

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 and providing definitions; prohibiting a
5 person from driving any motor vehicle in any street
6 takeover, stunt driving performed as part of a street
7 takeover, racing, speed competition or contest, drag
8 race or acceleration contest, test of physical
9 endurance, or exhibition of speed or acceleration on
10 any highway, roadway, or parking lot; prohibiting a
11 person from participating in or coordinating via
12 social media any such race, drag race, street
13 takeover, stunt driving, competition, contest, test,
14 or exhibition; prohibiting a person from knowingly
15 riding as a passenger in any such race, drag race,
16 street takeover, stunt driving, competition, contest,
17 test, or exhibition; prohibiting a person from
18 purposefully causing the movement of traffic,
19 including pedestrian traffic, to slow, stop, or be
20 impeded in any way for such race, drag race, street
21 takeover, stunt driving, competition, contest, test,
22 or exhibition; prohibiting a person from operating a
23 motor vehicle for the purpose of filming or recording
24 activities of participants in any such race, drag
25 race, street takeover, stunt driving, competition,

26 | contest, test, or exhibition; providing an exception;
 27 | prohibiting a person from operating a motor vehicle
 28 | carrying any amount of fuel for the purposes of
 29 | fueling a motor vehicle involved in any such race,
 30 | drag race, street takeover, stunt driving,
 31 | competition, contest, test, or exhibition; providing
 32 | penalties; prohibiting a person from being a spectator
 33 | at any such race, drag race, or street takeover;
 34 | providing penalties; amending s. 316.2397, F.S.;
 35 | providing criminal penalties for unlawful use of
 36 | certain lights; amending s. 318.18, F.S.; conforming
 37 | provisions to changes made by the act; reenacting ss.
 38 | 316.027(2)(c) and 322.0261(4)(a) and (b), F.S.,
 39 | relating to a crash involving death or personal
 40 | injuries and driver improvement courses, respectively,
 41 | to incorporate the amendment made to s. 316.191, F.S.,
 42 | in references thereto; amending s. 901.15, F.S.;
 43 | conforming provisions to changes made by the act;
 44 | amending s. 843.08, F.S.; including the unlawful use
 45 | of certain lights in the commission of the offense of
 46 | false personation; providing penalties; providing an
 47 | effective date.

48 |
 49 | Be It Enacted by the Legislature of the State of Florida:
 50 |

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

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

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

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

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

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

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

76 such motor vehicle or motor vehicles within a certain distance
77 or time limit.

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

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

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

99 (h)~~(d)~~ "Spectator" means any person who is knowingly
100 present at and views a drag race or street takeover, when such

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

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

114 (j) "Stunt driving" means to perform or engage in any
115 burnouts, doughnuts, drifting, wheelies, or other dangerous
116 motor vehicle activity on a highway, roadway, or parking lot as
117 part of a street takeover.

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.