



26 an exception; prohibiting a person from operating a  
 27 motor vehicle carrying any amount of fuel for the  
 28 purposes of fueling a motor vehicle involved in any  
 29 such race, drag race, street takeover, stunt driving,  
 30 competition, contest, test, or exhibition; providing  
 31 penalties; prohibiting a person from being a spectator  
 32 at any such race, drag race, or street takeover;  
 33 providing penalties; amending s. 316.2397, F.S.;

34 providing criminal penalties for unlawful use of  
 35 certain lights; amending s. 318.18, F.S.; conforming  
 36 provisions to changes made by the act; reenacting ss.  
 37 316.027(2)(c) and 322.0261(4)(a) and (b), F.S.,  
 38 relating to a crash involving death or personal  
 39 injuries and driver improvement courses, respectively,  
 40 to incorporate the amendment made to s. 316.191, F.S.,  
 41 in references thereto; amending s. 901.15, F.S.;

42 conforming provisions to changes made by the act;  
 43 amending s. 843.08, F.S.; including the unlawful use  
 44 of certain lights in the commission of the offense of  
 45 false personation; providing penalties; providing an  
 46 effective date.

47

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

49

50 Section 1. Section 316.191, Florida Statutes, is reenacted

51 and amended to read:

52 316.191 Racing on highways, street takeovers, and stunt  
53 driving.—

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

55 (a) "Burnout" means a maneuver performed while operating a  
56 motor vehicle whereby the motor vehicle is kept stationary, or  
57 is in motion, while the wheels are spun, resulting in friction  
58 which causes the motor vehicle's tires to heat up and emit  
59 smoke.

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

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

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

76 or time limit.

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

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

85 (g)~~(e)~~ "Race" means the use of one or more motor vehicles  
86 in competition, arising from a challenge to demonstrate  
87 superiority of a motor vehicle or driver and the acceptance or  
88 competitive response to that challenge, either through a prior  
89 arrangement or in immediate response, in which the competitor  
90 attempts to outgain or outdistance another motor vehicle, to  
91 prevent another motor vehicle from passing, to arrive at a given  
92 destination ahead of another motor vehicle or motor vehicles, or  
93 to test the physical stamina or endurance of drivers over long-  
94 distance driving routes. A race may be prearranged or may occur  
95 through a competitive response to conduct on the part of one or  
96 more drivers which, under the totality of the circumstances, can  
97 reasonably be interpreted as a challenge to race.

98 (h)~~(d)~~ "Spectator" means any person who is knowingly  
99 present at and views a drag race or street takeover, when such  
100 presence is the result of an affirmative choice to attend or

101 participate in the event ~~race~~. For purposes of determining  
102 whether or not an individual is a spectator, finders of fact  
103 shall consider the relationship between the motor vehicle  
104 operator ~~racer~~ and the individual, evidence of gambling or  
105 betting on the outcome of the event ~~race~~, filming or recording  
106 the event, or posting the event on social media, and any other  
107 factor that would tend to show knowing attendance or  
108 participation.

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

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

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

121 (2) A person may not:

122 (a) Drive any motor vehicle, ~~including any motorcycle,~~ in  
123 any street takeover, stunt driving, race, speed competition or  
124 contest, drag race or acceleration contest, test of physical  
125 endurance, or exhibition of speed or acceleration or for the

126 | purpose of making a speed record on any highway, roadway, or  
127 | parking lot;

128 |       (b) In any manner participate in, coordinate through  
129 | social media or otherwise, facilitate, or collect moneys at any  
130 | location for any such race, drag race, street takeover, stunt  
131 | driving, competition, contest, test, or exhibition;

132 |       (c) Knowingly ride as a passenger in any such race, drag  
133 | race, street takeover, stunt driving, competition, contest,  
134 | test, or exhibition; ~~or~~

135 |       (d) Purposefully cause the movement of traffic, including  
136 | pedestrian traffic, to slow, ~~or~~ stop, or be impeded in any way  
137 | for any such race, drag race, street takeover, stunt driving,  
138 | competition, contest, test, or exhibition;

139 |       (e) Operate a motor vehicle for the purpose of filming or  
140 | recording the activities of participants in any such race, drag  
141 | race, street takeover, stunt driving, competition, contest,  
142 | test, or exhibition. This paragraph does not apply to bona fide  
143 | members of the news media; or

144 |       (f) Operate a motor vehicle carrying any amount of fuel  
145 | for the purposes of fueling a motor vehicle involved in any such  
146 | race, drag race, street takeover, stunt driving, competition,  
147 | contest, test, or exhibition.

