



495224

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2012	.	
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The Committee on Budget (Bennett) recommended the following:

1           **Senate Amendment to Amendment (562340) (with title**  
2 **amendment)**

3  
4           Delete lines 13 - 28  
5 and insert:

6           Section 2. Subsection (21) of section 316.003, Florida  
7 Statutes, is amended, and subsections (89) and (90) are added to  
8 that section, to read:

9           316.003 Definitions.—The following words and phrases, when  
10 used in this chapter, shall have the meanings respectively  
11 ascribed to them in this section, except where the context  
12 otherwise requires:

13           (21) MOTOR VEHICLE.—~~A~~ Any self-propelled vehicle not



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14 operated upon rails or guideway, but not including any bicycle,  
15 motorized scooter, electric personal assistive mobility device,  
16 swamp buggy, or moped.

17 (89) SWAMP BUGGY.—A motorized off-road vehicle that is  
18 designed or modified to travel over swampy or varied terrain and  
19 that may use large tires or tracks operated from an elevated  
20 platform. The term does not include any vehicle defined in  
21 chapter 261 or otherwise defined or classified in this chapter.

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

27  
28 Delete lines 590 - 600  
29 and insert:

30 Section 19. Paragraph (f) of subsection (3) of section  
31 318.18, Florida Statutes, is amended, and subsection (22) is  
32 added to that section, to read:

33 318.18 Amount of penalties.—The penalties required for a  
34 noncriminal disposition pursuant to s. 318.14 or a criminal  
35 offense listed in s. 318.17 are as follows:

36 (3)

37 (f) If a violation of s. 316.1301 or s. 316.1303(1) ~~s.~~  
38 ~~316.1303~~ results in an injury to the pedestrian or damage to the  
39 property of the pedestrian, an additional fine of up to \$250  
40 shall be paid. This amount must be distributed pursuant to s.  
41 318.21.

42 (22) (a) In addition to any penalties or points imposed



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43 under s. 316.1923, a person convicted of aggressive careless  
44 driving shall also pay:

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

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

49 (b) The clerk of the court shall remit the moneys collected  
50 from the increased fine imposed by this subsection to the  
51 Department of Revenue for deposit into the Emergency Medical  
52 Services Trust Fund. Of the funds deposited into the Emergency  
53 Medical Services Trust Fund, \$200,000 in the first year after  
54 October 1, 2012, and \$50,000 in the second and third years,  
55 shall be transferred into the Highway Safety Operating Trust  
56 Fund to offset the cost of providing educational materials  
57 related to this act. Funds deposited into the Emergency Medical  
58 Services Trust Fund under this subsection shall be allocated as  
59 follows:

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

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

67 3. Twenty-five percent shall be used by the department for  
68 making matching grants to emergency medical services  
69 organizations as defined in s. 401.107.

70 4. Twenty-five percent shall be made available to rural  
71 emergency medical services as defined in s. 401.107, and shall



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72 be used solely to improve and expand prehospital emergency  
73 medical services in this state. Additionally, these moneys may  
74 be used for the improvement, expansion, or continuation of  
75 services provided.

76  
77 Between lines 2453 and 2454  
78 insert:

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

82 316.083 Overtaking and passing a vehicle.—The following  
83 rules shall govern the overtaking and passing of vehicles  
84 proceeding in the same direction, subject to those limitations,  
85 exceptions, and special rules hereinafter stated:

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

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

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

96 2. The driver is in the process of overtaking a slower  
97 motor vehicle in the adjacent right-hand lane for the purpose of  
98 passing the slower moving vehicle so that the driver may move to  
99 the adjacent right-hand lane;

100 3. Conditions make the flow of traffic substantially the



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101 same in all lanes or preclude the driver from moving to the  
102 adjacent right-hand lane;

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

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

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

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

112 Section 75. Section 316.1923, Florida Statutes, is amended  
113 to read:

114 316.1923 Aggressive careless driving.—

115 (1) "Aggressive careless driving" means committing three  
116 ~~two~~ or more of the following acts simultaneously or in  
117 succession:

118 (a) ~~(1)~~ Exceeding the posted speed as defined in s.  
119 322.27(3) (d) 5.b.

