

By the Committee on Transportation and Representatives
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1 A bill to be entitled
 2 An act relating to traffic infractions;
 3 creating s. 316.1923, F.S.; prescribing acts
 4 that constitute the offense of aggressive
 5 careless driving; providing criminal penalties;
 6 providing increasingly severe penalties for
 7 first, second, and third or subsequent
 8 violations; amending s. 322.27, F.S.; providing
 9 a point assessment for certain violations;
 10 amending s. 318.1451, F.S.; providing for the
 11 approval of a driver improvement course with
 12 respect to aggressive careless driving
 13 violations; amending s. 318.17, F.S.; excepting
 14 a violation of s. 318.1923, F.S., for
 15 aggressive careless driving from the provisions
 16 of the chapter; amending s. 318.19, F.S.;
 17 requiring a mandatory hearing for an infraction
 18 of s. 318.1923, F.S.; amending s. 322.264,
 19 F.S.; including certain violations of s.
 20 316.1923, F.S., within the definition of a
 21 habitual traffic offender in conformance to the
 22 act; providing an effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

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 26 Section 1. Section 316.1923, Florida Statutes, is
 27 created to read:

28 316.1923 Aggressive careless driving.--

29 (1) A person is guilty of the offense of aggressive
 30 careless driving when he or she commits two or more of the
 31 following acts simultaneously or in succession:

- 1 (a) Exceeding the posted speed.
2 (b) Unsafely or improperly changing lanes as defined
3 in s. 316.085.
4 (c) Following another vehicle too closely as defined
5 in s. 316.0895(1).
6 (d) Failing to yield the right-of-way.
7 (e) Improperly passing as defined in s. 316.083, s.
8 316.084, or s. 316.085.
9 (f) Violating traffic-control and signal devices as
10 defined in ss. 316.074 and 316.075.
11 (2) A person who is convicted of aggressive careless
12 driving shall be punished as follows:
13 (a) Upon a first conviction:
14 1. By a mandatory court appearance as described in s.
15 318.19.
16 2. By a fine as set forth in s. 318.18 of not less
17 than \$60.
18 3. By a minimum point assessment of six points on the
19 person's driver's license pursuant to s. 322.27, provided that
20 a person who is punished for a first conviction pursuant to
21 this paragraph shall have the option to attend an aggressive
22 driver abatement course as set forth in ss. 318.14, 322.271,
23 and 322.291, paid for by the offender, which shall reduce the
24 point assessment to one point. This option shall only be
25 available for a first conviction. The topics covered in the
26 8-hour driver improvement course shall consist of:
27 a. How to control driving-related stress and anger.
28 b. Education about the possible consequences of
29 aggressive driving.
30 c. Intervention in self-destructive behavioral
31 patterns specific to aggressive driving.

1 (b) Upon a second conviction:
2 1. By a minimum point assessment of six points on the
3 person's driver's license pursuant to s. 322.27.
4 2. By a fine of not less than \$250 or more than \$500.
5 3. The court may revoke, for a period not to exceed 1
6 year, the driver's license of a person who is convicted for a
7 second violation pursuant to this paragraph.

8 (c) Upon a third or subsequent conviction, the
9 offender shall be treated as a habitual traffic offender as
10 defined in s. 322.264, and shall be punished as follows:

11 1. By a minimum point assessment of six points on the
12 person's driver's license pursuant to s. 322.27. The
13 department shall revoke the license pursuant to s. 322.27(5)
14 and such person shall not be eligible for relicensure for a
15 minimum of 5 years from the date of revocation. Pursuant to
16 s. 322.291(1)(b), such person shall submit to the department
17 proof of enrollment in a department-approved advanced driver
18 improvement course prior to the reinstatement of his or her
19 driving privilege as set forth in s. 318.1451.

20 2. By a fine of not less than \$500 or more than
21 \$1,000.

22 3. If the person's aggressive careless driving causes
23 or results in a crash, the person may be sentenced to serve
24 120 community service hours as provided in s. 316.027(4).

25 Section 2. Paragraph (d) of subsection (3) of section
26 322.27, Florida Statutes, is amended to read:

27 322.27 Authority of department to suspend or revoke
28 license.--

29 (3) There is established a point system for evaluation
30 of convictions of violations of motor vehicle laws or
31 ordinances, and violations of applicable provisions of s.

1 403.413(6)(b) when such violations involve the use of motor
2 vehicles, for the determination of the continuing
3 qualification of any person to operate a motor vehicle. The
4 department is authorized to suspend the license of any person
5 upon showing of its records or other good and sufficient
6 evidence that the licensee has been convicted of violation of
7 motor vehicle laws or ordinances, or applicable provisions of
8 s. 403.413(6)(b), amounting to 12 or more points as determined
9 by the point system. The suspension shall be for a period of
10 not more than 1 year.

11 (d) The point system shall have as its basic element a
12 graduated scale of points assigning relative values to
13 convictions of the following violations:

14 1. Reckless driving, willful and wanton--4 points.

15 2. Leaving the scene of a crash resulting in property
16 damage of more than \$50--6 points.

17 3. Unlawful speed resulting in a crash--6 points.

