

779-100AXC-02

Bill No. CS/HB 175, 1st Eng.

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Machek offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Subsections (3) and (4) of section 316.192, Florida Statutes, are renumbered as subsections (4) and (5), respectively, subsection (2) is amended, and a new subsection (3) is added to said section, to read:

316.192 Reckless driving.--

(2) Except as provided in subsection (3), any person convicted of reckless driving shall be punished:

(a) Upon a first conviction, by imprisonment for a period of not more than 90 days or by fine of not less than \$25 nor more than \$500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction, by imprisonment for not more than 6 months or by a fine of not less than \$50 nor more than \$1,000, or by both such fine and imprisonment. ~~In addition, if the person's reckless driving causes or results in the death of another, the person may~~

1 ~~serve 120 community hours as provided in s. 316.027(4).~~

2 (3) Any person:

3 (a) Who is in violation of subsection (1);

4 (b) Who operates a vehicle; and

5 (c) Who, by reason of such operation, causes:

6 1. Damage to the property or person of another commits
7 a misdemeanor of the first degree, punishable as provided in
8 s. 775.082 or s. 775.083.

9 2. Serious bodily injury to another commits a felony
10 of the third degree, punishable as provided in s. 775.082, s.
11 775.083, or s. 775.084. The term "serious bodily injury" means
12 an injury to another person, which consists of a physical
13 condition that creates a substantial risk of death, serious
14 personal disfigurement, or protracted loss or impairment of
15 the function of any bodily member or organ.

16 Section 2. Section 782.071, Florida Statutes, is
17 amended to read:

18 782.071 Vehicular homicide.--"Vehicular homicide" is
19 the killing of a human being, or the killing of a viable fetus
20 by any injury to the mother, caused by the operation of a
21 motor vehicle by another in a reckless manner likely to cause
22 the death of, or great bodily harm to, another.

23 (1) Vehicular homicide is:

24 (a)(1) A felony of the second degree, punishable as
25 provided in s. 775.082, s. 775.083, or s. 775.084.

26 (b)(2) A felony of the first degree, punishable as
27 provided in s. 775.082, s. 775.083, or s. 775.084, if:

28 1.(a) At the time of the accident, the person knew, or
29 should have known, that the accident occurred; and

30 2.(b) The person failed to give information and render
31 aid as required by s. 316.062.

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This paragraph ~~subsection~~ does not require that the person knew that the accident resulted in injury or death.

~~(2)(3)~~ For purposes of this section, a fetus is viable when it becomes capable of meaningful life outside the womb through standard medical measures.

~~(3)(4)~~ A right of action for civil damages shall exist under s. 768.19, under all circumstances, for all deaths described in this section.

(4) In addition to any other punishment, the court may order the person to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.

Section 3. Paragraph (h) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.--

(3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(h) LEVEL 8
316.193		
(3)(c)3.a.	2nd	DUI manslaughter.
327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or

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1			exceeding \$20,000, but less than
2			\$100,000 by money transmitter.
3	560.125(5)(b)	2nd	Money transmitter business by
4			unauthorized person, currency or
5			payment instruments totaling or
6			exceeding \$20,000, but less than
7			\$100,000.
8	655.50(10)(b)2.	2nd	Failure to report financial
9			transactions totaling or
10			exceeding \$20,000, but less than
11			\$100,000 by financial
12			institutions.
13	777.03(2)(a)	1st	Accessory after the fact, capital
14			felony.
15	782.04(4)	2nd	Killing of human without design
16			when engaged in act or attempt of
17			any felony other than arson,
18			sexual battery, robbery,
19			burglary, kidnapping, aircraft
20			piracy, or unlawfully discharging
21			bomb.
22	782.051(2)	1st	Attempted felony murder while
23			perpetrating or attempting to
24			perpetrate a felony not
25			enumerated in s. 782.04(3).
26	782.071(1)(b) (2)	1st	Committing vehicular homicide and
27			failing to render aid or give
28			information.
29	782.072(2)	1st	Committing vessel homicide and
30			failing to render aid or give
31			information.

