



## Amendment No.1

15           318.18 Amount of penalties.—The penalties required for a  
16 noncriminal disposition pursuant to s. 318.14 or a criminal  
17 offense listed in s. 318.17 are as follows:

18           (20) In addition to any other penalty, \$65 for a violation  
19 of s. 316.191, prohibiting racing on highways, street takeovers,  
20 and stunt driving, or s. 316.192, prohibiting reckless driving.  
21 The additional \$65 collected under this subsection shall be  
22 remitted to the Department of Revenue for deposit into the  
23 Emergency Medical Services Trust Fund of the Department of  
24 Health to be used as provided in s. 395.4036.

25           Section 4. For the purpose of incorporating the amendment  
26 made by this act to section 316.191, Florida Statutes, in a  
27 reference thereto, paragraph (c) of subsection (2) of section  
28 316.027, Florida Statutes, is reenacted to read:

29           316.027 Crash involving death or personal injuries.—

30           (2)

31           (c) The driver of a vehicle involved in a crash occurring  
32 on public or private property which results in the death of a  
33 person shall immediately stop the vehicle at the scene of the  
34 crash, or as close thereto as possible, and shall remain at the  
35 scene of the crash until he or she has fulfilled the  
36 requirements of s. 316.062. A person who is arrested for a  
37 violation of this paragraph and who has previously been  
38 convicted of a violation of this section, s. 316.061, s.  
39 316.191, or s. 316.193, or a felony violation of s. 322.34,

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40 shall be held in custody until brought before the court for  
41 admittance to bail in accordance with chapter 903. A person who  
42 willfully violates this paragraph commits a felony of the first  
43 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
44 775.084, and shall be sentenced to a mandatory minimum term of  
45 imprisonment of 4 years. A person who willfully commits such a  
46 violation while driving under the influence as set forth in s.  
47 316.193(1) shall be sentenced to a mandatory minimum term of  
48 imprisonment of 4 years.

49 Section 5. For the purpose of incorporating the amendment  
50 made by this act to section 316.191, Florida Statutes, in  
51 references thereto, paragraphs (a) and (b) of subsection (4) of  
52 section 322.0261, Florida Statutes, are reenacted to read:

53 322.0261 Driver improvement course; requirement to  
54 maintain driving privileges; failure to complete; department  
55 approval of course.—

56 (4)(a) The department shall identify any operator  
57 convicted of, or who pleaded nolo contendere to, a violation of  
58 s. 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.  
59 316.192 and shall require that operator, in addition to other  
60 applicable penalties, to attend a department-approved driver  
61 improvement course in order to maintain driving privileges. The  
62 department shall, within 10 days after receiving a notice of  
63 judicial disposition, send notice to the operator of the  
64 requirement to attend a driver improvement course. If the

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65 operator fails to complete the course within 90 days after  
66 receiving notice from the department, the operator's driver  
67 license shall be canceled by the department until the course is  
68 successfully completed.

69 (b) Any operator who receives a traffic citation for a  
70 violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or  
71 s. 316.192, for which the court withholds adjudication, is not  
72 required to attend a driver improvement course, unless the court  
73 finds that the nature or severity of the violation is such that  
74 attendance to a driver improvement course is necessary. The  
75 department shall, within 10 days after receiving a notice of  
76 judicial disposition, send notice to the operator of the  
77 requirement to attend a driver improvement course. If the  
78 operator fails to complete the course within 90 days after  
79 receiving notice from the department, the operator's driver  
80 license shall be canceled by the department until the course is  
81 successfully completed.

82 Section 6. Paragraph (d) of subsection (9) of section  
83 901.15, Florida Statutes, is amended to read:

84 901.15 When arrest by officer without warrant is lawful.—A  
85 law enforcement officer may arrest a person without a warrant  
86 when:

87 (9) There is probable cause to believe that the person has  
88 committed:

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89 (d) A racing, street takeover, or stunt driving violation  
90 as described in s. 316.191(2).

91 Section 7. Section 843.08, Florida Statutes, is amended to  
92 read:

93 843.08 False personation.—A person who falsely assumes or  
94 pretends to be a firefighter, a sheriff, an officer of the  
95 Florida Highway Patrol, an officer of the Fish and Wildlife  
96 Conservation Commission, an officer of the Department of  
97 Environmental Protection, an officer of the Department of  
98 Financial Services, any personnel or representative of the  
99 Division of Investigative and Forensic Services, an officer of  
100 the Department of Corrections, a correctional probation officer,  
101 a deputy sheriff, a state attorney or an assistant state  
102 attorney, a statewide prosecutor or an assistant statewide  
103 prosecutor, a state attorney investigator, a coroner, a police  
104 officer, a lottery special agent or lottery investigator, a  
105 beverage enforcement agent, a school guardian as described in s.  
106 30.15(1)(k), a security officer licensed under chapter 493, any  
107 member of the Florida Commission on Offender Review or any  
108 administrative aide or supervisor employed by the commission,  
109 any personnel or representative of the Department of Law  
110 Enforcement, or a federal law enforcement officer as defined in  
111 s. 901.1505, and takes upon himself or herself to act as such,  
112 or to require any other person to aid or assist him or her in a  
113 matter pertaining to the duty of any such officer, commits a

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114 felony of the third degree, punishable as provided in s.  
115 775.082, s. 775.083, or s. 775.084. However, a person who  
116 falsely personates any such officer during the course of the  
117 commission of a felony commits a felony of the second degree,  
118 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
119 If the commission of the felony results in the death or personal  
120 injury of another human being, the person commits a felony of  
121 the first degree, punishable as provided in s. 775.082, s.  
122 775.083, or s. 775.084. In determining whether a defendant has  
123 violated this section, the court or jury may consider any  
124 relevant evidence, including, but not limited to whether the  
125 defendant used lights in violation of s. 316.2397 or s. 843.081.

126 Section 8. This act shall take effect October 1, 2022.

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128 **T I T L E A M E N D M E N T**

129 Remove lines 34-46 and insert:

130 providing penalties; amending s. 316.2397, F.S.; providing  
131 criminal penalties for unlawful use of certain lights under  
132 specified circumstances; amending s. 318.18, F.S.; conforming  
133 provisions to changes made by the act; reenacting ss.  
134 316.027(2)(c) and 322.0261(4)(a) and (b), F.S., relating to a  
135 crash involving death or personal injuries and driver  
136 improvement courses, respectively, to incorporate the amendment  
137 made to s. 316.191, F.S., in references thereto; amending s.  
138

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 399 (2022)

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139 | 901.15, F.S.; conforming provisions to changes made by the act;  
140 | amending s. 843.08, F.S.; authorizing a court or jury to  
141 | consider specified evidence in determining whether an offense  
142 | was committed; providing an