

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; creating s.
10 316.1923, F.S.; defining the term "aggressive
11 careless driving"; amending s. 316.650, F.S.;
12 requiring that the Department of Highway Safety
13 and Motor Vehicles revise the uniform traffic
14 citation upon future printings, to include a
15 special check-off box for law enforcement
16 officers to use to indicate aggressive careless
17 driving; requiring the department to make a
18 report to the Legislature on the number of
19 aggressive careless driving incidents;
20 providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Subsections (3) and (4) of section 316.192,
25 Florida Statutes, are renumbered as subsections (4) and (5),
26 respectively, subsection (2) is amended, and a new subsection
27 (3) is added to said section, to read:

28 316.192 Reckless driving.--

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

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1 (a) Upon a first conviction, by imprisonment for a
2 period of not more than 90 days or by fine of not less than
3 \$25 nor more than \$500, or by both such fine and imprisonment.

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

10 (3) Any person:

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

12 (b) Who operates a vehicle; and

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

14 1. Damage to the property or person of another commits
15 a misdemeanor of the first degree, punishable as provided in
16 s. 775.082 or s. 775.083.

17 2. Serious bodily injury to another commits a felony
18 of the third degree, punishable as provided in s. 775.082, s.
19 775.083, or s. 775.084. The term "serious bodily injury" means
20 an injury to another person, which consists of a physical
21 condition that creates a substantial risk of death, serious
22 personal disfigurement, or protracted loss or impairment of
23 the function of any bodily member or organ.

24 Section 2. Section 782.071, Florida Statutes, is
25 amended to read:

26 782.071 Vehicular homicide.--"Vehicular homicide" is
27 the killing of a human being, or the killing of a viable fetus
28 by any injury to the mother, caused by the operation of a
29 motor vehicle by another in a reckless manner likely to cause
30 the death of, or great bodily harm to, another.

31 (1) Vehicular homicide is:

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

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

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

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

9
10 This ~~paragraph subsection~~ does not require that the person
11 knew that the accident resulted in injury or death.

12 ~~(2)(3)~~ For purposes of this section, a fetus is viable
13 when it becomes capable of meaningful life outside the womb
14 through standard medical measures.

15 ~~(3)(4)~~ A right of action for civil damages shall exist
16 under s. 768.19, under all circumstances, for all deaths
17 described in this section.

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

25 Section 3. Paragraph (h) of subsection (3) of section
26 921.0022, Florida Statutes, is amended to read:

27 921.0022 Criminal Punishment Code; offense severity
28 ranking chart.--

29 (3) OFFENSE SEVERITY RANKING CHART
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31

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	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 exceeding \$20,000, but less than \$100,000 by money transmitter.
	560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
	777.03(2)(a)	1st	Accessory after the fact, capital felony.
	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.

