

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Clemens offered the following:

2
3 **Amendment to Amendment (162081) (with title amendment)**

4 Between lines 3274 and 3275, insert:

5 Section 124. (1) This section may be cited as the
6 "Highway Safety Act."

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

14 Section 125. Subsection (89) is added to section 316.003,
15 Florida Statutes, to read:

16 316.003 Definitions.—The following words and phrases, when
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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 126. 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;

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

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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 127. Section 316.1923, Florida Statutes, is
59 amended 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.
71 316.079, s. 316.0815, or s. 316.123.

72 (e) ~~(5)~~ Improperly passing or failing to yield to

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73 overtaking vehicles as defined in s. 316.083, s. 316.084, or s.
74 316.085.

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

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

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

88 (4) Of the moneys received from the increased fine imposed
89 by subsection (3), \$200,000 in the first year after this act
90 takes effect and \$50,000 in the second and third years shall be
91 remitted to the Department of Highway Safety and Motor Vehicles
92 to offset the cost of providing educational materials related to
93 this act. Any additional moneys shall be remitted to the
94 Department of Revenue and deposited into the Department of
95 Health Administrative Trust Fund to provide financial support to
96 verified trauma centers to ensure the availability and
97 accessibility of trauma services throughout the state. Funds
98 deposited into the Administrative Trust Fund under this
99 subsection shall be allocated as follows:

100 (a) Twenty-five percent shall be allocated equally among

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101 all Level I, Level II, and pediatric trauma centers in
102 recognition of readiness costs for maintaining trauma services.

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

107 (c) Twenty-five percent shall be transferred to the
108 Emergency Medical Services Trust Fund and used by the department
109 for making matching grants to emergency medical services
110 organizations as defined in s. 401.107.

111 (d) Twenty-five percent shall be transferred to the
112 Emergency Medical Services Trust Fund and made available to
113 rural emergency medical services as defined in s. 401.107, and
114 shall be used solely to improve and expand prehospital emergency
115 medical services in this state. Additionally, these moneys may
116 be used for the improvement, expansion, or continuation of
117 services provided.

118 Section 128. Section 318.19, Florida Statutes, is amended
119 to read:

120 318.19 Infractions requiring a mandatory hearing.—Any
121 person cited for the infractions listed in this section shall
122 not have the provisions of s. 318.14(2), (4), and (9) available
123 to him or her but must appear before the designated official at
124 the time and location of the scheduled hearing:

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

127 (2) Any infraction which results in a crash that causes
128 "serious bodily injury" of another as defined in s. 316.1933(1);
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129 (3) Any infraction of s. 316.172(1)(b);

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

131 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
132 316.189 of exceeding the speed limit by 30 m.p.h. or more; ~~or~~.

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

134 Section 129. The Department of Highway Safety and Motor
135 Vehicles shall provide information about the Highway Safety Act
136 in all driver's license educational materials newly printed on
137 or after October 1, 2011.

138 Section 130. For the purpose of incorporating the
139 amendments made by this act to section 316.1923, Florida
140 Statutes, in a reference thereto, paragraph (a) of subsection
141 (1) of section 316.650, Florida Statutes, is reenacted to read:

142 316.650 Traffic citations.—

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

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

Remove line 3574 and insert:

system and to make a report to the Legislature; creating the "Highway Safety Act"; providing legislative intent relating to road rage and aggressive careless driving; amending s. 316.003, F.S.; defining the term "road rage"; amending s. 316.083, F.S.; requiring an operator of a motor vehicle to yield the left lane when being overtaken on a multilane highway; providing exceptions; amending s. 316.1923, F.S.; revising the number of specified acts necessary to qualify as an aggressive careless driver; providing specified punishments for aggressive careless driving; specifying the allocation of moneys received from the increased fine imposed for aggressive careless driving; amending s. 318.19, F.S.; providing that a second or subsequent infraction as an aggressive careless driver requires attendance at a mandatory hearing; requiring the Department of Highway Safety and Motor Vehicles to provide information about the Highway Safety Act in driver's license educational materials; reenacting s. 316.650(1)(a), F.S., relating to traffic citations, to incorporate the amendments made to s. 316.1923, F.S., in a reference thereto; providing