

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice & Public
 2 Safety Subcommittee

3 Representative Rodriguez offered the following:

4

5 **Amendment**

6 Remove lines 56-296 and insert:

7 316.191 Racing on highways, street takeovers, and stunt
 8 driving.-

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

10 (a) "Burnout" means a maneuver performed while operating a
 11 motor vehicle whereby the motor vehicle is kept stationary, or
 12 is in motion, while the wheels are spun, resulting in friction
 13 which causes the motor vehicle's tires to heat up and emit
 14 smoke.

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15 (b) "Conviction" means a determination of guilt that is
16 the result of a plea or trial, regardless of whether
17 adjudication is withheld.

18 (c) "Doughnut" means a maneuver performed while operating
19 a motor vehicle whereby the front or rear of the motor vehicle
20 is rotated around the opposite set of wheels in a continuous
21 motion which may cause a circular skid-mark pattern of rubber on
22 the driving surface or the tires to heat up and emit smoke from
23 friction, or both.

24 (d)-(b) "Drag race" means the operation of two or more
25 motor vehicles from a point side by side at accelerating speeds
26 in a competitive attempt to outdistance each other, or the
27 operation of one or more motor vehicles over a common selected
28 course, from the same point to the same point, for the purpose
29 of comparing the relative speeds or power of acceleration of
30 such motor vehicle or motor vehicles within a certain distance
31 or time limit.

32 (e) "Drifting" means a maneuver performed while operating
33 a motor vehicle whereby the motor vehicle is steered so that it
34 makes a controlled skid sideways through a turn with the front
35 wheels pointed in a direction opposite to that of the turn.

36 (f) "Motor vehicle" has the same meaning as in s. 316.003.
37 The term "motor vehicle" also includes any motorcycle,
38 autocycle, moped, all-terrain vehicle, off-road vehicle, or
39 vehicle not licensed to operate on a highway or roadway.

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40 ~~(g)-(e)~~ "Race" means the use of one or more motor vehicles
41 in competition, arising from a challenge to demonstrate
42 superiority of a motor vehicle or driver and the acceptance or
43 competitive response to that challenge, either through a prior
44 arrangement or in immediate response, in which the competitor
45 attempts to outgain or outdistance another motor vehicle, to
46 prevent another motor vehicle from passing, to arrive at a given
47 destination ahead of another motor vehicle or motor vehicles, or
48 to test the physical stamina or endurance of drivers over long-
49 distance driving routes. A race may be prearranged or may occur
50 through a competitive response to conduct on the part of one or
51 more drivers which, under the totality of the circumstances, can
52 reasonably be interpreted as a challenge to race.

53 ~~(h)-(d)~~ "Spectator" means any person who is knowingly
54 present at and views a drag race or street takeover, when such
55 presence is the result of an affirmative choice to attend or
56 participate in the event ~~race~~. For purposes of determining
57 whether or not an individual is a spectator, finders of fact
58 shall consider the relationship between the motor vehicle
59 operator ~~race~~ and the individual, evidence of gambling or
60 betting on the outcome of the event ~~race~~, filming or recording
61 the event, or posting the event on social media, and any other
62 factor that would tend to show knowing attendance or
63 participation.

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64 (i) "Street takeover" means the taking over of a portion
65 of a highway, roadway, or parking lot by blocking or impeding
66 the regular flow of traffic to perform a race, drag race,
67 burnout, doughnut, drifting, wheelie, or other stunt driving.

68 (j) "Stunt driving" means to perform or engage in any
69 burnouts, doughnuts, drifting, wheelies, or other dangerous
70 motor vehicle activity on a highway, roadway, or parking lot
71 which is likely to delay, distract, startle, or interfere with
72 other users of the highway, roadway, or parking lot.

73 (k) "Wheelie" means a maneuver performed while operating a
74 motor vehicle whereby a motor vehicle is ridden for a distance
75 with the front wheel or wheels raised off the ground.

76 (2) A person may not:

77 (a) Drive any motor vehicle, ~~including any motorcycle,~~ in
78 any street takeover, stunt driving, race, speed competition or
79 contest, drag race or acceleration contest, test of physical
80 endurance, or exhibition of speed or acceleration or for the
81 purpose of making a speed record on any highway, roadway, or
82 parking lot;

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

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87 (c) Knowingly ride as a passenger in any such race, drag
88 race, street takeover, stunt driving, competition, contest,
89 test, or exhibition; ~~or~~

90 (d) Purposefully cause the movement of traffic, including
91 pedestrian traffic, to slow, ~~or~~ stop, or be impeded in any way
92 for any such race, drag race, street takeover, stunt driving,
93 competition, contest, test, or exhibition;

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

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

103 (3)(a) Any person who violates subsection (2) commits a
104 misdemeanor of the first degree, punishable as provided in s.
105 775.082 or s. 775.083. Any person who violates subsection (2)
106 shall pay a fine of not less than \$500 and not more than \$1,000,
107 and the department shall revoke the driver license of a person
108 so convicted for 1 year. A hearing may be requested pursuant to
109 s. 322.271.

110 (b) Any person who commits a second violation of
111 subsection (2) within 5 years after the date of a prior

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112 violation that resulted in a conviction for a violation of
113 subsection (2) commits a misdemeanor of the first degree,
114 punishable as provided in s. 775.082 or s. 775.083, and shall
115 pay a fine of not less than \$1,000 and not more than \$3,000. The
116 department shall also revoke the driver license of that person
117 for 2 years. A hearing may be requested pursuant to s. 322.271.

