



442374

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2022	.	
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The Committee on Criminal Justice (Pizzo) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 69 - 198  
and insert:  
betting on the outcome of the event race, filming or recording  
the event, or posting the event on social media, and any other  
factor that would tend to show knowing attendance or  
participation.

(h) "Street takeover" means the taking over of a portion of  
a highway or roadway by blocking or impeding the regular flow of



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11 traffic to perform burnouts, doughnuts, drifting, wheelies, or  
12 other stunt driving.

13 (i) "Stunt driving" means to perform or engage in any  
14 burnouts, doughnuts, drifting, wheelies, or other activity on a  
15 roadway or highway which is likely to delay, distract, startle,  
16 or interfere with other users of the roadway or highway.

17 (j) "Wheelie" means a maneuver performed while operating a  
18 motor vehicle whereby a motorcycle or other motor vehicle is  
19 ridden for a distance with the front wheel or wheels raised off  
20 the ground.

21 (2) A person may not:

22 (a) Drive any motor vehicle, including any motorcycle,  
23 autocycle, moped, all-terrain vehicle, off-road vehicle, or  
24 vehicle not licensed to operate on a highway or roadway, in any  
25 street takeover, stunt driving, race, speed competition or  
26 contest, drag race or acceleration contest, test of physical  
27 endurance, or exhibition of speed or acceleration or for the  
28 purpose of making a speed record or exhibiting the vehicle's  
29 performance capabilities and driver's abilities on any highway,  
30 roadway, or parking lot;

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

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

38 (d) Purposefully cause the movement of traffic, including  
39 pedestrian traffic, to slow, ~~or~~ stop, or be impeded in any way



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40 for any such race, drag race, street takeover, stunt driving,  
41 competition, contest, test, or exhibition;

42 (e) Operate a vehicle for the purpose of filming or  
43 recording the activities of participants in any such race, drag  
44 race, street takeover, stunt driving, competition, contest,  
45 test, or exhibition. This paragraph does not apply to bona fide  
46 members of the news media;

47 (f) Operate a vehicle carrying any amount of fuel for the  
48 purposes of fueling a vehicle involved in any such race, drag  
49 race, street takeover, stunt driving, competition, contest,  
50 test, or exhibition; or

51 (g) Operate a vehicle in a manner that would constitute  
52 participation in a street takeover.

53 (3) (a) Any person who violates subsection (2) commits a  
54 misdemeanor of the first degree, punishable as provided in s.  
55 775.082 or s. 775.083. Any person who violates subsection (2)  
56 shall pay a fine of not less than \$500 and not more than \$1,000,  
57 and the department shall revoke the driver license of a person  
58 so convicted for 1 year. A hearing may be requested pursuant to  
59 s. 322.271.

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

68 (c) Any person who commits a third or subsequent violation



69 of subsection (2) within 5 years after the date of a prior  
70 violation that resulted in a conviction for a violation of  
71 subsection (2) commits a misdemeanor of the first degree,  
72 punishable as provided in s. 775.082 or s. 775.083, and shall  
73 pay a fine of not less than \$2,000 and not more than \$5,000. The  
74 department shall also revoke the driver license of that person  
75 for 4 years. A hearing may be requested pursuant to s. 322.271.

76 (d) In any case charging a violation of subsection (2), the  
77 court shall be provided a copy of the driving record of the  
78 person charged and may obtain any records from any other source  
79 to determine if one or more prior convictions of the person for  
80 a violation of subsection (2) have occurred within 5 years prior  
81 to the charged offense.

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

84 (b) A person who violates paragraph (a) commits a  
85 noncriminal traffic infraction, punishable as a moving violation  
86 as provided in chapter 318.

87 (5) Whenever a law enforcement officer has probable cause  
88 to believe that a person violated subsection (2), the officer  
89 may arrest and take such person into custody without a warrant.  
90 The court may enter an order of impoundment or immobilization as  
91 a condition of incarceration or probation. Within 7 business  
92 days after the date the court issues the order of impoundment or  
93 immobilization, the clerk of the court must send notice by  
94 certified mail, return receipt requested, to the registered  
95 owner of the motor vehicle, if the registered owner is a person  
96 other than the defendant, and to each person of record claiming  
97 a lien against the motor vehicle.



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

103           (b) All costs and fees for the impoundment or  
104 immobilization, including the cost of notification, must be paid  
105 by the owner of the motor vehicle or, if the motor vehicle is  
106 leased or rented, by the person leasing or renting the motor  
107 vehicle, unless the impoundment or immobilization order is  
108 dismissed. All provisions of s. 713.78 shall apply.

109           (c) Any motor vehicle used in violation of subsection (2)  
110 may be impounded for a period of 30 business days if a law  
111 enforcement officer has arrested and taken a person into custody  
112 pursuant to this subsection and the person being arrested is the  
113 registered owner or co-owner of the motor vehicle. If the  
114 arresting officer finds that the criteria of this paragraph are  
115 met, the officer may immediately impound the motor vehicle. The  
116 law enforcement officer shall notify the Department of Highway  
117 Safety and Motor Vehicles of any impoundment for violation of  
118 this subsection in accordance with procedures established by the  
119 department. Paragraphs (a) and (b) shall be applicable to such  
120 impoundment.

