

1 A bill to be entitled

2 An act relating to motor vehicle and vessel law  
3 enforcement; reenacting and amending s. 316.191, F.S.;  
4 revising the definition of the term "spectator";  
5 defining the term "takeover ride"; revising  
6 prohibitions on persons driving motor vehicles in any  
7 race, speed competition or contest, drag race or  
8 acceleration contest, test of physical endurance, or  
9 exhibition of speed, stunt or trick, takeover ride, or  
10 acceleration or for other specified purposes on any  
11 highway, roadway, or parking lot; prohibiting a person  
12 from participating in or coordinating via social media  
13 any such race, drag race, competition, contest, test,  
14 stunt or trick, takeover ride, or exhibition;  
15 prohibiting a person from knowingly riding as a  
16 passenger in any such race, drag race, competition,  
17 contest, test, stunt or trick, takeover ride, or  
18 exhibition; prohibiting a person from purposefully  
19 causing the movement of traffic, including pedestrian  
20 traffic, to slow, stop, or be impeded in any way for  
21 such race, drag race, competition, contest, test,  
22 stunt or trick, takeover ride, or exhibition;  
23 prohibiting a person from operating a vehicle for the  
24 purpose of filming or recording activities of  
25 participants in any such race, drag race, competition,

26 | contest, test, stunt or trick, takeover ride, or  
27 | exhibition; prohibiting a person from operating a  
28 | vehicle carrying any amount of fuel for the purposes  
29 | of fueling a vehicle involved in any such race, drag  
30 | race, competition, contest, test, stunt or trick,  
31 | takeover ride, or exhibition; prohibiting persons from  
32 | operating a vehicle in a manner that would constitute  
33 | participation in a takeover ride; providing penalties;  
34 | prohibiting a person from being a spectator at any  
35 | such race, drag race, competition, contest, test,  
36 | stunt or trick, takeover ride, or exhibition;  
37 | providing penalties; amending s. 316.2397, F.S.;  
38 | providing criminal penalties for unlawful use of  
39 | certain lights; amending s. 318.18, F.S.; conforming  
40 | provisions to changes made by the act; reenacting ss.  
41 | 316.027(2)(c), 322.0261(4)(a) and (b), and  
42 | 901.15(9)(d), F.S., relating to a crash involving  
43 | death or personal injuries, driver improvement  
44 | courses, and when arrest by an officer without warrant  
45 | is lawful, respectively, to incorporate the amendment  
46 | made to s. 316.191, F.S., in references thereto;  
47 | amending s. 843.08, F.S.; including the unlawful use  
48 | of certain lights in the commission of the offense of  
49 | false personation; providing penalties; providing an  
50 | effective date.

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

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

316.191 Racing on highways, roadways, or parking lots;  
takeover rides.—

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

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

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

(c) "Race" means the use of one or more motor vehicles in competition, arising from a challenge to demonstrate superiority of a motor vehicle or driver and the acceptance or competitive response to that challenge, either through a prior arrangement or in immediate response, in which the competitor attempts to outgain or outdistance another motor vehicle, to prevent another

76 | motor vehicle from passing, to arrive at a given destination  
 77 | ahead of another motor vehicle or motor vehicles, or to test the  
 78 | physical stamina or endurance of drivers over long-distance  
 79 | driving routes. A race may be prearranged or may occur through a  
 80 | competitive response to conduct on the part of one or more  
 81 | drivers which, under the totality of the circumstances, can  
 82 | reasonably be interpreted as a challenge to race.

83 |       (d) "Spectator" means a ~~any~~ person who is knowingly  
 84 | present at and views a race, drag race, competition, contest,  
 85 | test, stunt or trick, takeover ride, or exhibition, when such  
 86 | presence is the result of an affirmative choice to attend or  
 87 | participate in the event ~~race~~. For purposes of determining  
 88 | whether ~~or not~~ an individual is a spectator, finders of fact  
 89 | shall consider the relationship between the driver ~~racer~~ and the  
 90 | individual, evidence of gambling or betting on the outcome of  
 91 | the event ~~race~~, filming or recording the event, or posting the  
 92 | event on social media, and any other factor that would tend to  
 93 | show knowing attendance or participation.

