

By Senator Pizzo

37-01245B-24

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1 A bill to be entitled
2 An act relating to car racing penalties; amending s.
3 316.191, F.S.; revising the definition of the term
4 "conviction"; increasing the fine for violations of
5 prohibitions against drag race, street takeover, stunt
6 driving, competition, contest, test, or exhibition;
7 revising applicability of the penalty for second
8 violations of prohibitions against drag race, street
9 takeover, stunt driving, competition, contest, test,
10 or exhibition; increasing the fine for any such
11 violations; authorizing an arresting law enforcement
12 agency to seize any vehicle used in connection with
13 any violation, pursuant to the Florida Contraband
14 Forfeiture Act; providing penalties for impeding,
15 obstructing, or interfering with an emergency vehicle
16 while participating in a drag race, street takeover,
17 stunt driving, competition, contest, test, or
18 exhibition; revising applicability of the penalty for
19 third or subsequent violations of prohibitions against
20 drag race, street takeover, stunt driving,
21 competition, contest, test, or exhibition; increasing
22 the fine for any such violations; revising
23 circumstances under which a motor vehicle used in
24 connection with any violation may be impounded;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Paragraph (b) of subsection (1), subsection (3),

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30 paragraph (b) of subsection (4), and paragraph (c) of subsection
31 (5) of section 316.191, Florida Statutes, are amended, and
32 subsection (2) and paragraph (a) of subsection (4) of that
33 section are republished, to read:

34 316.191 Racing on highways, street takeovers, and stunt
35 driving.—

36 (1) As used in this section, the term:

37 (b) "Conviction" means a determination of guilt that is the
38 result of a plea or trial, regardless of whether adjudication is
39 withheld. For the purpose of determining whether a conviction is
40 a first, second, third, or subsequent conviction for the
41 purposes of sentencing under this section, the term "conviction"
42 includes being convicted of a violation of this section, the
43 completion of any diversion or other program that results in the
44 dismissal or change of charge of a violation of this section, or
45 the acceptance of a plea creating a change of charge of a
46 violation of this section.

47 (2) A person may not:

48 (a) Drive any motor vehicle in any street takeover, stunt
49 driving, race, speed competition or contest, drag race or
50 acceleration contest, test of physical endurance, or exhibition
51 of speed or acceleration or for the purpose of making a speed
52 record on any highway, roadway, or parking lot;

53 (b) In any manner participate in, coordinate through social
54 media or otherwise, facilitate, or collect moneys at any
55 location for any such race, drag race, street takeover, stunt
56 driving, competition, contest, test, or exhibition;

57 (c) Knowingly ride as a passenger in any such race, drag
58 race, street takeover, stunt driving, competition, contest,

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59 test, or exhibition;

60 (d) Purposefully cause the movement of traffic, including
61 pedestrian traffic, to slow, stop, or be impeded in any way for
62 any such race, drag race, street takeover, stunt driving,
63 competition, contest, test, or exhibition;

64 (e) Operate a motor vehicle for the purpose of filming or
65 recording the activities of participants in any such race, drag
66 race, street takeover, stunt driving, competition, contest,
67 test, or exhibition. This paragraph does not apply to bona fide
68 members of the news media; or

69 (f) Operate a motor vehicle carrying any amount of fuel for
70 the purposes of fueling a motor vehicle involved in any such
71 race, drag race, street takeover, stunt driving, competition,
72 contest, test, or exhibition.

73 (3) (a) Any person who violates subsection (2) commits a
74 misdemeanor of the first degree, punishable as provided in s.
75 775.082 or s. 775.083. Any person who violates subsection (2)
76 shall pay a fine of not less than \$1,500 ~~\$500~~ and not more than
77 \$2,500 ~~\$1,000~~, and the department shall revoke the driver
78 license of a person so convicted for 1 year. A hearing may be
79 requested pursuant to s. 322.271.

80 (b) Any person who commits a second violation of subsection
81 (2) within 1 year ~~5 years~~ after the date of a prior violation
82 that resulted in a conviction for a violation of subsection (2)
83 commits a felony of the third degree ~~misdemeanor of the first~~
84 ~~degree~~, punishable as provided in s. 775.082 or s. 775.083, and
85 shall pay a fine of not less than \$5,000 ~~\$1,000~~ and not more
86 than \$7,500 ~~\$3,000~~. Pursuant to the Florida Contraband
87 Forfeiture Act, the arresting law enforcement agency may move to

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88 seize any vehicle used in the violation of subsection (2). The
89 department shall also revoke the driver license of that person
90 for 2 years. A hearing may be requested pursuant to s. 322.271.

91 (c) Any person who violates subsection (2) and, in the
92 course of committing the offense, impedes, obstructs, or
93 interferes with an emergency vehicle commits a felony of the
94 third degree, punishable as provided in paragraph (3)(b).

95 (d) Any person who commits a second or subsequent violation
96 of paragraph (c) commits a felony of the second degree,
97 punishable as provided in s. 775.082 or s. 775.083.

98 (e) Any person who commits a third or subsequent violation
99 of subsection (2) within 5 years after the date of a prior
100 violation that resulted in a conviction for a violation of
101 subsection (2) commits a felony ~~misdemeanor~~ of the second ~~first~~
102 degree, punishable as provided in s. 775.082 or s. 775.083, and
103 shall pay a fine of not less than \$7,500 ~~\$2,000~~ and not more
104 than \$10,000 ~~\$5,000~~. The department shall also revoke the driver
105 license of that person for 4 years. A hearing may be requested
106 pursuant to s. 322.271.

107 (f) ~~(d)~~ In any case charging a violation of subsection (2),
108 the court shall be provided a copy of the driving record of the
109 person charged and may obtain any records from any other source
110 to determine if one or more prior convictions of the person for
111 a violation of subsection (2) have occurred within 5 years
112 before the charged offense.

113 (4) (a) A person may not be a spectator at any race, drag
114 race, or street takeover prohibited under subsection (2).

115 (b) A person who violates paragraph (a) commits a
116 noncriminal traffic infraction, punishable by a fine of \$500 ~~as~~

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117 ~~a moving violation as provided in chapter 318.~~

118 (5) Whenever a law enforcement officer has probable cause
119 to believe that a person violated subsection (2), the officer
120 may arrest and take such person into custody without a warrant.
121 The court may enter an order of impoundment or immobilization as
122 a condition of incarceration or probation. Within 7 business
123 days after the date the court issues the order of impoundment or
124 immobilization, the clerk of the court must send notice by
125 certified mail, return receipt requested, to the registered
126 owner of the motor vehicle, if the registered owner is a person
127 other than the defendant, and to each person of record claiming
128 a lien against the motor vehicle.

129 (c) Any motor vehicle used in violation of subsection (2)
130 may be impounded for a period of 30 business days if a law
131 enforcement officer has arrested and taken a person into custody
132 pursuant to this subsection ~~and the person being arrested is the~~
133 ~~registered owner or co-owner of the motor vehicle.~~ If the
134 arresting officer finds that the criteria of this paragraph are
135 met, the officer may immediately impound the motor vehicle. The
136 law enforcement officer shall notify the Department of Highway
137 Safety and Motor Vehicles of any impoundment for violation of
138 this subsection in accordance with procedures established by the
139 department. Paragraphs (a) and (b) shall be applicable to such
140 impoundment.

141 Section 2. This act shall take effect July 1, 2024.