121           (6) Any motor vehicle used in violation of subsection (2)  
122 by any person within 5 years after the date of a prior  
123 conviction of that person for a violation under subsection (2)  
124 may be seized and forfeited as provided by the Florida  
125 Contraband Forfeiture Act. This subsection shall only be  
126 applicable if the owner of the motor vehicle is the person



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127 charged with violating subsection (2).

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

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

133 316.2397 Certain lights prohibited; exceptions.—

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

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

140 318.18 Amount of penalties.—The penalties required for a  
141 noncriminal disposition pursuant to s. 318.14 or a criminal  
142 offense listed in s. 318.17 are as follows:

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

150 Section 4. Section 843.08, Florida Statutes, is amended to  
151 read:

152 843.08 False personation.—A person who falsely assumes or  
153 pretends to be a firefighter, a sheriff, an officer of the  
154 Florida Highway Patrol, an officer of the Fish and Wildlife  
155 Conservation Commission, an officer of the Department of



156 Environmental Protection, an officer of the Department of  
157 Financial Services, any personnel or representative of the  
158 Division of Investigative and Forensic Services, an officer of  
159 the Department of Corrections, a correctional probation officer,  
160 a deputy sheriff, a state attorney or an assistant state  
161 attorney, a statewide prosecutor or an assistant statewide  
162 prosecutor, a state attorney investigator, a coroner, a police  
163 officer, a lottery special agent or lottery investigator, a  
164 beverage enforcement agent, a school guardian as described in s.  
165 30.15(1)(k), a security officer licensed under chapter 493, any  
166 member of the Florida Commission on Offender Review or any  
167 administrative aide or supervisor employed by the commission,  
168 any personnel or representative of the Department of Law  
169 Enforcement, or a federal law enforcement officer as defined in  
170 s. 901.1505, and takes upon himself or herself to act as such,  
171 including by using lights in violation of s. 316.2397 or s.  
172 843.081, or to require any other person to aid or assist him or  
173 her in a matter pertaining to the duty of any such officer,  
174 commits a felony of the third degree, punishable as provided in  
175 s. 775.082, s. 775.083, or s. 775.084. However, a person who  
176 falsely personates any such officer during the course of the  
177 commission of a felony commits a felony of the second degree,  
178 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
179 If the commission of the felony results in the death or personal  
180 injury of another human being, the person commits a felony of  
181 the first degree, punishable as provided in s. 775.082, s.  
182 775.083, or s. 775.084.

183 Section 5. Paragraph (d) of subsection (9) of section  
184 901.15, Florida Statutes, is amended to read:



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185           901.15 When arrest by officer without warrant is lawful.—A  
186 law enforcement officer may arrest a person without a warrant  
187 when:

188           (9) There is probable cause to believe that the person has  
189 committed:

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

192           Section 6. For the purpose of incorporating the amendment  
193 made by this act to section 316.191, Florida Statutes, in a  
194 reference thereto, paragraph (c) of subsection (2) of section  
195 316.027, Florida Statutes, is reenacted to read:

196           316.027 Crash involving death or personal injuries.—

197           (2)

198           (c) The driver of a vehicle involved in a crash occurring  
199 on public or private property which results in the death of a  
200 person shall immediately stop the vehicle at the scene of the  
201 crash, or as close thereto as possible, and shall remain at the  
202 scene of the crash until he or she has fulfilled the  
203 requirements of s. 316.062. A person who is arrested for a  
204 violation of this paragraph and who has previously been  
205 convicted of a violation of this section, s. 316.061, s.  
206 316.191, or s. 316.193, or a felony violation of s. 322.34,  
207 shall be held in custody until brought before the court for  
208 admittance to bail in accordance with chapter 903. A person who  
209 willfully violates this paragraph commits a felony of the first  
210 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
211 775.084, and shall be sentenced to a mandatory minimum term of  
212 imprisonment of 4 years. A person who willfully commits such a  
213 violation while driving under the influence as set forth in s.





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214 316.193(1) shall be sentenced to a mandatory minimum term of  
215 imprisonment of 4 years.

216 ===== T I T L E A M E N D M E N T =====

217 And the title is amended as follows:

218 Delete lines 7 - 13

219 and insert:

220 prohibiting the operation of a vehicle for specified  
221 purposes; providing an exception; prohibiting the  
222 operation of a vehicle in a manner that would  
223 constitute a street takeover; prohibiting a person  
224 from being a spectator at a street takeover; providing  
225 applicability of specified criminal penalties;  
226 amending s. 316.2397, F.S.; providing criminal  
227 penalties for unlawful use of certain lights; amending  
228 s. 318.18, F.S.; providing applicability of a certain  
229 civil penalty; amending s. 843.08, F.S.; prohibiting a  
230 person from falsely assuming or pretending to be  
231 specified persons by the unlawful use of certain  
232 lights; providing criminal penalties; amending s.  
233 901.15, F.S.; conforming a provision to changes made  
234 by the act; reenacting ss. 316.027(2)(c), and  
235 322.0261(4)(a), F.S., relating to a crash involving  
236 death or personal injuries, and driver improvement  
237 courses, respectively,