

28.5 RECKLESS DRIVING

§ 316.192(1)(a) and (1)(b), Fla. Stat.

To prove the crime of Reckless Driving, the State must prove the following beyond a reasonable doubt:

Give if § 316.192(1)(a), Fla. Stat. is charged.

(Defendant) **drove a vehicle in Florida with a willful or wanton disregard for the safety of persons or property.**

Give if § 316.192(1)(b), Fla. Stat. is charged.

(Defendant), **while driving a motor vehicle, fled from a law enforcement officer.**

Give if applicable. § 316.192(3), Fla. Stat.

If you find (defendant) guilty of Reckless Driving, you must also determine whether the State has proven beyond a reasonable doubt that [he] [she] caused [damage to the [property] [or] [person] of another] [or] [serious bodily injury to another] as a result of operating the vehicle recklessly.

Definitions. Give if applicable.

W.E.B. v. State, 553 So. 2d 323 (Fla. 1st DCA 1989).

“Willful” means intentionally, knowingly, and purposely.

“Wanton” means with a conscious and intentional indifference to consequences and with knowledge that damage is likely to be done to persons or property.

§ 316.003, Fla. Stat. Some of these terms have their own statutory definitions, which should be given if necessary.

A “vehicle” is any device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway[, except personal delivery devices, mobile carriers, and devices used exclusively upon stationary rails or tracks].

§ 316.192(3)(c)2, Fla. Stat.

“Serious bodily injury” means an injury to another person which consists 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.

§ 316.003, Fla. Stat. Some of these terms have their own statutory definitions, which should be given if necessary.

A “motor vehicle” is a self-propelled vehicle not operated upon rails or guideway[, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped].

Lesser Included Offenses

**RECKLESS DRIVING CAUSING SERIOUS BODILY INJURY — 316.192(1);
316.192(3)(a)(b)(c)2**

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
Reckless Driving causing injury		316.192(3)(a)(b)(c)1	28.5
Reckless driving		316.192(1)(a)	28.5
	Reckless driving causing property damage	316.192(3)(a)(b)(c)1	28.5

Comment

This instruction was adopted in 1981 and amended in 2013 [131 So. 3d 692], 2019 [262 So. 3d 59], on October 2, 2020, and on April 25, 2023.