



722740

LEGISLATIVE ACTION

Senate

House

.  
.  
.  
.  
.  
.  
.

Floor: WD

03/09/2012 10:17 AM

---

Senator Bennett moved the following:

1           **Senate Amendment to Amendment (928190) (with title**  
2 **amendment)**

3  
4           Between lines 2534 and 2535  
5 insert:

6           Section 76. Sections 77 through 85 of this act may be cited  
7 as the "Highway Safety Act."

8           Section 77. 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



722740

14 traffic on the roads and highways of the state.

15 Section 78. 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, bicyclist, or  
24 pedestrian, or to attempt or threaten to injure or kill another  
25 driver, passenger, bicyclist, or pedestrian.

26 Section 79. 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;



722740

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 80. 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.



722740

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 81. 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 82. 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



722740

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 Emergency Medical  
105 Services Trust Fund. Of the funds deposited into the Emergency  
106 Medical Services Trust Fund, \$200,000 in the first year after  
107 October 1, 2012, and \$50,000 in the second and third years,  
108 shall be transferred into the Highway Safety Operating Trust  
109 Fund to offset the cost of providing educational materials  
110 related to this act. Funds deposited into the Emergency Medical  
111 Services Trust Fund under this subsection shall be allocated as  
112 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 used by the department for  
121 making matching grants to emergency medical services  
122 organizations as defined in s. 401.107.

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

129 Section 83. Section 318.19, Florida Statutes, is amended to



722740

130 read:

131 318.19 Infractions requiring a mandatory hearing.—Any  
132 person cited for the infractions listed in this section shall  
133 not have the provisions of s. 318.14(2), (4), and (9) available  
134 to him or her but must appear before the designated official at  
135 the time and location of the scheduled hearing:

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

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

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

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

142 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
143 316.189 of exceeding the speed limit by 30 m.p.h. or more; or-

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

145 Section 84. The Department of Highway Safety and Motor  
146 Vehicles shall provide information about the Highway Safety Act  
147 in all driver’s license educational materials newly printed on  
148 or after October 1, 2012.

149 Section 85. For the purpose of incorporating the amendments  
150 made by this act to section 316.1923, Florida Statutes, in a  
151 reference thereto, paragraph (a) of subsection (1) of section  
152 316.650, Florida Statutes, is reenacted to read:

153 316.650 Traffic citations.—

154 (1)(a) The department shall prepare and supply to every  
155 traffic enforcement agency in this state an appropriate form  
156 traffic citation that contains a notice to appear, is issued in  
157 prenumbered books, meets the requirements of this chapter or any  
158 laws of this state regulating traffic, and is consistent with



722740

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

168

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

170 And the title is amended as follows:

171 Between lines 2937 and 2938

172 insert:

173 providing a short title; providing legislative intent  
174 relating to road rage and aggressive careless driving;  
175 amending s. 316.003, F.S.; defining the term "road  
176 rage"; amending s. 316.083, F.S.; requiring an  
177 operator of a motor vehicle to yield the left lane  
178 when being overtaken on a multilane highway; providing  
179 exceptions; amending s. 316.1923, F.S.; revising the  
180 number of specified acts necessary to qualify as an  
181 aggressive careless driver; providing specified  
182 punishments for aggressive careless driving, including  
183 imposition of an increased fine; amending s. 318.121,  
184 F.S.; revising the preemption of additional fees,  
185 fines, surcharges, and court costs to allow imposition  
186 of the increased fine for aggressive careless driving;  
187 amending s. 318.18, F.S.; specifying the amount of the



722740

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