1	782.051(2)	1st	Attempted felony murder while
2			perpetrating or attempting to
3			perpetrate a felony not
4			enumerated in s. 782.04(3).
5	782.071(1)(b) (2)	1st	Committing vehicular homicide and
6			failing to render aid or give
7			information.
8	782.072(2)	1st	Committing vessel homicide and
9			failing to render aid or give
10			information.
11	790.161(3)	1st	Discharging a destructive device
12			which results in bodily harm or
13			property damage.
14	794.011(5)	2nd	Sexual battery, victim 12 years
15			or over, offender does not use
16			physical force likely to cause
17			serious injury.
18	800.04(4)	2nd	Lewd or lascivious battery.
19	806.01(1)	1st	Maliciously damage dwelling or
20			structure by fire or explosive,
21			believing person in structure.
22	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
23	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
24			or dangerous weapon.
25	810.02(2)(c)	1st	Burglary of a dwelling or
26			structure causing structural
27			damage or \$1,000 or more property
28			damage.
29	812.13(2)(b)	1st	Robbery with a weapon.
30	812.135(2)	1st	Home-invasion robbery.
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1	825.102(2)	2nd	Aggravated abuse of an elderly
2			person or disabled adult.
3	825.103(2)(a)	1st	Exploiting an elderly person or
4			disabled adult and property is
5			valued at \$100,000 or more.
6	837.02(2)	2nd	Perjury in official proceedings
7			relating to prosecution of a
8			capital felony.
9	837.021(2)	2nd	Making contradictory statements
10			in official proceedings relating
11			to prosecution of a capital
12			felony.
13	860.121(2)(c)	1st	Shooting at or throwing any
14			object in path of railroad
15			vehicle resulting in great bodily
16			harm.
17	860.16	1st	Aircraft piracy.
18	893.13(1)(b)	1st	Sell or deliver in excess of 10
19			grams of any substance specified
20			in s. 893.03(1)(a) or (b).
21	893.13(2)(b)	1st	Purchase in excess of 10 grams of
22			any substance specified in s.
23			893.03(1)(a) or (b).
24	893.13(6)(c)	1st	Possess in excess of 10 grams of
25			any substance specified in s.
26			893.03(1)(a) or (b).
27	893.135(1)(a)2.	1st	Trafficking in cannabis, more
28			than 2,000 lbs., less than 10,000
29			lbs.
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1	893.135		
2	(1)(b)1.b.	1st	Trafficking in cocaine, more than
3			200 grams, less than 400 grams.
4	893.135		
5	(1)(c)1.b.	1st	Trafficking in illegal drugs,
6			more than 14 grams, less than 28
7			grams.
8	893.135		
9	(1)(d)1.b.	1st	Trafficking in phencyclidine,
10			more than 200 grams, less than
11			400 grams.
12	893.135		
13	(1)(e)1.b.	1st	Trafficking in methaqualone, more
14			than 5 kilograms, less than 25
15			kilograms.
16	893.135		
17	(1)(f)1.b.	1st	Trafficking in amphetamine, more
18			than 28 grams, less than 200
19			grams.
20	893.135		
21	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
22			grams or more, less than 28
23			grams.
24	893.135		
25	(1)(h)1.b.	1st	Trafficking in
26			gamma-hydroxybutyric acid (GHB),
27			5 kilograms or more, less than 10
28			kilograms.
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1 893.135
2 (1)(i)1.b. 1st Trafficking in 1,4-Butanediol, 5
3 kilograms or more, less than 10
4 kilograms.
5 893.135
6 (1)(j)2.b. 1st Trafficking in Phenethylamines,
7 200 grams or more, less than 400
8 grams.
9 895.03(1) 1st Use or invest proceeds derived
10 from pattern of racketeering
11 activity.
12 895.03(2) 1st Acquire or maintain through
13 racketeering activity any
14 interest in or control of any
15 enterprise or real property.
16 895.03(3) 1st Conduct or participate in any
17 enterprise through pattern of
18 racketeering activity.
19 896.101(5)(b) 2nd Money laundering, financial
20 transactions totaling or
21 exceeding \$20,000, but less than
22 \$100,000.
23 896.104(4)(a)2. 2nd Structuring transactions to evade
24 reporting or registration
25 requirements, financial
26 transactions totaling or
27 exceeding \$20,000 but less than
28 \$100,000.

29 Section 4. Paragraph (b) of subsection (3) of section
30 960.03, Florida Statutes, is amended to read:
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1 960.03 Definitions; ss. 960.01-960.28.--As used in ss.
2 960.01-960.28, unless the context otherwise requires, the
3 term:

4 (3) "Crime" means:

5 (b) A violation of s. 316.193, s. 316.027(1), s.
6 327.35(1), s. 782.071(1)(b)~~(2)~~, or s. 860.13(1)(a) which
7 results in physical injury or death; however, no other act
8 involving the operation of a motor vehicle, boat, or aircraft
9 which results in injury or death shall constitute a crime for
10 the purpose of this chapter unless the injury or death was
11 intentionally inflicted through the use of such vehicle, boat,
12 or aircraft or unless such vehicle, boat, or aircraft is an
13 implement of a crime to which this act applies.

14 Section 5. Section 316.1923, Florida Statutes, is
15 created to read:

16 316.1923 Aggressive careless driving.--"Aggressive
17 careless driving" means committing two or more of the
18 following acts simultaneously or in succession:

19 (1) Exceeding the posted speed as defined in s.
20 322.27(3)(d)5.b.

21 (2) Unsafely or improperly changing lanes as defined
22 in s. 316.085.

23 (3) Following another vehicle too closely as defined
24 in s. 316.0895(1).

25 (4) Failing to yield the right-of-way as defined in s.
26 316.079, s. 316.0815, or s. 316.123.

27 (5) Improperly passing as defined in s. 316.083, s.
28 316.084, or s. 316.085.

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

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1 Section 6. Paragraph (a) of subsection (1) of section
2 316.650, Florida Statutes, is amended to read:

3 316.650 Traffic citations.--

4 (1)(a) The department shall prepare, and supply to
5 every traffic enforcement agency in this state, an appropriate
6 form traffic citation containing a notice to appear (which
7 shall be issued in prenumbered books with citations in
8 quintuplicate) and meeting the requirements of this chapter or
9 any laws of this state regulating traffic, which form shall be
10 consistent with the state traffic court rules and the
11 procedures established by the department. Upon all future
12 printings of the traffic citation, the form shall include a
13 special box which is to be checked by the law enforcement
14 officer when the officer believes that the traffic violation
15 or crash was due to aggressive careless driving as defined in
16 s. 316.1923.

17 Section 7. The Department of Highway Safety and Motor
18 Vehicles shall prepare and deliver a report to the Speaker of
19 the House of Representatives and the President of the Senate
20 no later than December 1, 2002, setting forth the number of
21 incidents of aggressive careless driving in this state.

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