148 |       (3)(a) Any person who violates subsection (2) commits a  
149 | misdemeanor of the first degree, punishable as provided in s.  
150 | 775.082 or s. 775.083. Any person who violates subsection (2)

151 shall pay a fine of not less than \$500 and not more than \$1,000,  
152 and the department shall revoke the driver license of a person  
153 so convicted for 1 year. A hearing may be requested pursuant to  
154 s. 322.271.

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

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

171 (d) In any case charging a violation of subsection (2),  
172 the court shall be provided a copy of the driving record of the  
173 person charged and may obtain any records from any other source  
174 to determine if one or more prior convictions of the person for  
175 a violation of subsection (2) have occurred within 5 years

176 | before ~~prior to~~ the charged offense.

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

179 |       (b) A person who violates paragraph (a) commits a  
180 | noncriminal traffic infraction, punishable as a moving violation  
181 | as provided in chapter 318.

182 |       (5) Whenever a law enforcement officer has probable cause  
183 | to believe that a person violated subsection (2), the officer  
184 | may arrest and take such person into custody without a warrant.  
185 | The court may enter an order of impoundment or immobilization as  
186 | a condition of incarceration or probation. Within 7 business  
187 | days after the date the court issues the order of impoundment or  
188 | immobilization, the clerk of the court must send notice by  
189 | certified mail, return receipt requested, to the registered  
190 | owner of the motor vehicle, if the registered owner is a person  
191 | other than the defendant, and to each person of record claiming  
192 | a lien against the motor vehicle.

193 |       (a) Notwithstanding any provision of law to the contrary,  
194 | the impounding agency shall release a motor vehicle under the  
195 | conditions provided in s. 316.193(6)(e), (f), (g), and (h), if  
196 | the owner or agent presents a valid driver license at the time  
197 | of pickup of the motor vehicle.

198 |       (b) All costs and fees for the impoundment or  
199 | immobilization, including the cost of notification, must be paid  
200 | by the owner of the motor vehicle or, if the motor vehicle is



201 leased or rented, by the person leasing or renting the motor  
 202 vehicle, unless the impoundment or immobilization order is  
 203 dismissed. All provisions of s. 713.78 shall apply.

204 (c) Any motor vehicle used in violation of subsection (2)  
 205 may be impounded for a period of 30 business days if a law  
 206 enforcement officer has arrested and taken a person into custody  
 207 pursuant to this subsection and the person being arrested is the  
 208 registered owner or co-owner of the motor vehicle. If the  
 209 arresting officer finds that the criteria of this paragraph are  
 210 met, the officer may immediately impound the motor vehicle. The  
 211 law enforcement officer shall notify the Department of Highway  
 212 Safety and Motor Vehicles of any impoundment for violation of  
 213 this subsection in accordance with procedures established by the  
 214 department. Paragraphs (a) and (b) shall be applicable to such  
 215 impoundment.

216 (6) Any motor vehicle used in violation of subsection (2)  
 217 by any person within 5 years after the date of a prior  
 218 conviction of that person for a violation under subsection (2)  
 219 may be seized and forfeited as provided by the Florida  
 220 Contraband Forfeiture Act. This subsection shall only be  
 221 applicable if the owner of the motor vehicle is the person  
 222 charged with violating subsection (2).

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

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

228 316.2397 Certain lights prohibited; exceptions.—

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

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

235 318.18 Amount of penalties.—The penalties required for a  
 236 noncriminal disposition pursuant to s. 318.14 or a criminal  
 237 offense listed in s. 318.17 are as follows:

238 (20) In addition to any other penalty, \$65 for a violation  
 239 of s. 316.191, prohibiting racing on highways, street takeovers,  
 240 and stunt driving, or s. 316.192, prohibiting reckless driving.  
 241 The additional \$65 collected under this subsection shall be  
 242 remitted to the Department of Revenue for deposit into the  
 243 Emergency Medical Services Trust Fund of the Department of  
 244 Health to be used as provided in s. 395.4036.