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1	790.161(3)	1st	Discharging a destructive device
2			which results in bodily harm or
3			property damage.
4	794.011(5)	2nd	Sexual battery, victim 12 years
5			or over, offender does not use
6			physical force likely to cause
7			serious injury.
8	800.04(4)	2nd	Lewd or lascivious battery.
9	806.01(1)	1st	Maliciously damage dwelling or
10			structure by fire or explosive,
11			believing person in structure.
12	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
13	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
14			or dangerous weapon.
15	810.02(2)(c)	1st	Burglary of a dwelling or
16			structure causing structural
17			damage or \$1,000 or more property
18			damage.
19	812.13(2)(b)	1st	Robbery with a weapon.
20	812.135(2)	1st	Home-invasion robbery.
21	825.102(2)	2nd	Aggravated abuse of an elderly
22			person or disabled adult.
23	825.103(2)(a)	1st	Exploiting an elderly person or
24			disabled adult and property is
25			valued at \$100,000 or more.
26	837.02(2)	2nd	Perjury in official proceedings
27			relating to prosecution of a
28			capital felony.
29	837.021(2)	2nd	Making contradictory statements
30			in official proceedings relating
31			to prosecution of a capital

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1			felony.
2	860.121(2)(c)	1st	Shooting at or throwing any
3			object in path of railroad
4			vehicle resulting in great bodily
5			harm.
6	860.16	1st	Aircraft piracy.
7	893.13(1)(b)	1st	Sell or deliver in excess of 10
8			grams of any substance specified
9			in s. 893.03(1)(a) or (b).
10	893.13(2)(b)	1st	Purchase in excess of 10 grams of
11			any substance specified in s.
12			893.03(1)(a) or (b).
13	893.13(6)(c)	1st	Possess in excess of 10 grams of
14			any substance specified in s.
15			893.03(1)(a) or (b).
16	893.135(1)(a)2.	1st	Trafficking in cannabis, more
17			than 2,000 lbs., less than 10,000
18			lbs.
19	893.135		
20	(1)(b)1.b.	1st	Trafficking in cocaine, more than
21			200 grams, less than 400 grams.
22	893.135		
23	(1)(c)1.b.	1st	Trafficking in illegal drugs,
24			more than 14 grams, less than 28
25			grams.
26	893.135		
27	(1)(d)1.b.	1st	Trafficking in phencyclidine,
28			more than 200 grams, less than
29			400 grams.
30	893.135		
31	(1)(e)1.b.	1st	Trafficking in methaqualone, more

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1			than 5 kilograms, less than 25
2			kilograms.
3	893.135		
4	(1)(f)1.b.	1st	Trafficking in amphetamine, more
5			than 28 grams, less than 200
6			grams.
7	893.135		
8	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
9			grams or more, less than 28
10			grams.
11	893.135		
12	(1)(h)1.b.	1st	Trafficking in
13			gamma-hydroxybutyric acid (GHB),
14			5 kilograms or more, less than 10
15			kilograms.
16	893.135		
17	(1)(i)1.b.	1st	Trafficking in 1,4-Butanediol, 5
18			kilograms or more, less than 10
19			kilograms.
20	893.135		
21	(1)(j)2.b.	1st	Trafficking in Phenethylamines,
22			200 grams or more, less than 400
23			grams.
24	895.03(1)	1st	Use or invest proceeds derived
25			from pattern of racketeering
26			activity.
27	895.03(2)	1st	Acquire or maintain through
28			racketeering activity any
29			interest in or control of any
30			enterprise or real property.
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- 1 895.03(3) 1st Conduct or participate in any
- 2 enterprise through pattern of
- 3 racketeering activity.
- 4 896.101(5)(b) 2nd Money laundering, financial
- 5 transactions totaling or
- 6 exceeding \$20,000, but less than
- 7 \$100,000.
- 8 896.104(4)(a)2. 2nd Structuring transactions to evade
- 9 reporting or registration
- 10 requirements, financial
- 11 transactions totaling or
- 12 exceeding \$20,000 but less than
- 13 \$100,000.

