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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2011	.	
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The Committee on Governmental Oversight and Accountability
(Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete line 2507
and insert:

Section 65. Sections 65-74 of this act may be cited as the
"Highway Safety Act."

Section 66. The Legislature finds that road rage and
aggressive careless driving are a growing threat to the health,
safety, and welfare of the public. The intent of the Legislature
is to reduce road rage and aggressive careless driving, reduce
the incidence of drivers' interfering with the movement of
traffic, minimize crashes, and promote the orderly, free flow of



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13 traffic on the roads and highways of the state.

14 Section 67. Subsection (89) is added to section 316.003,
15 Florida Statutes, to read:

16 316.003 Definitions.—The following words and phrases, when
17 used in this chapter, shall have the meanings respectively
18 ascribed to them in this section, except where the context
19 otherwise requires:

20 (89) ROAD RAGE.—The act of a driver or passenger to
21 intentionally or unintentionally, due to a loss of emotional
22 control, injure or kill another driver, passenger, or
23 pedestrian, or to attempt or threaten to injure or kill another
24 driver, passenger, or pedestrian.

25 Section 68. Present subsection (3) of section 316.083,
26 Florida Statutes, is redesignated as subsection (4), and a new
27 subsection (3) is added to that section, to read:

28 316.083 Overtaking and passing a vehicle.—The following
29 rules shall govern the overtaking and passing of vehicles
30 proceeding in the same direction, subject to those limitations,
31 exceptions, and special rules hereinafter stated:

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

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

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



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

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

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

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

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

55 (c) A driver who violates s. 316.183 and this subsection
56 simultaneously shall receive a uniform traffic citation solely
57 under s. 316.183.

58 Section 69. Section 316.1923, Florida Statutes, is amended
59 to read:

60 316.1923 Aggressive careless driving.-

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

64 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
65 322.27(3) (d) 5.b.

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

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

70 (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.



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71 316.079, s. 316.0815, or s. 316.123.

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

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

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

80 Section 70. Section 318.121, Florida Statutes, is amended
81 to read

82 318.121 Preemption of additional fees, fines, surcharges,
83 and costs.—Notwithstanding any general or special law, or
84 municipal or county ordinance, additional fees, fines,
85 surcharges, or costs other than the additional fees, fines,
86 court costs, and surcharges assessed under s. 318.18(11), (13),
87 (18), ~~and~~ (19), and (22) may not be added to the civil traffic
88 penalties assessed in this chapter.

89 Section 71. Subsection (22) is added to section 318.18,
90 Florida Statutes, to read:

91 318.18 Amount of penalties.—The penalties required for a
92 noncriminal disposition pursuant to s. 318.14 or a criminal
93 offense listed in s. 318.17 are as follows:

94 (22) (a) In addition to any penalties or points imposed
95 under s. 316.1923, a person convicted of aggressive careless
96 driving shall also pay:

97 1. Upon a first violation, a fine of \$100.

98 2. Upon a second or subsequent conviction, a fine of not
99 less than \$250 but not more than \$500 and be subject to a



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100 mandatory hearing under s. 318.19.

101 (b) The clerk of the court shall remit the moneys collected
102 from the increased fine imposed by this subsection to the
103 Department of Revenue for deposit into the Department of Health
104 Administrative Trust Fund. Of the funds deposited into the
105 Department of Health Administrative Trust Fund, \$200,000 in the
106 first year after October 1, 2011, and \$50,000 in the second and
107 third years, shall be transferred into the Highway Safety
108 Operating Trust Fund to offset the cost of providing educational
109 materials related to this act. Funds deposited into the
110 Department of Health Administrative Trust Fund under this
111 subsection shall be allocated as follows:

112 1. Twenty-five percent shall be allocated equally among all
113 Level I, Level II, and pediatric trauma centers in recognition
114 of readiness costs for maintaining trauma services.

115 2. Twenty-five percent shall be allocated among Level I,
116 Level II, and pediatric trauma centers based on each center's
117 relative volume of trauma cases as reported in the Department of
118 Health Trauma Registry.

119 3. Twenty-five percent shall be transferred to the
120 Emergency Medical Services Trust Fund and used by the department
121 for making matching grants to emergency medical services
122 organizations as defined in s. 401.107.

123 4. Twenty-five percent shall be transferred to the
124 Emergency Medical Services Trust Fund and made available to
125 rural emergency medical services as defined in s. 401.107, and
126 shall be used solely to improve and expand prehospital emergency
127 medical services in this state. Additionally, these moneys may
128 be used for the improvement, expansion, or continuation of



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129 services provided.

