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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
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) and subsection
31 (17) of section 318.18, Florida Statutes, are amended, and
32 subsection (22) is 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 (17) In addition to any penalties imposed, a surcharge of



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43 \$3 must be paid for all criminal offenses listed in s. 318.17
44 and for all noncriminal moving traffic violations under chapter
45 316. Revenue from the surcharge shall be remitted to the
46 Department of Revenue and deposited quarterly into the State
47 Agency Law Enforcement Radio System Trust Fund of the Department
48 of Management Services for the state agency law enforcement
49 radio system, as described in s. 282.709, and to provide
50 technical assistance to state agencies and local law enforcement
51 agencies with their statewide systems of regional law
52 enforcement communications, as described in s. 282.7101. This
53 subsection expires July 1, 2021 ~~2012~~. The Department of
54 Management Services may retain funds sufficient to recover the
55 costs and expenses incurred for managing, administering, and
56 overseeing the Statewide Law Enforcement Radio System, and
57 providing technical assistance to state agencies and local law
58 enforcement agencies with their statewide systems of regional
59 law enforcement communications. The Department of Management
60 Services working in conjunction with the Joint Task Force on
61 State Agency Law Enforcement Communications shall determine and
62 direct the purposes for which these funds are used to enhance
63 and improve the radio system.

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

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

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

71 (b) The clerk of the court shall remit the moneys collected



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72 from the increased fine imposed by this subsection to the
73 Department of Revenue for deposit into the Emergency Medical
74 Services Trust Fund. Of the funds deposited into the Emergency
75 Medical Services Trust Fund, \$200,000 in the first year after
76 October 1, 2012, and \$50,000 in the second and third years,
77 shall be transferred into the Highway Safety Operating Trust
78 Fund to offset the cost of providing educational materials
79 related to this act. Funds deposited into the Emergency Medical
80 Services Trust Fund under this subsection shall be allocated as
81 follows:

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

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

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

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

98
99 Between lines 2453 and 2454
100 insert:



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

104 316.083 Overtaking and passing a vehicle.—The following
105 rules shall govern the overtaking and passing of vehicles
106 proceeding in the same direction, subject to those limitations,
107 exceptions, and special rules hereinafter stated:

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

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

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

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

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

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

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



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

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

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

136 316.1923 Aggressive careless driving.-

137 (1) "Aggressive careless driving" means committing three
138 ~~two~~ or more of the following acts simultaneously or in
139 succession:

140 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
141 322.27(3) (d) 5.b.

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

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

146 (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.
147 316.079, s. 316.0815, or s. 316.123.

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

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

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

156 Section 76. For the purpose of incorporating the amendments
157 made by this act to section 316.1923, Florida Statutes, in a
158 reference thereto, paragraph (a) of subsection (1) of section



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159 316.650, Florida Statutes, is reenacted to read:

160 316.650 Traffic citations.—

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

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

177 318.121 Preemption of additional fees, fines, surcharges,
178 and costs.—Notwithstanding any general or special law, or
179 municipal or county ordinance, additional fees, fines,
180 surcharges, or costs other than the additional fees, fines,
181 court costs, and surcharges assessed under s. 318.18(11), (13),
182 (18), ~~and~~ (19), and (22) may not be added to the civil traffic
183 penalties assessed in this chapter.

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

186 318.19 Infractions requiring a mandatory hearing.—Any
187 person cited for the infractions listed in this section shall



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188 not have the provisions of s. 318.14(2), (4), and (9) available
189 to him or her but must appear before the designated official at
190 the time and location of the scheduled hearing:

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

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

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

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

197 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
198 316.189 of exceeding the speed limit by 30 m.p.h. or more; or.

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

200 Section 79. Sections 2, 19, 74, 75, 76, 77, 78, 79, 80, and
201 81 of this act may be cited as the "Highway Safety Act."

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

206 Section 81. The Legislature finds that road rage and
207 aggressive careless driving are a growing threat to the health,
208 safety, and welfare of the public. The intent of the Legislature
209 is to reduce road rage and aggressive careless driving, reduce
210 the incidence of drivers' interfering with the movement of
211 traffic, minimize crashes, and promote the orderly, free flow of
212 traffic on the roads and highways of the state.

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

215 And the title is amended as follows:

216 Delete line 2470



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217 and insert:
218 swamp buggies; defining the terms "swamp buggy" and
219 "road rage";
220
221 Delete line 2568
222 and insert:
223 penalties; conforming cross-references; specifying the
224 amount of the fine and the allocation of moneys
225 received from the increased fine imposed for
226 aggressive careless driving; amending s.
227
228 Delete line 2883
229 and insert:
230 cross references; amending s. 316.083, F.S.; requiring
231 an operator of a motor vehicle to yield the left lane
232 when being overtaken on a multilane highway; providing
233 exceptions; amending s. 316.1923, F.S.; revising the
234 number of specified acts necessary to qualify as an
235 aggressive careless driver; providing specified
236 punishments for aggressive careless driving, including
237 imposition of an increased fine; amending s. 318.121,
238 F.S.; revising the preemption of additional fees,
239 fines, surcharges, and court costs to allow imposition
240 of the increased fine for aggressive careless driving;
241 amending s. 318.19, F.S.; providing that a second or
242 subsequent infraction as an aggressive careless driver
243 requires attendance at a mandatory hearing; requiring
244 the Department of Highway Safety and Motor Vehicles to
245 provide information about the Highway Safety Act in



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246 driver's license educational materials; reenacting s.
247 316.650(1)(a), F.S., relating to traffic citations, to
248 incorporate the amendments made to s. 316.1923, F.S.,
249 in a reference thereto; providing a short title;
250 requiring the Department of Highway Safety and Motor
251 Vehicles to provide information about the Highway
252 Safety Act in driver's license educational materials;
253 providing legislative intent and findings; providing
254 effective dates.