

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

588-02008B-11

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1 A bill to be entitled
2 An act relating to motor vehicles; creating the
3 "Highway Safety Act"; providing legislative intent
4 relating to road rage and aggressive careless driving;
5 amending s. 316.003, F.S.; defining the term "road
6 rage"; amending s. 316.083, F.S.; requiring an
7 operator of a motor vehicle to yield the left lane
8 when being overtaken on a multilane highway; providing
9 exceptions; amending s. 316.1923, F.S.; revising the
10 number of specified acts necessary to qualify as an
11 aggressive careless driver; providing specified
12 punishments for aggressive careless driving, including
13 imposition of an increased fine; amending s. 318.121,
14 F.S.; revising the preemption of additional fees,
15 fines, surcharges, and court costs to allow imposition
16 of the increased fine for aggressive careless driving;
17 amending s. 318.18, F.S.; specifying the amount of the
18 fine and the allocation of moneys received from the
19 increased fine imposed for aggressive careless
20 driving; amending s. 318.19, F.S.; providing that a
21 second or subsequent infraction as an aggressive
22 careless driver requires attendance at a mandatory
23 hearing; requiring the Department of Highway Safety
24 and Motor Vehicles to provide information about the
25 Highway Safety Act in driver's license educational
26 materials; reenacting s. 316.650(1)(a), F.S., relating
27 to traffic citations, to incorporate the amendments
28 made to s. 316.1923, F.S., in a reference thereto;
29 providing an effective date.

588-02008B-11

2011244c2

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

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

Section 2. 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 traffic on the roads and highways of the state.

Section 3. Subsection (89) is added to section 316.003, Florida Statutes, to read:

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

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

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

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations,

588-02008B-11

2011244c2

59 exceptions, and special rules hereinafter stated:

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

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

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

70 2. The driver is in the process of overtaking a slower
71 motor vehicle in the adjacent right-hand lane for the purpose of
72 passing the slower moving vehicle so that the driver may move to
73 the adjacent right-hand lane;

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

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

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

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

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

86 Section 5. Section 316.1923, Florida Statutes, is amended
87 to read:

588-02008B-11

2011244c2

88 316.1923 Aggressive careless driving.—

89 (1) "Aggressive careless driving" means committing three
90 ~~two~~ or more of the following acts simultaneously or in
91 succession:

92 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
93 322.27(3) (d) 5.b.

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

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

98 (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.
99 316.079, s. 316.0815, or s. 316.123.

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

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

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

108 Section 6. Section 318.121, Florida Statutes, is amended to
109 read

110 318.121 Preemption of additional fees, fines, surcharges,
111 and costs.—Notwithstanding any general or special law, or
112 municipal or county ordinance, additional fees, fines,
113 surcharges, or costs other than the additional fees, fines,
114 court costs, and surcharges assessed under s. 318.18(11), (13),
115 (18), ~~and~~ (19), and (22) may not be added to the civil traffic
116 penalties assessed in this chapter.

588-02008B-11

2011244c2

117 Section 7. Subsection (22) is added to section 318.18,
118 Florida Statutes, to read:

119 318.18 Amount of penalties.—The penalties required for a
120 noncriminal disposition pursuant to s. 318.14 or a criminal
121 offense listed in s. 318.17 are as follows:

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

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

126 2. Upon a second or subsequent conviction, a fine of not
127 less than \$250 but not more than \$500 and be subject to a
128 mandatory hearing under s. 318.19.

129 (b) The clerk of the court shall remit the moneys collected
130 from the increased fine imposed by this subsection to the
131 Department of Revenue for deposit into the Department of Health
132 Administrative Trust Fund. Of the funds deposited into the
133 Department of Health Administrative Trust Fund, \$200,000 in the
134 first year after October 1, 2011, and \$50,000 in the second and
135 third years, shall be transferred into the Highway Safety
136 Operating Trust Fund to offset the cost of providing educational
137 materials related to this act. Funds deposited into the
138 Department of Health Administrative Trust Fund under this
139 subsection shall be allocated as follows:

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

143 2. Twenty-five percent shall be allocated among Level I,
144 Level II, and pediatric trauma centers based on each center's
145 relative volume of trauma cases as reported in the Department of

588-02008B-11

2011244c2

146 Health Trauma Registry.

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

151 4. Twenty-five percent shall be transferred to the
152 Emergency Medical Services Trust Fund and made available to
153 rural emergency medical services as defined in s. 401.107, and
154 shall be used solely to improve and expand prehospital emergency
155 medical services in this state. Additionally, these moneys may
156 be used for the improvement, expansion, or continuation of
157 services provided.

158 Section 8. Section 318.19, Florida Statutes, is amended to
159 read:

160 318.19 Infractions requiring a mandatory hearing.—Any
161 person cited for the infractions listed in this section shall
162 not have the provisions of s. 318.14(2), (4), and (9) available
163 to him or her but must appear before the designated official at
164 the time and location of the scheduled hearing:

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

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

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

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

171 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
172 316.189 of exceeding the speed limit by 30 m.p.h. or more; ~~or~~

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

174 Section 9. The Department of Highway Safety and Motor

588-02008B-11

2011244c2

175 Vehicles shall provide information about the Highway Safety Act
176 in all driver's license educational materials newly printed on
177 or after October 1, 2011.

178 Section 10. For the purpose of incorporating the amendments
179 made by this act to section 316.1923, Florida Statutes, in a
180 reference thereto, paragraph (a) of subsection (1) of section
181 316.650, Florida Statutes, is reenacted to read:

182 316.650 Traffic citations.—

183 (1) (a) The department shall prepare and supply to every
184 traffic enforcement agency in this state an appropriate form
185 traffic citation that contains a notice to appear, is issued in
186 prenumbered books, meets the requirements of this chapter or any
187 laws of this state regulating traffic, and is consistent with
188 the state traffic court rules and the procedures established by
189 the department. The form shall include a box that is to be
190 checked by the law enforcement officer when the officer believes
191 that the traffic violation or crash was due to aggressive
192 careless driving as defined in s. 316.1923. The form shall also
193 include a box that is to be checked by the law enforcement
194 officer when the officer writes a uniform traffic citation for a
195 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of
196 the driver failing to stop at a traffic signal.

197 Section 11. This act shall take effect October 1, 2011.