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

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

124 (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.  
125 316.079, s. 316.0815, or s. 316.123.

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

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



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

134           Section 76. For the purpose of incorporating the amendments  
135 made by this act to section 316.1923, Florida Statutes, in a  
136 reference thereto, paragraph (a) of subsection (1) of section  
137 316.650, Florida Statutes, is reenacted to read:

138           316.650 Traffic citations.—

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

153           Section 77. Section 318.121, Florida Statutes, is amended  
154 to read:

155           318.121 Preemption of additional fees, fines, surcharges,  
156 and costs.—Notwithstanding any general or special law, or  
157 municipal or county ordinance, additional fees, fines,  
158 surcharges, or costs other than the additional fees, fines,



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159 court costs, and surcharges assessed under s. 318.18(11), (13),  
160 (18), ~~and~~ (19), and (22) may not be added to the civil traffic  
161 penalties assessed in this chapter.

162 Section 78. Section 318.19, Florida Statutes, is amended to  
163 read:

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

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

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

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

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

175 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
176 316.189 of exceeding the speed limit by 30 m.p.h. or more; ~~or~~

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

178 Section 79. Sections 2, 19, 74, 75, 76, 77, 78, 79, 80, and  
179 81 of this act may be cited as the "Highway Safety Act."

180 Section 80. The Department of Highway Safety and Motor  
181 Vehicles shall provide information about the Highway Safety Act  
182 in all driver license educational materials newly printed on or  
183 after October 1, 2012.

184 Section 81. The Legislature finds that road rage and  
185 aggressive careless driving are a growing threat to the health,  
186 safety, and welfare of the public. The intent of the Legislature  
187 is to reduce road rage and aggressive careless driving, reduce



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188 the incidence of drivers' interfering with the movement of  
189 traffic, minimize crashes, and promote the orderly, free flow of  
190 traffic on the roads and highways of the state.

191  
192 ===== T I T L E A M E N D M E N T =====

193 And the title is amended as follows:

194 Delete line 2470

195 and insert:

196 swamp buggies; defining the terms "swamp buggy" and  
197 "road rage";

198  
199 Delete line 2568

200 and insert:

201 penalties; conforming cross-references; specifying the  
202 amount of the fine and the allocation of moneys  
203 received from the increased fine imposed for  
204 aggressive careless driving; amending s.

205  
206 Delete line 2883

207 and insert:

208 cross references; amending s. 316.083, F.S.; requiring  
209 an operator of a motor vehicle to yield the left lane  
210 when being overtaken on a multilane highway; providing  
211 exceptions; amending s. 316.1923, F.S.; revising the  
212 number of specified acts necessary to qualify as an  
213 aggressive careless driver; providing specified  
214 punishments for aggressive careless driving, including  
215 imposition of an increased fine; amending s. 318.121,  
216 F.S.; revising the preemption of additional fees,





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217 fines, surcharges, and court costs to allow imposition  
218 of the increased fine for aggressive careless driving;  
219 amending s. 318.19, F.S.; providing that a second or  
220 subsequent infraction as an aggressive careless driver  
221 requires attendance at a mandatory hearing; requiring  
222 the Department of Highway Safety and Motor Vehicles to  
223 provide information about the Highway Safety Act in  
224 driver's license educational materials; reenacting s.  
225 316.650(1)(a), F.S., relating to traffic citations, to  
226 incorporate the amendments made to s. 316.1923, F.S.,  
227 in a reference thereto; providing a short title;  
228 requiring the Department of Highway Safety and Motor  
229 Vehicles to provide information about the Highway  
230 Safety Act in driver's license educational materials;  
231 providing legislative intent and findings; providing  
232 effective dates.