245 Section 4. For the purpose of incorporating the amendment  
 246 made by this act to section 316.191, Florida Statutes, in a  
 247 reference thereto, paragraph (c) of subsection (2) of section  
 248 316.027, Florida Statutes, is reenacted to read:

249 316.027 Crash involving death or personal injuries.—

250 (2)

251 (c) The driver of a vehicle involved in a crash occurring  
252 on public or private property which results in the death of a  
253 person shall immediately stop the vehicle at the scene of the  
254 crash, or as close thereto as possible, and shall remain at the  
255 scene of the crash until he or she has fulfilled the  
256 requirements of s. 316.062. A person who is arrested for a  
257 violation of this paragraph and who has previously been  
258 convicted of a violation of this section, s. 316.061, s.  
259 316.191, or s. 316.193, or a felony violation of s. 322.34,  
260 shall be held in custody until brought before the court for  
261 admittance to bail in accordance with chapter 903. A person who  
262 willfully violates this paragraph commits a felony of the first  
263 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
264 775.084, and shall be sentenced to a mandatory minimum term of  
265 imprisonment of 4 years. A person who willfully commits such a  
266 violation while driving under the influence as set forth in s.  
267 316.193(1) shall be sentenced to a mandatory minimum term of  
268 imprisonment of 4 years.

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

273 322.0261 Driver improvement course; requirement to  
274 maintain driving privileges; failure to complete; department  
275 approval of course.—

276 (4) (a) The department shall identify any operator  
277 convicted of, or who pleaded nolo contendere to, a violation of  
278 s. 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.  
279 316.192 and shall require that operator, in addition to other  
280 applicable penalties, to attend a department-approved driver  
281 improvement course in order to maintain driving privileges. The  
282 department shall, within 10 days after receiving a notice of  
283 judicial disposition, send notice to the operator of the  
284 requirement to attend a driver improvement course. If the  
285 operator fails to complete the course within 90 days after  
286 receiving notice from the department, the operator's driver  
287 license shall be canceled by the department until the course is  
288 successfully completed.

289 (b) Any operator who receives a traffic citation for a  
290 violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or  
291 s. 316.192, for which the court withholds adjudication, is not  
292 required to attend a driver improvement course, unless the court  
293 finds that the nature or severity of the violation is such that  
294 attendance to a driver improvement course is necessary. The  
295 department shall, within 10 days after receiving a notice of  
296 judicial disposition, send notice to the operator of the  
297 requirement to attend a driver improvement course. If the  
298 operator fails to complete the course within 90 days after  
299 receiving notice from the department, the operator's driver  
300 license shall be canceled by the department until the course is

301 successfully completed.

302 Section 6. Paragraph (d) of subsection (9) of section  
 303 901.15, Florida Statutes, is amended to read:

304 901.15 When arrest by officer without warrant is lawful.—A  
 305 law enforcement officer may arrest a person without a warrant  
 306 when:

307 (9) There is probable cause to believe that the person has  
 308 committed:

309 (d) A racing, street takeover, or stunt driving violation  
 310 as described in s. 316.191(2).

311 Section 7. Section 843.08, Florida Statutes, is amended to  
 312 read:

313 843.08 False personation.—A person who falsely assumes or  
 314 pretends to be a firefighter, a sheriff, an officer of the  
 315 Florida Highway Patrol, an officer of the Fish and Wildlife  
 316 Conservation Commission, an officer of the Department of  
 317 Environmental Protection, an officer of the Department of  
 318 Financial Services, any personnel or representative of the  
 319 Division of Investigative and Forensic Services, an officer of  
 320 the Department of Corrections, a correctional probation officer,  
 321 a deputy sheriff, a state attorney or an assistant state  
 322 attorney, a statewide prosecutor or an assistant statewide  
 323 prosecutor, a state attorney investigator, a coroner, a police  
 324 officer, a lottery special agent or lottery investigator, a  
 325 beverage enforcement agent, a school guardian as described in s.

326 30.15(1)(k), a security officer licensed under chapter 493, any  
327 member of the Florida Commission on Offender Review or any  
328 administrative aide or supervisor employed by the commission,  
329 any personnel or representative of the Department of Law  
330 Enforcement, or a federal law enforcement officer as defined in  
331 s. 901.1505, and takes upon himself or herself to act as such,  
332 including by using lights in violation of s. 316.2397 or s.  
333 843.081, or to require any other person to aid or assist him or  
334 her in a matter pertaining to the duty of any such officer,  
335 commits a felony of the third degree, punishable as provided in  
336 s. 775.082, s. 775.083, or s. 775.084. However, a person who  
337 falsely personates any such officer during the course of the  
338 commission of a felony commits a felony of the second degree,  
339 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
340 If the commission of the felony results in the death or personal  
341 injury of another human being, the person commits a felony of  
342 the first degree, punishable as provided in s. 775.082, s.  
343 775.083, or s. 775.084.

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