

26 (1) (a) Any person who drives any vehicle in willful or
 27 wanton disregard for the safety of persons or property, or any
 28 person who drives any vehicle 40 miles per hour or more above
 29 the lawful or posted speed limit, commits ~~is guilty of~~ reckless
 30 driving.

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

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

36 (b) On a second or subsequent conviction, by imprisonment
 37 for not more than 6 months or by a fine of not less than \$50 nor
 38 more than \$1,000, or by both such fine and imprisonment.

39 (3) Any person:

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

41 (b) Who operates a vehicle; and

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

43 1. Damage to the property or person of another commits a
 44 misdemeanor of the first degree, punishable as provided in s.
 45 775.082 or s. 775.083.

46 2. Serious bodily injury to another commits a felony of
 47 the third degree, punishable as provided in s. 775.082, s.
 48 775.083, or s. 775.084. The term "serious bodily injury" means
 49 an injury to another person, which consists of a physical
 50 condition that creates a substantial risk of death, serious

51 personal disfigurement, or protracted loss or impairment of the
52 function of any bodily member or organ.

53 (4) Notwithstanding any other provision of this section,
54 \$5 shall be added to a fine imposed pursuant to this section.
55 The clerk shall remit the \$5 to the Department of Revenue for
56 deposit in the Emergency Medical Services Trust Fund.

57 Section 2. Subsection (2) of section 316.1926, Florida
58 Statutes, is amended to read:

59 316.1926 Additional offenses.—

60 (2) A person who exceeds the lawful or posted speed limit
61 by up to 39 ~~in excess of 50~~ miles per hour ~~or more~~ in violation
62 of s. 316.183(2), s. 316.187, or s. 316.189 shall be cited for a
63 moving violation, punishable as provided in chapter 318. A
64 person who exceeds the lawful or posted speed limit by 40 miles
65 per hour or more in violation of s. 316.192(1)(a) shall be
66 punished as provided in s. 316.192.

67 Section 3. For the purpose of incorporating the amendment
68 made by this act to section 316.1926, Florida Statutes, in
69 references thereto, subsection (13) of section 318.14, Florida
70 Statutes, is reenacted to read:

71 318.14 Noncriminal traffic infractions; exception;
72 procedures.—

73 (13) (a) A person cited for a violation of s. 316.1926
74 shall, in addition to any other requirements provided in this
75 section, pay a fine of \$1,000. This fine is in lieu of the fine

76 required under s. 318.18(3) (b), if the person was cited for
 77 violation of s. 316.1926(2).

78 (b) A person cited for a second violation of s. 316.1926
 79 shall, in addition to any other requirements provided in this
 80 section, pay a fine of \$2,500. This fine is in lieu of the fine
 81 required under s. 318.18(3) (b), if the person was cited for
 82 violation of s. 316.1926(2). In addition, the court shall revoke
 83 the person's authorization and privilege to operate a motor
 84 vehicle for a period of 1 year and order the person to surrender
 85 his or her driver license.

86 (c) A person cited for a third violation of s. 316.1926
 87 commits a felony of the third degree, punishable as provided in
 88 s. 775.082, s. 775.083, or s. 775.084. Upon conviction, the
 89 court shall impose a fine of \$5,000, revoke the person's
 90 authorization and privilege to operate a motor vehicle for a
 91 period of 10 years, and order the person to surrender his or her
 92 driver license.

93 Section 4. For the purpose of incorporating the amendment
 94 made by this act to section 316.192, Florida Statutes, in a
 95 reference thereto, section 318.17, Florida Statutes, is
 96 reenacted to read:

97 318.17 Offenses excepted.—No provision of this chapter is
 98 available to a person who is charged with any of the following
 99 offenses:

100 (1) Fleeing or attempting to elude a police officer, in

101 violation of s. 316.1935;

102 (2) Leaving the scene of a crash, in violation of ss.
103 316.027 and 316.061;

104 (3) Driving, or being in actual physical control of, any
105 vehicle while under the influence of alcoholic beverages, any
106 chemical substance set forth in s. 877.111, or any substance
107 controlled under chapter 893, in violation of s. 316.193, or
108 driving with an unlawful blood-alcohol level;

109 (4) Reckless driving, in violation of s. 316.192;

110 (5) Making false crash reports, in violation of s.
111 316.067;

112 (6) Willfully failing or refusing to comply with any
113 lawful order or direction of any police officer or member of the
114 fire department, in violation of s. 316.072(3);

115 (7) Obstructing an officer, in violation of s. 316.545(1);
116 or

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

119 Section 5. For the purpose of incorporating the amendment
120 made by this act to section 316.192, Florida Statutes, in a
121 reference thereto, subsection (20) of section 318.18, Florida
122 Statutes, is reenacted to read:

123 318.18 Amount of penalties.—The penalties required for a
124 noncriminal disposition pursuant to s. 318.14 or a criminal
125 offense listed in s. 318.17 are as follows:

126 (20) In addition to any other penalty, \$65 for a violation
 127 of s. 316.191, prohibiting racing on highways, or s. 316.192,
 128 prohibiting reckless driving. The additional \$65 collected under
 129 this subsection shall be remitted to the Department of Revenue
 130 for deposit into the Emergency Medical Services Trust Fund of
 131 the Department of Health to be used as provided in s. 395.4036.