94 |       (e) "Takeover ride" means the unlawful operation of more  
 95 | than three motor vehicles that cause the movement of traffic to  
 96 | slow or stop for any race, drag race, competition, contest,  
 97 | test, stunt or trick, including, but not limited to, drifting,  
 98 | burnouts, wheelies, and reckless driving, or exhibition of a  
 99 | vehicle's performance capabilities or of a driver's ability in  
 100 | violation of this section.

101           (2) A person may not:

102           (a) Drive any motor vehicle, including any motorcycle,

103 autocycle, moped, all-terrain vehicle, off-road vehicle, or

104 vehicle not licensed to operate on a highway or roadway, in any

105 race, speed competition or contest, drag race or acceleration

106 contest, test of physical endurance, or exhibition of speed,

107 stunt or trick, takeover ride, or acceleration or for the

108 purpose of making a speed record or exhibiting the vehicle's

109 performance capabilities and driver's abilities on any highway,

110 roadway, or parking lot;

111           (b) In any manner participate in, coordinate through

112 social media or otherwise, facilitate, or collect moneys at any

113 location for any such race, drag race, competition, contest,

114 test, stunt or trick, takeover ride, or exhibition;

115           (c) Knowingly ride as a passenger in any such race, drag

116 race, competition, contest, test, stunt or trick, takeover ride,

117 or exhibition; ~~or~~

118           (d) Purposefully cause the movement of traffic, including

119 pedestrian traffic, to slow, ~~or~~ stop, or be impeded in any way

120 for any such race, drag race, competition, contest, test, stunt

121 or trick, takeover ride, or exhibition;

122           (e) Operate a vehicle for the purpose of filming or

123 recording the activities of participants in any such race, drag

124 race, competition, contest, test, stunt or trick, takeover ride,

125 or exhibition;

126           (f) Operate a vehicle carrying any amount of fuel for the  
 127 purposes of fueling a vehicle involved in any such race, drag  
 128 race, competition, contest, test, stunt or trick, takeover ride,  
 129 or exhibition; or

130           (g) Operate a vehicle in a manner that would constitute  
 131 participation in a takeover ride.

132           (3)(a) A ~~Any~~ person who violates subsection (2) commits a  
 133 misdemeanor of the first degree, punishable as provided in s.  
 134 775.082 or s. 775.083. A ~~Any~~ person who violates subsection (2)  
 135 shall pay a fine of not less than \$500 and not more than \$1,000,  
 136 and the department shall revoke the driver license of a person  
 137 so convicted for 1 year. A hearing may be requested pursuant to  
 138 s. 322.271.

139           (b) A ~~Any~~ person who commits a second violation of  
 140 subsection (2) within 5 years after the date of a prior  
 141 violation that resulted in a conviction for a violation of  
 142 subsection (2) commits a misdemeanor of the first degree,  
 143 punishable as provided in s. 775.082 or s. 775.083, and shall  
 144 pay a fine of not less than \$1,000 and not more than \$3,000. The  
 145 department shall also revoke the driver license of that person  
 146 for 2 years. A hearing may be requested pursuant to s. 322.271.

147           (c) A ~~Any~~ person who commits a third or subsequent  
 148 violation of subsection (2) within 5 years after the date of a  
 149 prior violation that resulted in a conviction for a violation of  
 150 subsection (2) commits a misdemeanor of the first degree,

151 punishable as provided in s. 775.082 or s. 775.083, and shall  
152 pay a fine of not less than \$2,000 and not more than \$5,000. The  
153 department shall also revoke the driver license of that person  
154 for 4 years. A hearing may be requested pursuant to s. 322.271.

155 (d) In any case charging a violation of subsection (2),  
156 the court shall be provided a copy of the driving record of the  
157 person charged and may obtain any records from any other source  
158 to determine whether ~~if~~ one or more prior convictions of the  
159 person for a violation of subsection (2) have occurred within 5  
160 years before ~~prior to~~ the charged offense.

161 (4) (a) A person may not be a spectator at any race, drag  
162 race, competition, contest, test, stunt or trick, takeover ride,  
163 or exhibition prohibited under subsection (2).

