida Statutes, is amended
221 to read:

222 320.697 Civil damages.—Any person who has suffered
223 pecuniary loss or who has been otherwise adversely affected
224 because of a violation by a licensee or motor vehicle dealer of
225 ss. 320.60-320.70, notwithstanding the existence of any other
226 remedies under ss. 320.60-320.70, has a cause of action against
227 the licensee or motor vehicle dealer for damages and may recover
228 actual damages therefor in any court of competent jurisdiction
229 ~~in an amount equal to 3 times the pecuniary loss~~, together with
230 costs and a reasonable attorney's fee to be assessed by the
231 court. Upon a prima facie showing by the person bringing the
232 action that such a violation by the licensee or motor vehicle

590-04766-10

2010482c2

233 dealer has occurred, the burden of proof shall then be upon the
234 licensee or motor vehicle dealer to prove that such violation or
235 unfair practice did not occur.

236 Section 11. Subsection (3) of section 322.05, Florida
237 Statutes, is amended to read:

238 322.05 Persons not to be licensed.—The department may not
239 issue a license:

240 (3) To a person who is at least 16 years of age but who is
241 under 19 ~~18~~ years of age, unless:

242 (a) The person provides proof of successfully completing a
243 basic driver improvement course that meets the requirements of
244 s. 318.1451 within 3 months before the date the person applied
245 for licensure; and

246 (b) The parent, guardian, or other responsible adult
247 meeting the requirements of s. 322.09 certifies that he or she,
248 or another licensed driver 21 years of age or older, has
249 accompanied the applicant for a total of not less than 50 hours'
250 behind-the-wheel experience, of which not less than 10 hours
251 must be at night. This paragraph ~~subsection~~ is not intended to
252 create a private cause of action as a result of the
253 certification. The certification is inadmissible for any purpose
254 in any civil proceeding.

255
256 Paragraph (a) does not apply to a person who has been licensed
257 in any other jurisdiction or who has satisfactorily completed a
258 Department of Education driver's education course offered
259 pursuant to s. 1003.48.

260 Section 12. Section 335.199, Florida Statutes, is created
261 to read:

590-04766-10

2010482c2

262 335.199 Transportation projects modifying access to
263 adjacent property.-

264 (1) Whenever the Department of Transportation proposes any
265 project on the State Highway System which will divide a state
266 highway, erect median barriers modifying currently available
267 vehicle turning movements, or have the effect of closing or
268 modifying an existing access to an abutting property owner, the
269 department shall notify all affected property owners,
270 municipalities, and counties at least 180 days before the design
271 of the project is finalized. The department's notice shall
272 provide a written explanation regarding the need for the project
273 and indicate that all affected parties will be given an
274 opportunity to provide comments to the department regarding
275 potential impacts of the change.

276 (2) (a) If the project is within the boundaries of a
277 municipality, the notification shall be issued in writing to the
278 chief elected official of the municipality. If the project is in
279 the unincorporated area of a county, the notification shall be
280 issued in writing to the chief elected official of the county.

281 (b) The department must also consult with the applicable
282 local government on its final design proposal if the department
283 intends to divide a state highway, erect median barriers, or
284 close or modify existing access to abutting commercial business
285 properties. The local government may present the department with
286 alternatives that relieve impacts to such business properties.

287 (3) The department shall hold at least one public hearing
288 in the jurisdiction where the project is located and receive
289 public input to determine how the project will affect access to
290 businesses and the potential economic impact of the project on

590-04766-10

2010482c2

291 the local business community.

292 (4) The department must review all comments from the public
293 hearing and take the comments and any alternatives presented by
294 a local government under subsection (2) into consideration in
295 the final design of the highway project.

296 Section 13. This act shall take effect October 1, 2010.