

SB 476 – Aggressive Careless Driving

This bill amends s. 316.1923, F.S., expanding the definition of what constitutes aggressive careless driving, adding additional acts, such as texting while driving and driving a motor vehicle in violation of restrictions on a driver license (s. 322.16(1)(a), F.S. or s. 322.16 (1)(b), F.S.). Furthermore, this bill adds a **2nd degree misdemeanor** for damage to the property or person of another, a **1st degree misdemeanor** for serious bodily injury to another, and a **Level 6, 3rd degree felony** for death of another when committing “two or more of the following acts simultaneously or in succession.”

Per FLHSMV, there have been 18 citations for a violation of s. 316.1923, F.S. since July of 2019. Additionally, the state had an average of 3,217 traffic related fatalities each year between 2018 and 2020. It is not known how many offenders could be charged under this new language.

In FY 18-19, the incarceration rate for a Level 6, 3rd degree felony was 26.9%, and in FY 19-20 the incarceration rate was 25.2%. In FY 20-21, the incarceration rate for a Level 6, 3rd degree felony was 24.5%.

CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate

Requested by: Senate