

By Senator Burgess

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1 A bill to be entitled
2 An act relating to driving over the speed limit;
3 amending s. 316.192, F.S.; providing that any person
4 who drives any vehicle at or above a specified speed
5 commits reckless driving; amending s. 316.1926, F.S.;
6 revising the threshold above the posted speed limit at
7 which a person in violation of certain provisions must
8 be cited for a moving violation; reenacting s.
9 318.14(13), F.S., relating to noncriminal traffic
10 infractions, to incorporate the amendment made to s.
11 316.1926, F.S., in references thereto; reenacting ss.
12 318.17, 318.18(20), 322.0261(4)(a) and (b), 322.61(1),
13 and 337.195(1), F.S., relating to offenses excepted,
14 the amount of penalties, driver improvement courses,
15 disqualification from operating a motor vehicle, and
16 limits on liability, respectively, to incorporate the
17 amendment made to s. 316.192, F.S., in references
18 thereto; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Paragraph (a) of subsection (1) of section
23 316.192, Florida Statutes, is amended, and subsections (2), (3),
24 and (4) of that section are republished, to read:

25 316.192 Reckless driving.—

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

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

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

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

38 (3) Any person:

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

40 (b) Who operates a vehicle; and

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

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

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

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

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

58 316.1926 Additional offenses.—

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

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

70 318.14 Noncriminal traffic infractions; exception;
71 procedures.—

72 (13) (a) A person cited for a violation of s. 316.1926
73 shall, in addition to any other requirements provided in this
74 section, pay a fine of \$1,000. This fine is in lieu of the fine
75 required under s. 318.18(3)(b), if the person was cited for
76 violation of s. 316.1926(2).

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

85 (c) A person cited for a third violation of s. 316.1926
86 commits a felony of the third degree, punishable as provided in
87 s. 775.082, s. 775.083, or s. 775.084. Upon conviction, the

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88 court shall impose a fine of \$5,000, revoke the person's
89 authorization and privilege to operate a motor vehicle for a
90 period of 10 years, and order the person to surrender his or her
91 driver license.

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

96 318.17 Offenses excepted.—No provision of this chapter is
97 available to a person who is charged with any of the following
98 offenses:

99 (1) Fleeing or attempting to elude a police officer, in
100 violation of s. 316.1935;

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

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

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

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

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

113 (7) Obstructing an officer, in violation of s. 316.545(1);

114 or

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

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

121 318.18 Amount of penalties.—The penalties required for a
122 noncriminal disposition pursuant to s. 318.14 or a criminal
123 offense listed in s. 318.17 are as follows:

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

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

134 322.0261 Driver improvement course; requirement to maintain
135 driving privileges; failure to complete; department approval of
136 course.—

137 (4) (a) The department shall identify any operator convicted
138 of, or who pleaded nolo contendere to, a violation of s.
139 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.
140 316.192 and shall require that operator, in addition to other
141 applicable penalties, to attend a department-approved driver
142 improvement course in order to maintain driving privileges. The
143 department shall, within 10 days after receiving a notice of
144 judicial disposition, send notice to the operator of the
145 requirement to attend a driver improvement course. If the

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146 operator fails to complete the course within 90 days after
147 receiving notice from the department, the operator's driver
148 license shall be canceled by the department until the course is
149 successfully completed.

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

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

167 322.61 Disqualification from operating a commercial motor
168 vehicle.—

169 (1) A person who, for offenses occurring within a 3-year
170 period, is convicted of two of the following serious traffic
171 violations or any combination thereof, arising in separate
172 incidents committed in a commercial motor vehicle shall, in
173 addition to any other applicable penalties, be disqualified from
174 operating a commercial motor vehicle for a period of 60 days. A

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

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

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

188 (c) Unlawful speed of 15 miles per hour or more above the
189 posted speed limit;

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

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

192 (f) Driving a commercial vehicle without obtaining a
193 commercial driver license;

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

197 (h) Driving a commercial vehicle without a commercial
198 driver license or commercial learner's permit in possession, as
199 required by s. 322.03;

200 (i) Texting while driving; or

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

202 Section 8. For the purpose of incorporating the amendment
203 made by this act to section 316.192, Florida Statutes, in a

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204 reference thereto, subsection (1) of section 337.195, Florida
205 Statutes, is reenacted to read:

206 337.195 Limits on liability.-

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

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