



LEGISLATIVE ACTION

Senate	.	House
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Senator Bennett moved the following:

1 **Senate Amendment to House Amendment (376895) (with title**
2 **amendment)**

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4 Between lines 3379 and 3380
5 insert:

6 Section 125. Sections 125 through 134 of this act may be
7 cited as the "Highway Safety Act."

8 Section 126. The Legislature finds that road rage and
9 aggressive careless driving are a growing threat to the health,
10 safety, and welfare of the public. The intent of the Legislature
11 is to reduce road rage and aggressive careless driving, reduce
12 the incidence of drivers' interfering with the movement of
13 traffic, minimize crashes, and promote the orderly, free flow of



672898

14 traffic on the roads and highways of the state.

15 Section 127. Subsection (89) is added to section 316.003,
16 Florida Statutes, to read:

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

21 (89) ROAD RAGE.—The act of a driver or passenger to
22 intentionally or unintentionally, due to a loss of emotional
23 control, 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 128. 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
35 not continue to operate a motor vehicle in the furthestmost left-
36 hand lane if the driver knows, or reasonably should know, that
37 he or she is being overtaken in that lane from the rear by a
38 motor 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;



672898

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;

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

59 Section 129. Section 316.1923, Florida Statutes, is amended
60 to read:

61 316.1923 Aggressive careless driving.-

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

65 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
66 322.27(3) (d) 5.b.

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

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

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



672898

72 316.079, s. 316.0815, or s. 316.123.

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

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

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

81 Section 130. Section 318.121, Florida Statutes, is amended
82 to read

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

90 Section 131. Subsection (22) is added to section 318.18,
91 Florida Statutes, to read:

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

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

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

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



672898

101 mandatory hearing under s. 318.19.

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

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

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

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

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



672898

130 services provided.

131 Section 132. Section 318.19, Florida Statutes, is amended
132 to read:

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

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

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

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

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

144 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
145 316.189 of exceeding the speed limit by 30 m.p.h. or more; or.

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

147 Section 133. The Department of Highway Safety and Motor
148 Vehicles shall provide information about the Highway Safety Act
149 in all driver’s license educational materials newly printed on
150 or after October 1, 2011.

151 Section 134. For the purpose of incorporating the
152 amendments made by this act to section 316.1923, Florida
153 Statutes, in a reference thereto, paragraph (a) of subsection
154 (1) of section 316.650, Florida Statutes, is reenacted to read:

155 316.650 Traffic citations.—

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



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

170
171 ===== T I T L E A M E N D M E N T =====

172 And the title is amended as follows:

173 Delete line 3694

174 and insert:

175 may not be used to issue certain violations; creating
176 the "Highway Safety Act"; providing legislative intent
177 relating to road rage and aggressive careless driving;
178 amending s. 316.003, F.S.; defining the term "road
179 rage"; amending s. 316.083, F.S.; requiring an
180 operator of a motor vehicle to yield the left lane
181 when being overtaken on a multilane highway; providing
182 exceptions; amending s. 316.1923, F.S.; revising the
183 number of specified acts necessary to qualify as an
184 aggressive careless driver; providing specified
185 punishments for aggressive careless driving, including
186 imposition of an increased fine; amending s. 318.121,
187 F.S.; revising the preemption of additional fees,



672898

188 fines, surcharges, and court costs to allow imposition
189 of the increased fine for aggressive careless driving;
190 amending s. 318.18, F.S.; specifying the amount of the
191 fine and the allocation of moneys received from the
192 increased fine imposed for aggressive careless
193 driving; amending s. 318.19, F.S.; providing that a
194 second or subsequent infraction as an aggressive
195 careless driver requires attendance at a mandatory
196 hearing; requiring the Department of Highway Safety
197 and Motor Vehicles to provide information about the
198 Highway Safety Act in driver's license educational
199 materials; reenacting s. 316.650(1)(a), F.S., relating
200 to traffic citations, to incorporate the amendments
201 made to s. 316.1923, F.S., in a reference thereto;
202 providing effective