

1 A bill to be entitled
 2 An act relating to speeding by motor vehicles;
 3 amending s. 316.191, F.S.; increasing penalties for
 4 specified motor vehicle operating offenses; amending
 5 s. 782.071, F.S.; providing that operation of a motor
 6 vehicle in a specified amount in excess of the posted
 7 speed limit creates a conclusive presumption for
 8 purposes of the vehicular homicide statute; specifying
 9 methods for determining a motor vehicle's speed;
 10 providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Paragraphs (a), (b), and (c) of subsection (3)
 15 of section 316.191, Florida Statutes, are amended and paragraph
 16 (a) of subsection (2) of that section is republished, to read:

17 316.191 Racing on highways, street takeovers, and stunt
 18 driving.—

19 (2) A person may not:

20 (a) Drive any motor vehicle in any street takeover, stunt
 21 driving, race, speed competition or contest, drag race or
 22 acceleration contest, test of physical endurance, or exhibition
 23 of speed or acceleration or for the purpose of making a speed
 24 record on any highway, roadway, or parking lot;

25 (3) (a) 1. A person who violates paragraph (2) (a) commits a

26 felony of the third degree, punishable as provided in s.
 27 775.082, s. 775.083, or s. 775.084, and shall pay a fine of not
 28 less than \$500.

29 2. A ~~Any~~ person who violates paragraphs (2) (b) - (k)
 30 ~~subsection (2)~~ commits a misdemeanor of the first degree,
 31 punishable as provided in s. 775.082 or s. 775.083 and. ~~Any~~
 32 ~~person who violates subsection (2)~~ shall pay a fine of not less
 33 than \$500 and not more than \$1,000.

34
 35 ~~and~~ The department shall revoke the driver license of a person
 36 ~~so~~ convicted under this paragraph for 1 year. A hearing may be
 37 requested pursuant to s. 322.271.

38 (b)1. A person who commits a second violation of paragraph
 39 (2) (a) within 5 years after the date of a prior violation that
 40 resulted in a conviction for a violation of paragraph (2) (a)
 41 commits a felony of the third degree, punishable as provided in
 42 s. 775.082, s. 775.083, or s. 775.084, and shall pay a fine of
 43 not less than \$1,000.

44 2. A ~~Any~~ person who commits a second violation of
 45 paragraphs (2) (b) - (k) ~~subsection (2)~~ within 5 years after the
 46 date of a prior violation that resulted in a conviction for a
 47 violation of subsection (2) commits a misdemeanor of the first
 48 degree, punishable as provided in s. 775.082 or s. 775.083, and
 49 shall pay a fine of not less than \$1,000 and not more than
 50 \$3,000.

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51
52 The department shall also revoke the driver license of a ~~that~~
53 person convicted under this paragraph for 2 years. A hearing may
54 be requested pursuant to s. 322.271.

55 (c)1. A person who commits a third or subsequent violation
56 of paragraph (2)(a) within 5 years after the date of a prior
57 violation that resulted in a conviction for a violation of
58 paragraph(2)(a) commits a felony of the third degree, punishable
59 as provided in s. 775.082, s. 775.083, or s. 775.084 and shall
60 pay a fine of not less than \$2,000.

61 2. A ~~Any~~ person who commits a third or subsequent
62 violation of paragraphs (2)(b)-(k) ~~subsection (2)~~ within 5 years
63 after the date of a prior violation that resulted in a
64 conviction for a violation of subsection (2) commits a
65 misdemeanor of the first degree, punishable as provided in s.
66 775.082 or s. 775.083, and shall pay a fine of not less than
67 \$2,000 and not more than \$5,000.

68
69 The department shall also revoke the driver license of a ~~that~~
70 person convicted under this paragraph for 4 years. A hearing may
71 be requested pursuant to s. 322.271.

72 Section 2. Subsections (3) and (4) of section 782.071,
73 Florida Statutes, are renumbered as subsections (4) and (5),
74 respectively, and a new subsection (3) is added to that section,
75 to read:

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76 782.071 Vehicular homicide.—"Vehicular homicide" is the
77 killing of a human being, or the killing of an unborn child by
78 any injury to the mother, caused by the operation of a motor
79 vehicle by another in a reckless manner likely to cause the
80 death of, or great bodily harm to, another.

81 (3) (a) Operation of a motor vehicle 30 miles per hour or
82 more above the posted speed limit creates a conclusive
83 presumption that the motor vehicle was being operated in a
84 reckless manner likely to cause the death of, or great bodily
85 harm to, another for purposes of this section.

86 (b) For purposes of this subsection, a motor vehicle's
87 speed may be determined by any of the following methods:

88 1. A speed calculating device operated by a law
89 enforcement agency or a speed detection system installed by a
90 governmental entity.

91 2. The motor vehicle's airbag control module.

92 3. The motor vehicle's event data recorder or other
93 similar device in the vehicle.

94 4. A determination made by an accredited traffic accident
95 reconstructionist.

96 Section 3. This act shall take effect October 1, 2024.