14 Section 4. Paragraph (b) of subsection (3) of section
15 960.03, Florida Statutes, is amended to read:

16 960.03 Definitions; ss. 960.01-960.28.--As used in ss.
17 960.01-960.28, unless the context otherwise requires, the
18 term:

19 (3) "Crime" means:

20 (b) A violation of s. 316.193, s. 316.027(1), s.
21 327.35(1), s. 782.071(1)(b)~~(2)~~, or s. 860.13(1)(a) which
22 results in physical injury or death; however, no other act
23 involving the operation of a motor vehicle, boat, or aircraft
24 which results in injury or death shall constitute a crime for
25 the purpose of this chapter unless the injury or death was
26 intentionally inflicted through the use of such vehicle, boat,
27 or aircraft or unless such vehicle, boat, or aircraft is an
28 implement of a crime to which this act applies.

29 Section 5. Section 316.1923, Florida Statutes, is
30 created to read:

31 316.1923 Aggressive careless driving.--"Aggressive

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1 careless driving" means committing two or more of the
2 following acts simultaneously or in succession:

3 (1) Exceeding the posted speed as defined in s.
4 322.27(3)(d)5.b.

5 (2) Unsafely or improperly changing lanes as defined
6 in s. 316.085.

7 (3) Following another vehicle too closely as defined
8 in s. 316.0895(1).

9 (4) Failing to yield the right-of-way as defined in s.
10 316.079, s. 316.0815, or s. 316.123.

11 (5) Improperly passing as defined in s. 316.083, s.
12 316.084, or s. 316.085.

13 (6) Violating traffic control and signal devices as
14 defined in ss. 316.074 and 316.075.

15 Section 6. Paragraph (a) of subsection (1) of section
16 316.650, Florida Statutes, is amended to read:

17 316.650 Traffic citations.--

18 (1)(a) The department shall prepare, and supply to
19 every traffic enforcement agency in this state, an appropriate
20 form traffic citation containing a notice to appear (which
21 shall be issued in prenumbered books with citations in
22 quintuplicate) and meeting the requirements of this chapter or
23 any laws of this state regulating traffic, which form shall be
24 consistent with the state traffic court rules and the
25 procedures established by the department. Upon all future
26 printings of the traffic citation, the form shall include a
27 special box which is to be checked by the law enforcement
28 officer when the officer believes that the traffic violation
29 or crash was due to aggressive careless driving as defined in
30 s. 316.1923.

31 Section 7. The Department of Highway Safety and Motor

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1 Vehicles shall prepare and deliver a report to the Speaker of
2 the House of Representatives and the President of the Senate
3 no later than December 1, 2002, setting forth the number of
4 incidents of aggressive careless driving in this state.

5 Section 8. This act shall take effect October 1, 2001.

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

9 And the title is amended as follows:

10 remove from the title of the bill: the entire title

12 and insert in lieu thereof:

13 A bill to be entitled
14 An act relating to reckless driving; amending
15 s. 316.192, F.S.; providing penalties for
16 reckless driving resulting in damage to
17 property or person or serious bodily injury;
18 providing a definition; amending s. 782.071,
19 F.S., relating to vehicular homicide; providing
20 penalties; amending ss. 921.0022 and 960.03,
21 F.S.; conforming cross references; creating s.
22 316.1923, F.S.; defining the term "aggressive
23 careless driving"; amending s. 316.650, F.S.;
24 requiring that the Department of Highway Safety
25 and Motor Vehicles revise the uniform traffic
26 citation upon future printings, to include a
27 special check-off box for law enforcement
28 officers to use to indicate aggressive careless
29 driving; requiring the department to make a
30 report to the Legislature on the number of
31 aggressive careless driving incidents;

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providing an effective date.