

By Senator Book

32-00155-22

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1 A bill to be entitled
2 An act relating to racing motor vehicles; reenacting
3 and amending s. 316.191, F.S.; defining the term
4 "organized ride"; revising the definition of the term
5 "spectator"; revising prohibitions on persons driving
6 motor vehicles in any race, speed competition or
7 contest, drag race or acceleration contest, test of
8 physical endurance, or exhibition of speed, a stunt,
9 agility, or acceleration or for other specified
10 purposes on any highway, roadway, or parking lot;
11 prohibiting a person from coordinating via social
12 media any such race, competition, contest, test, or
13 exhibition; prohibiting a person from purposefully
14 causing the movement of traffic, including pedestrian
15 traffic, to slow, stop, or be impeded in any way for
16 such race, competition, contest, test, or exhibition;
17 prohibiting a person from operating a vehicle for the
18 purpose of filming or recording activities of
19 participants in any such race, competition, contest,
20 test, or exhibition; prohibiting a person from
21 operating a vehicle carrying any amount of fuel for
22 the purposes of fueling a vehicle involved in any such
23 race, competition, contest, test, or exhibition;
24 prohibiting persons from operating a vehicle in a
25 manner that would constitute participation in an
26 organized ride; providing penalties; prohibiting a
27 person from being a spectator at any such race,
28 competition, contest, test, exhibition, or organized
29 ride; providing penalties; amending s. 318.18, F.S.;

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30 conforming provisions to changes made by the act;
31 reenacting ss. 316.027(2)(c), 322.0261(4)(a) and (b),
32 and 901.15(9)(d), F.S., relating to a crash involving
33 death or personal injuries, driver improvement
34 courses, and when arrest by an officer without warrant
35 is lawful, respectively, to incorporate the amendment
36 made to s. 316.191, F.S., in references thereto;
37 providing an effective date.
38

39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Section 316.191, Florida Statutes, is reenacted
42 and amended to read:

43 316.191 Racing on highways, roadways, or parking lots;
44 organized rides.—

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

46 (a) "Conviction" means a determination of guilt that is the
47 result of a plea or trial, regardless of whether adjudication is
48 withheld.

49 (b) "Drag race" means the operation of two or more motor
50 vehicles from a point side by side at accelerating speeds in a
51 competitive attempt to outdistance each other, or the operation
52 of one or more motor vehicles over a common selected course,
53 from the same point to the same point, for the purpose of
54 comparing the relative speeds or power of acceleration of such
55 motor vehicle or motor vehicles within a certain distance or
56 time limit.

57 (c) "Organized ride" means the operation of more than three
58 motor vehicles that cause the movement of traffic to slow or

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59 stop for any race, competition, contest, test, stunt, or
60 exhibition of a vehicle's performance capabilities or of a
61 driver's ability in violation of this section.

62 (d) "Race" means the use of one or more motor vehicles in
63 competition, arising from a challenge to demonstrate superiority
64 of a motor vehicle or driver and the acceptance or competitive
65 response to that challenge, either through a prior arrangement
66 or in immediate response, in which the competitor attempts to
67 outgain or outdistance another motor vehicle, to prevent another
68 motor vehicle from passing, to arrive at a given destination
69 ahead of another motor vehicle or motor vehicles, or to test the
70 physical stamina or endurance of drivers over long-distance
71 driving routes. A race may be prearranged or may occur through a
72 competitive response to conduct on the part of one or more
73 drivers which, under the totality of the circumstances, can
74 reasonably be interpreted as a challenge to race.

75 (e) ~~(d)~~ "Spectator" means any person who is knowingly
76 present at and views a drag race, when such presence is the
77 result of an affirmative choice to attend or participate in the
78 race. For purposes of determining whether or not an individual
79 is a spectator, finders of fact shall consider the relationship
80 between the racer and the individual, evidence of gambling or
81 betting on the outcome of the race, filming or recording the
82 race, or posting on social media, and any other factor that
83 would tend to show knowing attendance or participation.