130 Section 72. Section 318.19, Florida Statutes, is amended to
131 read:

132 318.19 Infractions requiring a mandatory hearing.—Any
133 person cited for the infractions listed in this section shall
134 not have the provisions of s. 318.14(2), (4), and (9) available
135 to him or her but must appear before the designated official at
136 the time and location of the scheduled hearing:

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

139 (2) Any infraction which results in a crash that causes
140 “serious bodily injury” of another as defined in s. 316.1933(1);

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

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

143 (5) Any infraction of s. 316.183(2), s. 316.187, or s.

144 316.189 of exceeding the speed limit by 30 m.p.h. or more; or.

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

146 Section 73. The Department of Highway Safety and Motor
147 Vehicles shall provide information about the Highway Safety Act
148 in all driver’s license educational materials newly printed on
149 or after October 1, 2011.

150 Section 74. For the purpose of incorporating the amendments
151 made by this act to section 316.1923, Florida Statutes, in a
152 reference thereto, paragraph (a) of subsection (1) of section
153 316.650, Florida Statutes, is reenacted to read:

154 316.650 Traffic citations.—

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



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158 prenumbered books, meets the requirements of this chapter or any
159 laws of this state regulating traffic, and is consistent with
160 the state traffic court rules and the procedures established by
161 the department. The form shall include a box that is to be
162 checked by the law enforcement officer when the officer believes
163 that the traffic violation or crash was due to aggressive
164 careless driving as defined in s. 316.1923. The form shall also
165 include a box that is to be checked by the law enforcement
166 officer when the officer writes a uniform traffic citation for a
167 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of
168 the driver failing to stop at a traffic signal.

169 Section 75. Section 320.089, Florida Statutes, is amended
170 to read:

171 320.089 Members of National Guard and active United States
172 Armed Forces reservists; former prisoners of war; survivors of
173 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
174 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
175 Badge recipients; special license plates; fee.-

176 (1) (a) Each owner or lessee of an automobile or truck for
177 private use or recreational vehicle as specified in s.
178 320.08(9)(c) or (d), which is not used for hire or commercial
179 use, who is a resident of the state and an active or retired
180 member of the Florida National Guard, a survivor of the attack
181 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
182 active or retired member of any branch of the United States
183 Armed Forces Reserve, or a recipient of the Combat Infantry
184 Badge shall, upon application to the department, accompanied by
185 proof of active membership or retired status in the Florida
186 National Guard, proof of membership in the Pearl Harbor



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187 Survivors Association or proof of active military duty in Pearl
188 Harbor on December 7, 1941, proof of being a Purple Heart medal
189 recipient, ~~or~~ proof of active or retired membership in any
190 branch of the Armed Forces Reserve, or proof of membership in
191 the Combat Infantrymen's Association, Inc., or other proof of
192 being a recipient of the Combat Infantry Badge, and upon payment
193 of the license tax for the vehicle as provided in s. 320.08, be
194 issued a license plate as provided by s. 320.06, upon which, in
195 lieu of the serial numbers prescribed by s. 320.06, shall be
196 stamped the words "National Guard," "Pearl Harbor Survivor,"
197 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
198 Badge," as appropriate, followed by the serial number of the
199 license plate. Additionally, the Purple Heart plate may have the
200 words "Purple Heart" stamped on the plate and the likeness of
201 the Purple Heart medal appearing on the plate.

202 (b) Notwithstanding any other provision of law to the
203 contrary, beginning with fiscal year 2002-2003 and annually
204 thereafter, the first \$100,000 in general revenue generated from
205 the sale of license plates issued under this section shall be
206 deposited into the Grants and Donations Trust Fund, as described
207 in s. 296.38(2), to be used for the purposes established by law
208 for that trust fund. Any additional general revenue generated
209 from the sale of such plates shall be deposited into the State
210 Homes for Veterans Trust Fund and used solely to construct,
211 operate, and maintain domiciliary and nursing homes for
212 veterans, subject to the requirements of chapter 216.

213 (c) Notwithstanding any provisions of law to the contrary,
214 an applicant for a Pearl Harbor Survivor license plate or a
215 Purple Heart license plate who also qualifies for a disabled



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216 veteran's license plate under s. 320.084 shall be issued the
217 appropriate special license plate without payment of the license
218 tax imposed by s. 320.08.

