

By the Committee on Crime Prevention, Corrections & Safety
and Representatives Machek and Slosberg

1 A bill to be entitled
2 An act relating to reckless driving; amending
3 s. 316.192, F.S.; providing penalties for
4 reckless driving resulting in damage to
5 property or person or serious bodily injury;
6 providing a definition; amending s. 782.071,
7 F.S., relating to vehicular homicide; providing
8 penalties; amending ss. 921.0022 and 960.03,
9 F.S.; conforming cross references; providing an
10 effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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

18 316.192 Reckless driving.--

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

21 (a) Upon a first conviction, by imprisonment for a
22 period of not more than 90 days or by fine of not less than
23 \$25 nor more than \$500, or by both such fine and imprisonment.

24 (b) On a second or subsequent conviction, by
25 imprisonment for not more than 6 months or by a fine of not
26 less than \$50 nor more than \$1,000, or by both such fine and
27 imprisonment. ~~In addition, if the person's reckless driving~~
28 ~~causes or results in the death of another, the person may~~
29 ~~serve 120 community hours as provided in s. 316.027(4).~~

30 (3) Any person:

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

- 1 (b) Who operates a vehicle; and
2 (c) Who, by reason of such operation, causes:
3 1. Damage to the property or person of another commits
4 a misdemeanor of the first degree, punishable as provided in
5 s. 775.082 or s. 775.083.
6 2. Serious bodily injury to another commits a felony
7 of the third degree, punishable as provided in s. 775.082, s.
8 775.083, or s. 775.084. The term "serious bodily injury" means
9 an injury to any person, including the driver, which consists
10 of a physical condition that creates a substantial risk of
11 death, serious personal disfigurement, or protracted loss or
12 impairment of the function of any bodily member or organ.

13 Section 2. Section 782.071, Florida Statutes, is
14 amended to read:

15 782.071 Vehicular homicide.--"Vehicular homicide" is
16 the killing of a human being, or the killing of a viable fetus
17 by any injury to the mother, caused by the operation of a
18 motor vehicle by another in a reckless manner likely to cause
19 the death of, or great bodily harm to, another.

20 (1) Vehicular homicide is:

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

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

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

27 2.~~(b)~~ The person failed to give information and render
28 aid as required by s. 316.062.

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

1 ~~(2)(3)~~ For purposes of this section, a fetus is viable
2 when it becomes capable of meaningful life outside the womb
3 through standard medical measures.

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

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

14 Section 3. Paragraph (h) of subsection (3) of section
15 921.0022, Florida Statutes, is amended to read:

16 921.0022 Criminal Punishment Code; offense severity
17 ranking chart.--

18 (3) OFFENSE SEVERITY RANKING CHART

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20 Florida	Felony	
21 Statute	Degree	Description
22		
23		(h) LEVEL 8
24 316.193		
25 (3)(c)3.a.	2nd	DUI manslaughter.
26 327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
27 560.123(8)(b)2.	2nd	Failure to report currency or
28		payment instruments totaling or
29		exceeding \$20,000, but less than
30		\$100,000 by money transmitter.
31		

