The Committee on Budget (Bennett) recommended the following:

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

Delete lines 13 - 28

and insert:

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

(21) MOTOR VEHICLE.—Any self-propelled vehicle not
operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, swamp buggy, or moped.

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

(90) 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, bicyclist, or pedestrian, or to attempt or threaten to injure or kill another driver, passenger, bicyclist, or pedestrian.

Delete lines 590 – 600

and insert:

Section 19. Paragraph (f) of subsection (3) and subsection (17) of section 318.18, Florida Statutes, are amended, and subsection (22) is added to that section, to read:

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

(3)

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

(17) In addition to any penalties imposed, a surcharge of
$3 must be paid for all criminal offenses listed in s. 318.17 and for all noncriminal moving traffic violations under chapter 316. Revenue from the surcharge shall be remitted to the Department of Revenue and deposited quarterly into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services for the state agency law enforcement radio system, as described in s. 282.709, and to provide technical assistance to state agencies and local law enforcement agencies with their statewide systems of regional law enforcement communications, as described in s. 282.7101. This subsection expires July 1, 2021. The Department of Management Services may retain funds sufficient to recover the costs and expenses incurred for managing, administering, and overseeing the Statewide Law Enforcement Radio System, and providing technical assistance to state agencies and local law enforcement agencies with their statewide systems of regional law enforcement communications. The Department of Management Services working in conjunction with the Joint Task Force on State Agency Law Enforcement Communications shall determine and direct the purposes for which these funds are used to enhance and improve the radio system.

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

1. Upon a first violation, a fine of $100.
2. Upon a second or subsequent conviction, a fine of not less than $250 but not more than $500 and be subject to a mandatory hearing under s. 318.19.

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

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

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

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

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

Between lines 2453 and 2454 insert:
Section 74. 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, exceptions, and special rules hereinafter stated:

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

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

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

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

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

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

5. The driver is directed by a law enforcement officer, road sign, or road crew to remain in the furthermost left-hand lane; or
6. The driver is preparing to make a left turn.

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

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

316.1923 Aggressive careless driving.—
(1) “Aggressive careless driving” means committing three or more of the following acts simultaneously or in succession:
   (a) Exceeding the posted speed as defined in s. 322.27(3)(d)5.b.
   (b) Unsafely or improperly changing lanes as defined in s. 316.085.
   (c) Following another vehicle too closely as defined in s. 316.0895(1).
   (d) Failing to yield the right-of-way as defined in s. 316.079, s. 316.0815, or s. 316.123.
   (e) Improperly passing or failing to yield to overtaking vehicles as defined in s. 316.083, s. 316.084, or s. 316.085.
   (f) Violating traffic control and signal devices as defined in ss. 316.074 and 316.075.

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

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

316.650 Traffic citations.—

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 81. 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.

And the title is amended as follows:

Delete line 2470
and insert:

swamp buggies; defining the terms “swamp buggy” and “road rage”;

Delete line 2568

and insert:

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

Delete line 2883

and insert:

cross references; 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, including imposition of an increased fine; amending s. 318.121, F.S.; revising the preemption of additional fees, fines, surcharges, and court costs to allow imposition of the increased fine 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 a short title; requiring the Department of Highway Safety and Motor Vehicles to provide information about the Highway Safety Act in driver’s license educational materials; providing legislative intent and findings; providing effective dates.