219 (2) Each owner or lessee of an automobile or truck for
220 private use, truck weighing not more than 7,999 pounds, or
221 recreational vehicle as specified in s. 320.08(9)(c) or (d),
222 which is not used for hire or commercial use, who is a resident
223 of the state and who is a former prisoner of war, or their
224 unremarried surviving spouse, shall, upon application therefor
225 to the department, be issued a license plate as provided in s.
226 320.06, on which license plate are stamped the words "Ex-POW"
227 followed by the serial number. Each application shall be
228 accompanied by proof that the applicant meets the qualifications
229 specified in paragraph (a) or paragraph (b).

230 (a) A citizen of the United States who served as a member
231 of the Armed Forces of the United States or the armed forces of
232 a nation allied with the United States who was held as a
233 prisoner of war at such time as the Armed Forces of the United
234 States were engaged in combat, or their unremarried surviving
235 spouse, may be issued the special license plate provided for in
236 this subsection without payment of the license tax imposed by s.
237 320.08.

238 (b) A person who was serving as a civilian with the consent
239 of the United States Government, or a person who was a member of
240 the Armed Forces of the United States who was not a United
241 States citizen and was held as a prisoner of war when the Armed
242 Forces of the United States were engaged in combat, or their
243 unremarried surviving spouse, may be issued the special license
244 plate provided for in this subsection upon payment of the



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245 license tax imposed by s. 320.08.

246 (3) Each owner or lessee of an automobile or truck for
247 private use, truck weighing not more than 7,999 pounds, or
248 recreational vehicle as specified in s. 320.08(9)(c) or (d),
249 which is not used for hire or commercial use, who is a resident
250 of this state and who is the unremarried surviving spouse of a
251 recipient of the Purple Heart medal shall, upon application
252 therefor to the department, with the payment of the required
253 fees, be issued a license plate as provided in s. 320.06, on
254 which license plate are stamped the words "Purple Heart" and the
255 likeness of the Purple Heart medal followed by the serial
256 number. Each application shall be accompanied by proof that the
257 applicant is the unremarried surviving spouse of a recipient of
258 the Purple Heart medal.

259 (4) The owner or lessee of an automobile or truck for
260 private use, a truck weighing not more than 7,999 pounds, or a
261 recreational vehicle as specified in s. 320.08(9)(c) or (d)
262 which automobile, truck, or recreational vehicle is not used for
263 hire or commercial use who is a resident of the state and a
264 current or former member of the United States military who was
265 deployed and served in Iraq during Operation Iraqi Freedom or in
266 Afghanistan during Operation Enduring Freedom shall, upon
267 application to the department, accompanied by proof of active
268 membership or former active duty status during one of these
269 operations, and upon payment of the license tax for the vehicle
270 as provided in s. 320.08, be issued a license plate as provided
271 by s. 320.06 upon which, in lieu of the registration license
272 number prescribed by s. 320.06, shall be stamped the words
273 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as



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274 appropriate, followed by the registration license number of the
275 plate.

276 Section 76. This act shall take effect October 1, 2011.

277

278 ===== T I T L E A M E N D M E N T =====

279 And the title is amended as follows:

280 Delete lines 229 - 230

281 and insert:

282 conforming a cross-reference; creating the "Highway
283 Safety Act"; providing legislative intent relating to
284 road rage and aggressive careless driving; amending s.
285 316.003, F.S.; defining the term "road rage"; amending
286 s. 316.083, F.S.; requiring an operator of a motor
287 vehicle to yield the left lane when being overtaken on
288 a multilane highway; providing exceptions; amending s.
289 316.1923, F.S.; revising the number of specified acts
290 necessary to qualify as an aggressive careless driver;
291 providing specified punishments for aggressive
292 careless driving, including imposition of an increased
293 fine; amending s. 318.121, F.S.; revising the
294 preemption of additional fees, fines, surcharges, and
295 court costs to allow imposition of the increased fine
296 for aggressive careless driving; amending s. 318.18,
297 F.S.; specifying the amount of the fine and the
298 allocation of moneys received from the increased fine
299 imposed for aggressive careless driving; amending s.
300 318.19, F.S.; providing that a second or subsequent
301 infraction as an aggressive careless driver requires
302 attendance at a mandatory hearing; requiring the



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303 Department of Highway Safety and Motor Vehicles to
304 provide information about the Highway Safety Act in
305 driver's license educational materials; reenacting s.
306 316.650(1)(a), F.S., relating to traffic citations, to
307 incorporate the amendments made to s. 316.1923, F.S.,
308 in a reference thereto; amending s. 320.089, F.S.;
309 providing for the issuance of a Combat Infantry Badge
310 license plate; providing qualifications and
311 requirements for the plate; providing for the use of
312 proceeds from the sale of the plate; providing an
313 effective date.