

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 under specified circumstances; amending
 37 | s. 318.18, F.S.; conforming provisions to changes made
 38 | by the act; reenacting ss. 316.027(2)(c) and
 39 | 322.0261(4)(a) and (b), F.S., relating to a crash
 40 | involving death or personal injuries and driver
 41 | improvement courses, respectively, to incorporate the
 42 | amendment made to s. 316.191, F.S., in references
 43 | thereto; amending s. 901.15, F.S.; conforming
 44 | provisions to changes made by the act; amending s.
 45 | 843.08, F.S.; authorizing a court or jury to consider
 46 | specified evidence in determining whether an offense
 47 | of false personation was committed; providing an
 48 | effective date.

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

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

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

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

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

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

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

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

76 of comparing the relative speeds or power of acceleration of
 77 such motor vehicle or motor vehicles within a certain distance
 78 or time limit.

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

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

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

100 (h)~~(d)~~ "Spectator" means any person who is knowingly

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

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

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

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

122 (2) A person may not:

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

126 endurance, or exhibition of speed or acceleration or for the
127 purpose of making a speed record on any highway, roadway, or
128 parking lot;

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

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

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

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

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

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

151 775.082 or s. 775.083. Any person who violates subsection (2)
152 shall pay a fine of not less than \$500 and not more than \$1,000,
153 and the department shall revoke the driver license of a person
154 so convicted for 1 year. A hearing may be requested pursuant to
155 s. 322.271.

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

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

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

176 a violation of subsection (2) have occurred within 5 years
177 before ~~prior to~~ the charged offense.

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

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

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

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

199 (b) All costs and fees for the impoundment or
200 immobilization, including the cost of notification, must be paid

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

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

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

224 (7) This section does not apply to licensed or duly
 225 authorized racetracks, drag strips, or other designated areas

226 set aside by proper authorities for such purposes.

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

229 316.2397 Certain lights prohibited; exceptions.—

230 (10) (a) A person who violates subsection (1) and in so
 231 doing effects or attempts to effect a stop of another vehicle
 232 commits a misdemeanor of the first degree, punishable as
 233 provided in s. 775.082 or s. 775.083.

234 (b) Except as provided in paragraph (a), a violation of
 235 this section is a noncriminal traffic infraction, punishable as
 236 a nonmoving violation as provided in chapter 318.

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

239 318.18 Amount of penalties.—The penalties required for a
 240 noncriminal disposition pursuant to s. 318.14 or a criminal
 241 offense listed in s. 318.17 are as follows:

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

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

249 Section 4. For the purpose of incorporating the amendment
 250 made by this act to section 316.191, Florida Statutes, in a

251 reference thereto, paragraph (c) of subsection (2) of section
252 316.027, Florida Statutes, is reenacted to read:

253 316.027 Crash involving death or personal injuries.—

254 (2)

255 (c) The driver of a vehicle involved in a crash occurring
256 on public or private property which results in the death of a
257 person shall immediately stop the vehicle at the scene of the
258 crash, or as close thereto as possible, and shall remain at the
259 scene of the crash until he or she has fulfilled the
260 requirements of s. 316.062. A person who is arrested for a
261 violation of this paragraph and who has previously been
262 convicted of a violation of this section, s. 316.061, s.
263 316.191, or s. 316.193, or a felony violation of s. 322.34,
264 shall be held in custody until brought before the court for
265 admittance to bail in accordance with chapter 903. A person who
266 willfully violates this paragraph commits a felony of the first
267 degree, punishable as provided in s. 775.082, s. 775.083, or s.
268 775.084, and shall be sentenced to a mandatory minimum term of
269 imprisonment of 4 years. A person who willfully commits such a
270 violation while driving under the influence as set forth in s.
271 316.193(1) shall be sentenced to a mandatory minimum term of
272 imprisonment of 4 years.

273 Section 5. For the purpose of incorporating the amendment
274 made by this act to section 316.191, Florida Statutes, in
275 references thereto, paragraphs (a) and (b) of subsection (4) of

276 section 322.0261, Florida Statutes, are reenacted to read:

277 322.0261 Driver improvement course; requirement to
278 maintain driving privileges; failure to complete; department
279 approval of course.—

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

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

301 requirement to attend a driver improvement course. If the
302 operator fails to complete the course within 90 days after
303 receiving notice from the department, the operator's driver
304 license shall be canceled by the department until the course is
305 successfully completed.

306 Section 6. Paragraph (d) of subsection (9) of section
307 901.15, Florida Statutes, is amended to read:

308 901.15 When arrest by officer without warrant is lawful.—A
309 law enforcement officer may arrest a person without a warrant
310 when:

311 (9) There is probable cause to believe that the person has
312 committed:

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

315 Section 7. Section 843.08, Florida Statutes, is amended to
316 read:

317 843.08 False personation.—A person who falsely assumes or
318 pretends to be a firefighter, a sheriff, an officer of the
319 Florida Highway Patrol, an officer of the Fish and Wildlife
320 Conservation Commission, an officer of the Department of
321 Environmental Protection, an officer of the Department of
322 Financial Services, any personnel or representative of the
323 Division of Investigative and Forensic Services, an officer of
324 the Department of Corrections, a correctional probation officer,
325 a deputy sheriff, a state attorney or an assistant state

326 attorney, a statewide prosecutor or an assistant statewide
327 prosecutor, a state attorney investigator, a coroner, a police
328 officer, a lottery special agent or lottery investigator, a
329 beverage enforcement agent, a school guardian as described in s.
330 30.15(1)(k), a security officer licensed under chapter 493, any
331 member of the Florida Commission on Offender Review or any
332 administrative aide or supervisor employed by the commission,
333 any personnel or representative of the Department of Law
334 Enforcement, or a federal law enforcement officer as defined in
335 s. 901.1505, and takes upon himself or herself to act as such,
336 or to require any other person to aid or assist him or her in a
337 matter pertaining to the duty of any such officer, commits a
338 felony of the third degree, punishable as provided in s.
339 775.082, s. 775.083, or s. 775.084. However, a person who
340 falsely personates any such officer during the course of the
341 commission of a felony commits a felony of the second degree,
342 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
343 If the commission of the felony results in the death or personal
344 injury of another human being, the person commits a felony of
345 the first degree, punishable as provided in s. 775.082, s.
346 775.083, or s. 775.084. In determining whether a defendant has
347 violated this section, the court or jury may consider any
348 relevant evidence, including, but not limited to, whether the
349 defendant used lights in violation of s. 316.2397 or s. 843.081.

350 Section 8. This act shall take effect October 1, 2022.