84 (2) A person may not:

85 (a) Drive any motor vehicle, including any motorcycle,
86 autocycle, moped, all-terrain vehicle, off-road vehicle, or
87 vehicle not licensed to operate on a highway or roadway, in any

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88 race, speed competition or contest, drag race or acceleration
89 contest, test of physical endurance, or exhibition of speed, a
90 stunt, agility, or acceleration or for the purpose of making a
91 speed record or exhibiting the vehicle's performance
92 capabilities and driver's abilities on any highway, roadway, or
93 parking lot;

94 (b) In any manner participate in, coordinate through social
95 media or otherwise, facilitate, or collect moneys at any
96 location for any such race, competition, contest, test, or
97 exhibition;

98 (c) Knowingly ride as a passenger in any such race,
99 competition, contest, test, or exhibition; ~~or~~

100 (d) Purposefully cause the movement of traffic, including
101 pedestrian traffic, to slow, ~~or~~ stop, or be impeded in any way
102 for any such race, competition, contest, test, or exhibition;

103 (e) Operate a vehicle for the purpose of filming or
104 recording the activities of participants in any such race,
105 competition, contest, test, or exhibition;

106 (f) Operate a vehicle carrying any amount of fuel for the
107 purposes of fueling a vehicle involved in any such race,
108 competition, contest, test, or exhibition; or

109 (g) Operate a vehicle in a manner that would constitute
110 participation in an organized ride.

111 (3) (a) Any person who violates subsection (2) commits a
112 misdemeanor of the first degree, punishable as provided in s.
113 775.082 or s. 775.083. Any person who violates subsection (2)
114 shall pay a fine of not less than \$500 and not more than \$1,000,
115 and the department shall revoke the driver license of a person
116 so convicted for 1 year. A hearing may be requested pursuant to

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117 s. 322.271.

118 (b) Any person who commits a second violation of subsection
119 (2) within 5 years after the date of a prior violation that
120 resulted in a conviction for a violation of subsection (2)
121 commits a misdemeanor of the first degree, punishable as
122 provided in s. 775.082 or s. 775.083, and shall pay a fine of
123 not less than \$1,000 and not more than \$3,000. The department
124 shall also revoke the driver license of that person for 2 years.
125 A hearing may be requested pursuant to s. 322.271.

126 (c) Any person who commits a third or subsequent violation
127 of subsection (2) within 5 years after the date of a prior
128 violation that resulted in a conviction for a violation of
129 subsection (2) commits a misdemeanor of the first degree,
130 punishable as provided in s. 775.082 or s. 775.083, and shall
131 pay a fine of not less than \$2,000 and not more than \$5,000. The
132 department shall also revoke the driver license of that person
133 for 4 years. A hearing may be requested pursuant to s. 322.271.

134 (d) In any case charging a violation of subsection (2), the
135 court shall be provided a copy of the driving record of the
136 person charged and may obtain any records from any other source
137 to determine if one or more prior convictions of the person for
138 a violation of subsection (2) have occurred within 5 years prior
139 to the charged offense.

140 (4) (a) A person may not be a spectator at any race,
141 competition, contest, test, exhibition, or organized ride ~~drag~~
142 ~~race~~ prohibited under subsection (2).

143 (b) A person who violates paragraph (a) commits a
144 noncriminal traffic infraction, punishable as a moving violation
145 as provided in chapter 318.

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146 (5) Whenever a law enforcement officer has probable cause
147 to believe that a person violated subsection (2), the officer
148 may arrest and take such person into custody without a warrant.
149 The court may enter an order of impoundment or immobilization as
150 a condition of incarceration or probation. Within 7 business
151 days after the date the court issues the order of impoundment or
152 immobilization, the clerk of the court must send notice by
153 certified mail, return receipt requested, to the registered
154 owner of the motor vehicle, if the registered owner is a person
155 other than the defendant, and to each person of record claiming
156 a lien against the motor vehicle.

157 (a) Notwithstanding any provision of law to the contrary,
158 the impounding agency shall release a motor vehicle under the
159 conditions provided in s. 316.193(6)(e), (f), (g), and (h), if
160 the owner or agent presents a valid driver license at the time
161 of pickup of the motor vehicle.

162 (b) All costs and fees for the impoundment or
163 immobilization, including the cost of notification, must be paid
164 by the owner of the motor vehicle or, if the motor vehicle is
165 leased or rented, by the person leasing or renting the motor
166 vehicle, unless the impoundment or immobilization order is
167 dismissed. All provisions of s. 713.78 shall apply.

168 (c) Any motor vehicle used in violation of subsection (2)
169 may be impounded for a period of 30 business days if a law
170 enforcement officer has arrested and taken a person into custody
171 pursuant to this subsection and the person being arrested is the
172 registered owner or co-owner of the motor vehicle. If the
173 arresting officer finds that the criteria of this paragraph are
174 met, the officer may immediately impound the motor vehicle. The

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175 law enforcement officer shall notify the Department of Highway
176 Safety and Motor Vehicles of any impoundment for violation of
177 this subsection in accordance with procedures established by the
178 department. Paragraphs (a) and (b) shall be applicable to such
179 impoundment.

