

26 (1) (a) Any person who drives any vehicle in willful or
 27 wanton disregard for the safety of persons or property commits
 28 ~~is guilty of~~ reckless driving.

29 (b) Driving a vehicle 40 miles per hour or more above the
 30 lawful or posted speed limit is reckless driving per se.

31 (c) ~~(b)~~ Fleeing a law enforcement officer in a motor
 32 vehicle is reckless driving per se.

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

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

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

41 (3) Any person:

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

43 (b) Who operates a vehicle; and

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

45 1. Damage to the property or person of another commits a
 46 misdemeanor of the first degree, punishable as provided in s.
 47 775.082 or s. 775.083.

48 2. Serious bodily injury to another commits a felony of
 49 the third degree, punishable as provided in s. 775.082, s.
 50 775.083, or s. 775.084. The term "serious bodily injury" means

51 an injury to another person, which consists of a physical
52 condition that creates a substantial risk of death, serious
53 personal disfigurement, or protracted loss or impairment of the
54 function of any bodily member or organ.

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

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

61 316.1926 Additional offenses.—

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

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

73 318.14 Noncriminal traffic infractions; exception;
74 procedures.—

75 (13) (a) A person cited for a violation of s. 316.1926

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

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

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

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

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

101 offenses:

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

104 (2) Leaving the scene of a crash, in violation of ss.
105 316.027 and 316.061;

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

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

112 (5) Making false crash reports, in violation of s.
113 316.067;

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

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

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

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

125 318.18 Amount of penalties.—The penalties required for a

126 noncriminal disposition pursuant to s. 318.14 or a criminal
127 offense listed in s. 318.17 are as follows:

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

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

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

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

151 receiving notice from the department, the operator's driver
 152 license shall be canceled by the department until the course is
 153 successfully completed.

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

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

171 322.61 Disqualification from operating a commercial motor
 172 vehicle.—

173 (1) A person who, for offenses occurring within a 3-year
 174 period, is convicted of two of the following serious traffic
 175 violations or any combination thereof, arising in separate

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

- 188 (a) A violation of any state or local law relating to
189 motor vehicle traffic control, other than a parking violation,
190 arising in connection with a crash resulting in death;
- 191 (b) Reckless driving, as defined in s. 316.192;
- 192 (c) Unlawful speed of 15 miles per hour or more above the
193 posted speed limit;
- 194 (d) Improper lane change, as defined in s. 316.085;
- 195 (e) Following too closely, as defined in s. 316.0895;
- 196 (f) Driving a commercial vehicle without obtaining a
197 commercial driver license;
- 198 (g) Driving a commercial vehicle without the proper class
199 of commercial driver license or commercial learner's permit or
200 without the proper endorsement;

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

204 (i) Texting while driving; or

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

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

210 337.195 Limits on liability.—

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

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226 | presumption can be overcome if the gross negligence or
227 | intentional misconduct of the Department of Transportation, or
228 | of its agents, consultants, or contractors, was a proximate
229 | cause of the driver's death, injury, or damage.

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