18 4. Passing a stopped school bus--4 points.

19 5. Unlawful speed:

20 a. Not in excess of 15 miles per hour of lawful or
21 posted speed--3 points.

22 b. In excess of 15 miles per hour of lawful or posted
23 speed--4 points.

24 6. All other moving violations (including parking on a
25 highway outside the limits of a municipality)--3 points.

26 However, no points shall be imposed for a violation of s.
27 316.0741 or s. 316.2065(12).

28 7. Any moving violation covered above, excluding
29 unlawful speed, resulting in a crash--4 points.

30 8. Any conviction under s. 403.413(5)(b)--3 points.

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1 9. A conviction under s. 316.1923(2)(a) or (b)--6
2 points, provided that a reduction in points may be awarded
3 pursuant to s. 316.1923(2)(a).

4 Section 3. Subsections (1) and (4) of section
5 318.1451, Florida Statutes, are amended to read:

6 318.1451 Driver improvement schools.--

7 (1) The Department of Highway Safety and Motor
8 Vehicles shall approve the courses of all driver improvement
9 schools, as the courses relate to ss. 318.14(9), 322.0261,
10 ~~322.095~~, and 322.291, and all aggressive driving courses, as
11 the courses relate to s. 316.1923. The chief judge of the
12 applicable judicial circuit may establish requirements
13 regarding the location of schools within the judicial circuit.
14 A person may engage in the business of operating a driver
15 improvement school that offers department-approved courses
16 related to ss. 318.14(9), 322.0261, ~~322.095~~, and 322.291. An
17 aggressive driving course related to s. 316.1923 may only be
18 provided by a governmental program or a not-for-profit
19 corporation.

20 (4) In addition to a regular course fee, an assessment
21 fee in the amount of \$2.50 shall be collected by the school
22 from each person who elects to attend a course, as it relates
23 to ss. 316.1923(2)(a)3., 318.14(9), 322.0261, 322.291, and
24 627.06501, which shall be remitted to the Department of
25 Highway Safety and Motor Vehicles and deposited in the Highway
26 Safety Operating Trust Fund to administer this program and to
27 fund the general operations of the department.

28 Section 4. Subsection (7) of section 318.17, Florida
29 Statutes, is amended, subsection (8) is renumbered as
30 subsection (9), and a new subsection (8) is added to said
31 section, to read:

1 318.17 Offenses excepted.--No provision of this
2 chapter is available to a person who is charged with any of
3 the following offenses:

4 (7) Obstructing an officer, in violation of s.
5 316.545(1); ~~or~~

6 (8) Aggressive careless driving, in violation of s.
7 316.1923; or

8 (9)~~(8)~~ Any other offense in chapter 316 which is
9 classified as a criminal violation.

10 Section 5. Subsection (3) of section 318.19, Florida
11 Statutes, is amended, and subsection (4) is added to said
12 section, to read:

13 318.19 Infractions requiring a mandatory hearing.--Any
14 person cited for the infractions listed in this section shall
15 not have the provisions of s. 318.14(2), (4), and (9)
16 available to him or her but must appear before the designated
17 official at the time and location of the scheduled hearing:

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

19 (4) Any infraction of s. 316.1923.

20 Section 6. Section 322.264, Florida Statutes, is
21 amended to read:

22 322.264 "Habitual traffic offender" defined.--A
23 "habitual traffic offender" is any person whose record, as
24 maintained by the Department of Highway Safety and Motor
25 Vehicles, shows that such person has accumulated the specified
26 number of convictions for offenses described in subsection (1)
27 or subsection (2) within a 5-year period:

28 (1) Three or more convictions of any one or more of
29 the following offenses arising out of separate acts:

30 (a) Voluntary or involuntary manslaughter resulting
31 from the operation of a motor vehicle;

1 (b) Any violation of s. 316.193, former s. 316.1931,
2 or former s. 860.01;

3 (c) Any felony in the commission of which a motor
4 vehicle is used;

5 (d) Driving a motor vehicle while his or her license
6 is suspended or revoked;

7 (e) Failing to stop and render aid as required under
8 the laws of this state in the event of a motor vehicle crash
9 resulting in the death or personal injury of another; or

10 (f) Driving a commercial motor vehicle while his or
11 her privilege is disqualified.

12 (2) Fifteen convictions for moving traffic offenses
13 for which points may be assessed as set forth in s. 322.27,
14 including those offenses in subsection (1).

15 (3) A conviction for a violation of s. 316.1923(1).

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17 Any violation of any federal law, any law of another state or
18 country, or any valid ordinance of a municipality or county of
19 another state similar to a statutory prohibition specified in
20 subsection (1), ~~or~~ subsection (2), or subsection (3) shall be
21 counted as a violation of such prohibition. In computing the
22 number of convictions, all convictions during the 5 years
23 previous to July 1, 1972, will be used, provided at least one
24 conviction occurs after that date. The fact that previous
25 convictions may have resulted in suspension, revocation, or
26 disqualification under another section does not exempt them
27 from being used for suspension or revocation under this
28 section as a habitual offender.

29 Section 7. This act shall take effect January 1, 2001.

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