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LEGISLATIVE ACTION

Senate

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House

The Committee on Transportation (Pizzo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 316.1923, Florida Statutes, is amended
to read:

316.1923 Aggressive careless driving.—

(1) This section may be cited as the "Anthony Reznik and
Chet Smith Road Safety Act."

(2) As used in this chapter, the term "aggressive careless



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11 driving” means committing two or more of the following acts
12 simultaneously or in succession:

13 (a)~~(1)~~ Exceeding the posted speed as defined in s.
14 322.27(3)(d)5.b.

15 (b)~~(2)~~ Unsafely or improperly changing lanes as defined in
16 s. 316.085.

17 (c)~~(3)~~ Following another vehicle too closely as defined in
18 s. 316.0895(1).

19 (d)~~(4)~~ Failing to yield the right-of-way as defined in s.
20 316.079, s. 316.0815, or s. 316.123.

21 (e)~~(5)~~ Improperly passing as defined in s. 316.083, s.
22 316.084, or s. 316.085.

23 (f)~~(6)~~ Violating traffic control and signal devices as
24 defined in ss. 316.074 and 316.075.

25 (g) Operating a motor vehicle while texting as described in
26 s. 316.305(3)(a).

27 (h) Operating a motor vehicle in violation of restrictions
28 imposed under s. 322.16(1)(a) or (b).

29 (3) As used in this section, the term:

30 (a) “Serious bodily injury” means an injury to another
31 person which consists of a physical condition that creates a
32 substantial risk of death, serious personal disfigurement, or
33 protracted loss or impairment of the function of any bodily
34 member or organ.

35 (b) “Vulnerable road user” has the same meaning as in s.
36 316.027(1).

37 (4) A person who commits aggressive careless driving shall
38 be cited for a moving violation, punishable as provided in
39 chapter 318.



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40 (5) A person who commits aggressive careless driving and
41 who, by reason of such operation, causes:

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

45 (b) Serious bodily injury to a vulnerable road user commits
46 a misdemeanor of the first degree, punishable as provided in s.
47 775.082 or s. 775.083 and, upon conviction, shall pay a fine of
48 not less than \$3,000, be imprisoned for at least 6 months for a
49 first conviction, and attend a department-approved driver
50 improvement course that contains curriculum instruction
51 specifically addressing the rights of vulnerable road users
52 relative to vehicles on the roadway as provided in s.
53 322.0261(2). The court shall also revoke the person's driver
54 license for at least 1 year. The fine must be remitted to the
55 Department of Revenue for deposit in the Chet Smith Bike Path
56 Trust Fund.

57 (c) Death to a vulnerable road user commits a felony of the
58 third degree, punishable as provided in s. 775.082, s. 775.083,
59 or s. 775.084 and, upon conviction, shall pay a fine of not less
60 than \$5,000, be imprisoned for at least 1 year for a first
61 conviction, and attend a department-approved driver improvement
62 course that contains curriculum instruction specifically
63 addressing the rights of vulnerable road users relative to
64 vehicles on the roadway as provided in s. 322.0261(2). The court
65 shall also revoke the person's driver license for at least 2
66 years. The fine must be remitted to the Department of Revenue
67 for deposit in the Chet Smith Bike Path Trust Fund.

68 (6) In addition to any other punishment, the court may



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69 order a person convicted under subsection (5) to serve 120
70 community service hours under the supervision of a registered
71 nurse, an emergency room physician, or an emergency medical
72 technician in a voluntary community service program operated by
73 a trauma center or hospital that regularly receives victims of
74 vehicle accidents.

75 (7) This section does not prohibit a person from being
76 charged with, convicted of, or punished for any other violation.

77 (8) A conviction under this section does not bar any civil
78 suit for damages against the person so convicted.

79 Section 2. Section 775.0835, Florida Statutes, is amended
80 to read:

81 775.0835 Fines; surcharges; deposit into Crimes
82 Compensation Trust Fund; exception.—

83 (1) When any person pleads guilty or nolo contendere to, or
84 is convicted of, any felony or misdemeanor under the laws of
85 this state which resulted in the injury or death of another
86 person, the court may, if it finds that the defendant has the
87 present ability to pay the fine and finds that the impact of the
88 fine upon the defendant's dependents will not cause such
89 dependents to be dependent on public welfare, in addition to any
90 other penalty, order the defendant to pay a fine, commensurate
91 with the offense committed and with the probable impact upon the
92 victim, but not to exceed \$10,000. The fine shall be remitted to
93 the Department of Revenue for deposit in the Crimes Compensation
94 Trust Fund.