1	560.125(5)(b)	2nd	Money transmitter business by
2			unauthorized person, currency or
3			payment instruments totaling or
4			exceeding \$20,000, but less than
5			\$100,000.
6	655.50(10)(b)2.	2nd	Failure to report financial
7			transactions totaling or
8			exceeding \$20,000, but less than
9			\$100,000 by financial
10			institutions.
11	777.03(2)(a)	1st	Accessory after the fact, capital
12			felony.
13	782.04(4)	2nd	Killing of human without design
14			when engaged in act or attempt of
15			any felony other than arson,
16			sexual battery, robbery,
17			burglary, kidnapping, aircraft
18			piracy, or unlawfully discharging
19			bomb.
20	782.051(2)	1st	Attempted felony murder while
21			perpetrating or attempting to
22			perpetrate a felony not
23			enumerated in s. 782.04(3).
24	782.071(1)(b) (2)	1st	Committing vehicular homicide and
25			failing to render aid or give
26			information.
27	782.072(2)	1st	Committing vessel homicide and
28			failing to render aid or give
29			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.
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1	837.021(2)	2nd	Making contradictory statements
2			in official proceedings relating
3			to prosecution of a capital
4			felony.
5	860.121(2)(c)	1st	Shooting at or throwing any
6			object in path of railroad
7			vehicle resulting in great bodily
8			harm.
9	860.16	1st	Aircraft piracy.
10	893.13(1)(b)	1st	Sell or deliver in excess of 10
11			grams of any substance specified
12			in s. 893.03(1)(a) or (b).
13	893.13(2)(b)	1st	Purchase in excess of 10 grams of
14			any substance specified in s.
15			893.03(1)(a) or (b).
16	893.13(6)(c)	1st	Possess in excess of 10 grams of
17			any substance specified in s.
18			893.03(1)(a) or (b).
19	893.135(1)(a)2.	1st	Trafficking in cannabis, more
20			than 2,000 lbs., less than 10,000
21			lbs.
22	893.135		
23	(1)(b)1.b.	1st	Trafficking in cocaine, more than
24			200 grams, less than 400 grams.
25	893.135		
26	(1)(c)1.b.	1st	Trafficking in illegal drugs,
27			more than 14 grams, less than 28
28			grams.
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1	893.135		
2	(1)(d)1.b.	1st	Trafficking in phencyclidine,
3			more than 200 grams, less than
4			400 grams.
5	893.135		
6	(1)(e)1.b.	1st	Trafficking in methaqualone, more
7			than 5 kilograms, less than 25
8			kilograms.
9	893.135		
10	(1)(f)1.b.	1st	Trafficking in amphetamine, more
11			than 28 grams, less than 200
12			grams.
13	893.135		
14	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
15			grams or more, less than 28
16			grams.
17	893.135		
18	(1)(h)1.b.	1st	Trafficking in
19			gamma-hydroxybutyric acid (GHB),
20			5 kilograms or more, less than 10
21			kilograms.
22	893.135		
23	(1)(i)1.b.	1st	Trafficking in 1,4-Butanediol, 5
24			kilograms or more, less than 10
25			kilograms.
26	893.135		
27	(1)(j)2.b.	1st	Trafficking in Phenethylamines,
28			200 grams or more, less than 400
29			grams.
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1	895.03(1)	1st	Use or invest proceeds derived
2			from pattern of racketeering
3			activity.
4	895.03(2)	1st	Acquire or maintain through
5			racketeering activity any
6			interest in or control of any
7			enterprise or real property.
8	895.03(3)	1st	Conduct or participate in any
9			enterprise through pattern of
10			racketeering activity.
11	896.101(5)(b)	2nd	Money laundering, financial
12			transactions totaling or
13			exceeding \$20,000, but less than
14			\$100,000.
15	896.104(4)(a)2.	2nd	Structuring transactions to evade
16			reporting or registration
17			requirements, financial
18			transactions totaling or
19			exceeding \$20,000 but less than
20			\$100,000.

21 Section 4. Paragraph (b) of subsection (3) of section
22 960.03, Florida Statutes, is amended to read:

23 960.03 Definitions; ss. 960.01-960.28.--As used in ss.
24 960.01-960.28, unless the context otherwise requires, the
25 term:

26 (3) "Crime" means:

27 (b) A violation of s. 316.193, s. 316.027(1), s.
28 327.35(1), s. 782.071(1)(b)~~(2)~~, or s. 860.13(1)(a) which
29 results in physical injury or death; however, no other act
30 involving the operation of a motor vehicle, boat, or aircraft
31 which results in injury or death shall constitute a crime for

1 the purpose of this chapter unless the injury or death was
2 intentionally inflicted through the use of such vehicle, boat,
3 or aircraft or unless such vehicle, boat, or aircraft is an
4 implement of a crime to which this act applies.

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