180 (6) Any motor vehicle used in violation of subsection (2)
181 by any person within 5 years after the date of a prior
182 conviction of that person for a violation under subsection (2)
183 may be seized and forfeited as provided by the Florida
184 Contraband Forfeiture Act. This subsection shall only be
185 applicable if the owner of the motor vehicle is the person
186 charged with violating subsection (2).

187 (7) This section does not apply to licensed or duly
188 authorized racetracks, drag strips, or other designated areas
189 set aside by proper authorities for such purposes.

190 Section 2. Subsection (20) of section 318.18, Florida
191 Statutes, is amended to read:

192 318.18 Amount of penalties.—The penalties required for a
193 noncriminal disposition pursuant to s. 318.14 or a criminal
194 offense listed in s. 318.17 are as follows:

195 (20) In addition to any other penalty, \$65 for a violation
196 of s. 316.191, prohibiting racing on highways, roadways, or
197 parking lots and prohibiting organized rides or s. 316.192,
198 prohibiting reckless driving. The additional \$65 collected under
199 this subsection shall be remitted to the Department of Revenue
200 for deposit into the Emergency Medical Services Trust Fund of
201 the Department of Health to be used as provided in s. 395.4036.

202 Section 3. For the purpose of incorporating the amendment
203 made by this act to section 316.191, Florida Statutes, in a

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204 reference thereto, paragraph (c) of subsection (2) of section
205 316.027, Florida Statutes, is reenacted to read:

206 316.027 Crash involving death or personal injuries.—

207 (2)

208 (c) The driver of a vehicle involved in a crash occurring
209 on public or private property which results in the death of a
210 person shall immediately stop the vehicle at the scene of the
211 crash, or as close thereto as possible, and shall remain at the
212 scene of the crash until he or she has fulfilled the
213 requirements of s. 316.062. A person who is arrested for a
214 violation of this paragraph and who has previously been
215 convicted of a violation of this section, s. 316.061, s.
216 316.191, or s. 316.193, or a felony violation of s. 322.34,
217 shall be held in custody until brought before the court for
218 admittance to bail in accordance with chapter 903. A person who
219 willfully violates this paragraph commits a felony of the first
220 degree, punishable as provided in s. 775.082, s. 775.083, or s.
221 775.084, and shall be sentenced to a mandatory minimum term of
222 imprisonment of 4 years. A person who willfully commits such a
223 violation while driving under the influence as set forth in s.
224 316.193(1) shall be sentenced to a mandatory minimum term of
225 imprisonment of 4 years.

226 Section 4. For the purpose of incorporating the amendment
227 made by this act to section 316.191, Florida Statutes, in
228 references thereto, paragraphs (a) and (b) of subsection (4) of
229 section 322.0261, Florida Statutes, are reenacted to read:

230 322.0261 Driver improvement course; requirement to maintain
231 driving privileges; failure to complete; department approval of
232 course.—

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233 (4) (a) The department shall identify any operator convicted
234 of, or who pleaded nolo contendere to, a violation of s.
235 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.
236 316.192 and shall require that operator, in addition to other
237 applicable penalties, to attend a department-approved driver
238 improvement course in order to maintain driving privileges. The
239 department shall, within 10 days after receiving a notice of
240 judicial disposition, send notice to the operator of the
241 requirement to attend a driver improvement course. If the
242 operator fails to complete the course within 90 days after
243 receiving notice from the department, the operator's driver
244 license shall be canceled by the department until the course is
245 successfully completed.

246 (b) Any operator who receives a traffic citation for a
247 violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or
248 s. 316.192, for which the court withholds adjudication, is not
249 required to attend a driver improvement course, unless the court
250 finds that the nature or severity of the violation is such that
251 attendance to a driver improvement course is necessary. The
252 department shall, within 10 days after receiving a notice of
253 judicial disposition, send notice to the operator of the
254 requirement to attend a driver improvement course. If the
255 operator fails to complete the course within 90 days after
256 receiving notice from the department, the operator's driver
257 license shall be canceled by the department until the course is
258 successfully completed.

259 Section 5. For the purpose of incorporating the amendment
260 made by this act to section 316.191, Florida Statutes, in a
261 reference thereto, paragraph (d) of subsection (9) of section

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262 901.15, Florida Statutes, is reenacted to read:

263 901.15 When arrest by officer without warrant is lawful.—A
264 law enforcement officer may arrest a person without a warrant
265 when:

266 (9) There is probable cause to believe that the person has
267 committed:

268 (d) A racing violation as described in s. 316.191(2).

269 Section 6. This act shall take effect July 1, 2022.