164 (b) A person who violates paragraph (a) commits a  
165 noncriminal traffic infraction, punishable as a moving violation  
166 as provided in chapter 318.

167 (5) Whenever a law enforcement officer has probable cause  
168 to believe that a person violated subsection (2), the officer  
169 may arrest and take such person into custody without a warrant.  
170 The court may enter an order of impoundment or immobilization as  
171 a condition of incarceration or probation. Within 7 business  
172 days after the date the court issues the order of impoundment or  
173 immobilization, the clerk of the court must send notice by  
174 certified mail, return receipt requested, to the registered  
175 owner of the motor vehicle, if the registered owner is a person

176 other than the defendant, and to each person of record claiming  
 177 a lien against the motor vehicle.

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

183 (b) All costs and fees for the impoundment or  
 184 immobilization, including the cost of notification, must be paid  
 185 by the owner of the motor vehicle or, if the motor vehicle is  
 186 leased or rented, by the person leasing or renting the motor  
 187 vehicle, unless the impoundment or immobilization order is  
 188 dismissed. All provisions of s. 713.78 shall apply.

189 (c) A ~~Any~~ motor vehicle used in violation of subsection  
 190 (2) may be impounded for a period of 30 business days if a law  
 191 enforcement officer has arrested and taken a person into custody  
 192 pursuant to this subsection and the person being arrested is the  
 193 registered owner or co-owner of the motor vehicle. If the  
 194 arresting officer finds that the criteria of this paragraph are  
 195 met, the officer may immediately impound the motor vehicle. The  
 196 law enforcement officer shall notify the Department of Highway  
 197 Safety and Motor Vehicles of any impoundment for violation of  
 198 this subsection in accordance with procedures established by the  
 199 department. Paragraphs (a) and (b) shall be applicable to such  
 200 impoundment.



201           (6) ~~A Any~~ motor vehicle used in violation of subsection  
 202           (2) by ~~a any~~ person within 5 years after the date of a prior  
 203           conviction of that person for a violation under subsection (2)  
 204           may be seized and forfeited as provided by the Florida  
 205           Contraband Forfeiture Act. This subsection is ~~shall~~ only ~~be~~  
 206           applicable if the owner of the motor vehicle is the person  
 207           charged with violating subsection (2).

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

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

213           316.2397 Certain lights prohibited; exceptions.—

214           (10) A person who violates ~~violation of~~ this section  
 215           commits a misdemeanor of the first degree ~~is a noncriminal~~  
 216           ~~traffic infraction~~, punishable as ~~a nonmoving violation~~ as  
 217           provided in s. 775.082 or s. 775.083 ~~chapter 318~~.

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

220           318.18 Amount of penalties.—The penalties required for a  
 221           noncriminal disposition pursuant to s. 318.14 or a criminal  
 222           offense listed in s. 318.17 are as follows:

223           (20) In addition to any other penalty, \$65 for a violation  
 224           of s. 316.191, prohibiting racing on highways, roadways, or  
 225           parking lots and prohibiting takeover rides, or s. 316.192,

226 prohibiting reckless driving. The additional \$65 collected under  
227 this subsection shall be remitted to the Department of Revenue  
228 for deposit into the Emergency Medical Services Trust Fund of  
229 the Department of Health to be used as provided in s. 395.4036.

230 Section 4. For the purpose of incorporating the amendment  
231 made by this act to section 316.191, Florida Statutes, in a  
232 reference thereto, paragraph (c) of subsection (2) of section  
233 316.027, Florida Statutes, is reenacted to read:

234 316.027 Crash involving death or personal injuries.—

235 (2)

236 (c) The driver of a vehicle involved in a crash occurring  
237 on public or private property which results in the death of a  
238 person shall immediately stop the vehicle at the scene of the  
239 crash, or as close thereto as possible, and shall remain at the  
240 scene of the crash until he or she has fulfilled the  
241 requirements of s. 316.062. A person who is arrested for a  
242 violation of this paragraph and who has previously been  
243 convicted of a violation of this section, s. 316.061, s.  
244 316.191, or s. 316.193, or a felony violation of s. 322.34,  
245 shall be held in custody until brought before the court for  
246 admittance to bail in accordance with chapter 903. A person who  
247 willfully violates this paragraph commits a felony of the first  
248 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
249 775.084, and shall be sentenced to a mandatory minimum term of  
250 imprisonment of 4 years. A person who willfully commits such a

251 violation while driving under the influence as set forth in s.  
 252 316.193(1) shall be sentenced to a mandatory minimum term of  
 253 imprisonment of 4 years.

