### 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

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| 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.