132 Section 6. For the purpose of incorporating the amendment
 133 made by this act to section 316.192, Florida Statutes, in
 134 references thereto, paragraphs (a) and (b) of subsection (4) of
 135 section 322.0261, Florida Statutes, are reenacted to read:

136 322.0261 Driver improvement course; requirement to
 137 maintain driving privileges; failure to complete; department
 138 approval of course.—

139 (4)(a) The department shall identify any operator
 140 convicted of, or who pleaded nolo contendere to, a violation of
 141 s. 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.
 142 316.192 and shall require that operator, in addition to other
 143 applicable penalties, to attend a department-approved driver
 144 improvement course in order to maintain driving privileges. The
 145 department shall, within 10 days after receiving a notice of
 146 judicial disposition, send notice to the operator of the
 147 requirement to attend a driver improvement course. If the
 148 operator fails to complete the course within 90 days after
 149 receiving notice from the department, the operator's driver
 150 license shall be canceled by the department until the course is

151 successfully completed.

152 (b) Any operator who receives a traffic citation for a
153 violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or
154 s. 316.192, for which the court withholds adjudication, is not
155 required to attend a driver improvement course, unless the court
156 finds that the nature or severity of the violation is such that
157 attendance to a driver improvement course is necessary. The
158 department shall, within 10 days after receiving a notice of
159 judicial disposition, send notice to the operator of the
160 requirement to attend a driver improvement course. If the
161 operator fails to complete the course within 90 days after
162 receiving notice from the department, the operator's driver
163 license shall be canceled by the department until the course is
164 successfully completed.

165 Section 7. For the purpose of incorporating the amendment
166 made by this act to section 316.192, Florida Statutes, in a
167 reference thereto, subsection (1) of section 322.61, Florida
168 Statutes, is reenacted to read:

169 322.61 Disqualification from operating a commercial motor
170 vehicle.—

171 (1) A person who, for offenses occurring within a 3-year
172 period, is convicted of two of the following serious traffic
173 violations or any combination thereof, arising in separate
174 incidents committed in a commercial motor vehicle shall, in
175 addition to any other applicable penalties, be disqualified from

176 | operating a commercial motor vehicle for a period of 60 days. A
177 | holder of a commercial driver license or commercial learner's
178 | permit who, for offenses occurring within a 3-year period, is
179 | convicted of two of the following serious traffic violations, or
180 | any combination thereof, arising in separate incidents committed
181 | in a noncommercial motor vehicle shall, in addition to any other
182 | applicable penalties, be disqualified from operating a
183 | commercial motor vehicle for a period of 60 days if such
184 | convictions result in the suspension, revocation, or
185 | cancellation of the licenseholder's driving privilege:

186 | (a) A violation of any state or local law relating to
187 | motor vehicle traffic control, other than a parking violation,
188 | arising in connection with a crash resulting in death;

189 | (b) Reckless driving, as defined in s. 316.192;

190 | (c) Unlawful speed of 15 miles per hour or more above the
191 | posted speed limit;

192 | (d) Improper lane change, as defined in s. 316.085;

193 | (e) Following too closely, as defined in s. 316.0895;

194 | (f) Driving a commercial vehicle without obtaining a
195 | commercial driver license;

196 | (g) Driving a commercial vehicle without the proper class
197 | of commercial driver license or commercial learner's permit or
198 | without the proper endorsement;

199 | (h) Driving a commercial vehicle without a commercial
200 | driver license or commercial learner's permit in possession, as

201 required by s. 322.03;

202 (i) Texting while driving; or

203 (j) Using a handheld mobile telephone while driving.

204 Section 8. For the purpose of incorporating the amendment
 205 made by this act to section 316.192, Florida Statutes, in a
 206 reference thereto, subsection (1) of section 337.195, Florida
 207 Statutes, is reenacted to read:

208 337.195 Limits on liability.—

209 (1) In a civil action for the death of or injury to a
 210 person, or for damage to property, against the Department of
 211 Transportation or its agents, consultants, or contractors for
 212 work performed on a highway, road, street, bridge, or other
 213 transportation facility when the death, injury, or damage
 214 resulted from a motor vehicle crash within a construction zone
 215 in which the driver of one of the vehicles was under the
 216 influence of alcoholic beverages as set forth in s. 316.193,
 217 under the influence of any chemical substance as set forth in s.
 218 877.111, or illegally under the influence of any substance
 219 controlled under chapter 893 to the extent that her or his
 220 normal faculties were impaired or that she or he operated a
 221 vehicle recklessly as defined in s. 316.192, it is presumed that
 222 the driver's operation of the vehicle was the sole proximate
 223 cause of her or his own death, injury, or damage. This
 224 presumption can be overcome if the gross negligence or
 225 intentional misconduct of the Department of Transportation, or

HB 1297

2022

226 | of its agents, consultants, or contractors, was a proximate
227 | cause of the driver's death, injury, or damage.

228 | Section 9. This act shall take effect October 1, 2022.