95 (2) Notwithstanding subsection (1), fines collected under
96 s. 318.195 must be remitted to the Department of Revenue for
97 deposit in the Chet Smith Bike Path Trust Fund.



98 (3) The additional \$50 obligation created by s. 938.03
99 shall be collected, and \$49 of each \$50 collected shall be
100 remitted to the Department of Revenue for deposit in the Crimes
101 Compensation Trust Fund, prior to any fine or surcharge
102 authorized by this chapter. These costs are considered assessed
103 unless specifically waived by the court. If the court does not
104 order these costs, it shall state on the record, in detail, the
105 reasons therefor.

106 Section 3. Paragraph (f) of subsection (3) of section
107 921.0022, Florida Statutes, is amended to read:

108 921.0022 Criminal Punishment Code; offense severity ranking
109 chart.—

110 (3) OFFENSE SEVERITY RANKING CHART

111 (f) LEVEL 6

112

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
<u>316.1923(5)(c)</u>	<u>3rd</u>	<u>Aggressive careless driving resulting in death of a vulnerable road user.</u>
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.

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116	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
117	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
118	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
119	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
120	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
121	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
122	784.021 (1) (b)	3rd	Aggravated assault;



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123			intent to commit felony.
	784.041	3rd	Felony battery; domestic battery by strangulation.
124			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
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	784.048 (5)	3rd	Aggravated stalking of person under 16.
126			
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
127			
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
128			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
129			
	784.081 (2)	2nd	Aggravated assault on specified official or employee.
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	784.082 (2)	2nd	Aggravated assault by



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131			detained person on visitor or other detainee.
131	784.083 (2)	2nd	Aggravated assault on code inspector.
132	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
133	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
134	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
135	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
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137	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
138	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
139	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
140	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
141	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
142	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.



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143	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
144	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
145	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
146	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
147	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
148	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
	812.13 (2) (c)	2nd	Robbery, no firearm or



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149			other weapon (strong-arm robbery).
149	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
150	817.49 (2) (b) 2.	2nd	Willful making of a false report of a crime resulting in death.
151	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
152	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
153	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
154	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
155	825.103 (3) (c)	3rd	Exploiting an elderly



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			person or disabled adult and property is valued at less than \$10,000.
156	827.03 (2) (c)	3rd	Abuse of a child.
157	827.03 (2) (d)	3rd	Neglect of a child.
158	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
159	836.05	2nd	Threats; extortion.
160	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
161	843.12	3rd	Aids or assists person to escape.
162	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting



163			minors.
164	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
165	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
166	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
167	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
168	944.40	2nd	Escapes.



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944.46 3rd Harboring, concealing,
aiding escaped
prisoners.

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944.47(1)(a)5. 2nd Introduction of
contraband (firearm,
weapon, or explosive)
into correctional
facility.

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951.22(1)(i) 3rd Firearm or weapon
introduced into county
detention facility.

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174 Section 4. This act shall take effect October 1, 2022, only
175 if SB ____ or similar legislation is adopted in the same
176 legislative session or an extension thereof and becomes a law.

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178 ===== T I T L E A M E N D M E N T =====

179 And the title is amended as follows:

180 Delete everything before the enacting clause
181 and insert:

182 A bill to be entitled
183 An act relating to aggressive careless driving;
184 amending s. 316.1923, F.S.; providing a short title;
185 revising the definition of the term "aggressive
186 careless driving"; defining the terms "serious bodily



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187 injury" and "vulnerable road user"; providing a civil
188 penalty for aggressive careless driving; providing a
189 criminal penalty for aggressive careless driving
190 resulting in damage to the property or person of
191 another; providing criminal and civil penalties for
192 aggressive careless driving resulting in serious
193 bodily injury or death to a vulnerable road user;
194 requiring that fines be deposited in a specified trust
195 fund; authorizing a court to order certain persons to
196 perform certain community service; providing
197 construction; amending s. 775.0835, F.S.; conforming a
198 provision to changes made by the act; amending s.
199 921.0022, F.S.; ranking an offense created by the act
200 on the offense severity ranking chart of the Criminal
201 Punishment Code; providing a contingent effective
202 date.