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

258 322.0261 Driver improvement course; requirement to  
 259 maintain driving privileges; failure to complete; department  
 260 approval of course.—

261 (4) (a) The department shall identify any operator  
 262 convicted of, or who pleaded nolo contendere to, a violation of  
 263 s. 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.  
 264 316.192 and shall require that operator, in addition to other  
 265 applicable penalties, to attend a department-approved driver  
 266 improvement course in order to maintain driving privileges. The  
 267 department shall, within 10 days after receiving a notice of  
 268 judicial disposition, send notice to the operator of the  
 269 requirement to attend a driver improvement course. If the  
 270 operator fails to complete the course within 90 days after  
 271 receiving notice from the department, the operator's driver  
 272 license shall be canceled by the department until the course is  
 273 successfully completed.

274 (b) Any operator who receives a traffic citation for a  
 275 violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or

276 s. 316.192, for which the court withholds adjudication, is not  
277 required to attend a driver improvement course, unless the court  
278 finds that the nature or severity of the violation is such that  
279 attendance to a driver improvement course is necessary. The  
280 department shall, within 10 days after receiving a notice of  
281 judicial disposition, send notice to the operator of the  
282 requirement to attend a driver improvement course. If the  
283 operator fails to complete the course within 90 days after  
284 receiving notice from the department, the operator's driver  
285 license shall be canceled by the department until the course is  
286 successfully completed.

287 Section 6. For the purpose of incorporating the amendment  
288 made by this act to section 316.191, Florida Statutes, in a  
289 reference thereto, paragraph (d) of subsection (9) of section  
290 901.15, Florida Statutes, is reenacted to read:

291 901.15 When arrest by officer without warrant is lawful.—A  
292 law enforcement officer may arrest a person without a warrant  
293 when:

294 (9) There is probable cause to believe that the person has  
295 committed:

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

297 Section 7. Section 843.08, Florida Statutes, is amended to  
298 read:

299 843.08 False personation.—A person who falsely assumes or  
300 pretends to be a firefighter, a sheriff, an officer of the

301 Florida Highway Patrol, an officer of the Fish and Wildlife  
302 Conservation Commission, an officer of the Department of  
303 Environmental Protection, an officer of the Department of  
304 Financial Services, any personnel or representative of the  
305 Division of Investigative and Forensic Services, an officer of  
306 the Department of Corrections, a correctional probation officer,  
307 a deputy sheriff, a state attorney or an assistant state  
308 attorney, a statewide prosecutor or an assistant statewide  
309 prosecutor, a state attorney investigator, a coroner, a police  
310 officer, a lottery special agent or lottery investigator, a  
311 beverage enforcement agent, a school guardian as described in s.  
312 30.15(1)(k), a security officer licensed under chapter 493, any  
313 member of the Florida Commission on Offender Review or any  
314 administrative aide or supervisor employed by the commission,  
315 any personnel or representative of the Department of Law  
316 Enforcement, or a federal law enforcement officer as defined in  
317 s. 901.1505, and takes upon himself or herself to act as such,  
318 including by using lights in violation of s. 316.2397 or s.  
319 843.081, or to require any other person to aid or assist him or  
320 her in a matter pertaining to the duty of any such officer,  
321 commits a felony of the third degree, punishable as provided in  
322 s. 775.082, s. 775.083, or s. 775.084. However, a person who  
323 falsely personates any such officer during the course of the  
324 commission of a felony commits a felony of the second degree,  
325 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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326 | If the commission of the felony results in the death or personal  
327 | injury of another human being, the person commits a felony of  
328 | the first degree, punishable as provided in s. 775.082, s.  
329 | 775.083, or s. 775.084.

330 |       Section 8. This act shall take effect July 1, 2022.