

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1225 CS

Reckless Driving

SPONSOR(S): Glorioso

TIED BILLS:

IDEN./SIM. BILLS: SB 1376

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Criminal Justice Committee	6 Y, 0 N, w/CS	Ferguson	Kramer
2) Transportation Committee			
3) Transportation & Economic Development Appropriations Committee			
4) Justice Council			
5)			

SUMMARY ANALYSIS

Currently, s. 316.192, F.S., provides that any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. This bill amends s. 316.192, F.S., to expand the acts that constitute reckless driving to include driving a vehicle at a speed or in a manner which demonstrates a willful or wanton disregard for the safety of persons or property.

This bill has an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government / Promote Personal Responsibility- This bill expands the acts that constitute reckless driving.

B. EFFECT OF PROPOSED CHANGES:

Current Florida Law

Section 316.192, F.S., provides that any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

To prove the crime of reckless driving, the State must prove the following two elements¹:

1. Defendant drove a vehicle in Florida.
2. He or she did so with a willful² or wanton³ disregard for the safety of persons or property.

A first conviction of reckless driving is punishable by imprisonment for a period of not more than 90 days or by fine of not less than \$25 nor more than \$500, or by both such fine and imprisonment.⁴

A second or subsequent conviction of reckless driving is punishable by imprisonment for not more than 6 months or by a fine of not less than \$50 nor more than \$1,000, or by both such fine and imprisonment.⁵

Penalties are increased to a first degree misdemeanor⁶ for damage to the property or person of another.⁷

Penalties are increased to a third degree felony⁸ for serious bodily injury which consist of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.⁹

Effective of Bill

This bill amends 316.192, F.S., to expand the acts that constitute reckless driving to include driving a vehicle at a speed or in a manner which demonstrates a willful or wanton disregard for the safety of persons or property.

C. SECTION DIRECTORY:

Section 1 amends section 316.192, F.S. to expand the acts that constitute reckless driving.

Section 2 provides an effective date of July 1, 2006.

¹ 28.5 Florida Standard Jury Instructions in Criminal Cases.

² The Florida Standard Jury Instructions defines this term as: intentionally, knowingly and purposely.

³ The Florida Standard Jury Instructions defines this term as: a conscious and intentional indifference to consequences and with knowledge that damage is likely to be done to persons or property.

⁴ Section 316.192(2)(a), F.S.

⁵ Section 316.192(2)(b), F.S.

⁶ Punishable by a term of imprisonment not to exceed 1 year and a fine of \$1,000. ss. 775.082(4)(a) and 775.083(1)(d), F.S.

⁷ Section 316.192(3)(c)1., F.S.

⁸ Punishable by a term of imprisonment not to exceed 5 years and a fine of \$5,000. ss. 775.082(3)(d) and 775.083(1)(c), F.S.

⁹ Section 316.192(3)(c)2., F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Criminal Justice Estimating Conference met March 21, 2006 and determined that HB 1225 would have an insignificant prison bed impact on the Department of Corrections.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On April 4th, 2006, the Criminal Justice Committee adopted a strike-all amendment to HB 1225. The strike-all amendment removes the acts that constitute reckless driving per se.

This analysis has been revised to reflect the strike-all amendment.