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

126 (d) In any case charging a violation of subsection (2),
127 the court shall be provided a copy of the driving record of the
128 person charged and may obtain any records from any other source
129 to determine if one or more prior convictions of the person for
130 a violation of subsection (2) have occurred within 5 years prior
131 to the charged offense.

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

134 (b) A person who violates paragraph (a) commits a
135 noncriminal traffic infraction, punishable as a moving violation
136 as provided in chapter 318.

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

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

153 (b) All costs and fees for the impoundment or
154 immobilization, including the cost of notification, must be paid
155 by the owner of the motor vehicle or, if the motor vehicle is
156 leased or rented, by the person leasing or renting the motor
157 vehicle, unless the impoundment or immobilization order is
158 dismissed. All provisions of s. 713.78 shall apply.

159 (c) Any motor vehicle used in violation of subsection (2)
160 may be impounded for a period of 30 business days if a law
161 enforcement officer has arrested and taken a person into custody

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162 pursuant to this subsection and the person being arrested is the
163 registered owner or co-owner of the motor vehicle. If the
164 arresting officer finds that the criteria of this paragraph are
165 met, the officer may immediately impound the motor vehicle. The
166 law enforcement officer shall notify the Department of Highway
167 Safety and Motor Vehicles of any impoundment for violation of
168 this subsection in accordance with procedures established by the
169 department. Paragraphs (a) and (b) shall be applicable to such
170 impoundment.

171 (6) Any motor vehicle used in violation of subsection (2)
172 by any person within 5 years after the date of a prior
173 conviction of that person for a violation under subsection (2)
174 may be seized and forfeited as provided by the Florida
175 Contraband Forfeiture Act. This subsection shall only be
176 applicable if the owner of the motor vehicle is the person
177 charged with violating subsection (2).

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

181 Section 2. Subsection (10) of section 316.2397, Florida
182 Statutes, is amended to read:

183 316.2397 Certain lights prohibited; exceptions.—

184 (10) A person who violates ~~violation of~~ this section
185 commits a misdemeanor of the first degree ~~is a noncriminal~~

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186 ~~traffic infraction, punishable as a nonmoving violation as~~
187 ~~provided in s. 775.082 or s. 775.083 chapter 318.~~

188 Section 3. Subsection (20) of section 318.18, Florida
189 Statutes, is amended to read:

190 318.18 Amount of penalties.—The penalties required for a
191 noncriminal disposition pursuant to s. 318.14 or a criminal
192 offense listed in s. 318.17 are as follows:

193 (20) In addition to any other penalty, \$65 for a violation
194 of s. 316.191, prohibiting racing on highways, street takeovers,
195 and stunt driving, or s. 316.192, prohibiting reckless driving.

196 The additional \$65 collected under this subsection shall be
197 remitted to the Department of Revenue for deposit into the
198 Emergency Medical Services Trust Fund of the Department of
199 Health to be used as provided in s. 395.4036.

200 Section 4. For the purpose of incorporating the amendment
201 made by this act to section 316.191, Florida Statutes, in a
202 reference thereto, paragraph (c) of subsection (2) of section
203 316.027, Florida Statutes, is reenacted to read:

204 316.027 Crash involving death or personal injuries.—

205 (2)

206 (c) The driver of a vehicle involved in a crash
207 occurring on public or private property which results in the
208 death of a person shall immediately stop the vehicle at the
209 scene of the crash, or as close thereto as possible, and shall
210 remain at the scene of the crash until he or she has fulfilled

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211 the requirements of s. 316.062. A person who is arrested for a
212 violation of this paragraph and who has previously been
213 convicted of a violation of this section, s. 316.061, s.
214 316.191, or s. 316.193, or a felony violation of s. 322.34,
215 shall be held in custody until brought before the court for
216 admittance to bail in accordance with chapter 903. A person who
217 willfully violates this paragraph commits a felony of the first
218 degree, punishable as provided in s. 775.082, s. 775.083, or s.
219 775.084, and shall be sentenced to a mandatory minimum term of
220 imprisonment of 4 years. A person who willfully commits such a
221 violation while driving under the influence as set forth in s.
222 316.193(1) shall be sentenced to a mandatory minimum term of
223 imprisonment of 4 years.

224 Section 5. For the purpose of incorporating the amendment
225 made by this act to section 316.191, Florida Statutes, in
226 references thereto, paragraphs (a) and (b) of subsection (4) of
227 section 322.0261, Florida Statutes, are reenacted to read:

228 322.0261 Driver improvement course; requirement to
229 maintain driving privileges; failure to complete; department
230 approval of course.—

231 (4)(a) The department shall identify any operator
232 convicted of, or who pleaded nolo contendere to, a violation of
233 s. 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.
234 316.192 and shall require that operator, in addition to other
235 applicable penalties, to attend a department-approved driver

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236 improvement course in order to maintain driving privileges. The
237 department shall, within 10 days after receiving a notice of
238 judicial disposition, send notice to the operator of the
239 requirement to attend a driver improvement course. If the
240 operator fails to complete the course within 90 days after
241 receiving notice from the department, the operator's driver
242 license shall be canceled by the department until the course is
243 successfully completed.

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

257 Section 6. Paragraph (d) of subsection (9) of section
258 901.15, Florida Statutes, is amended to read:

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259 901.15 When arrest by officer without warrant is lawful.—A
260 law enforcement officer may arrest a person without a warrant
261 when:

262 (9) There is probable cause to believe that the person has
263 committed:

264 (d) A racing, street takeover, or stunt driving violation
265 as described in s. 316.191(2).
266