

By Senator Pizzo

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1 A bill to be entitled
2 An act relating to stunt driving on highways; amending
3 s. 316.191, F.S.; defining terms; prohibiting
4 specified acts relating to street takeovers or stunt
5 driving on highways, roadways, or parking lots;
6 prohibiting a person from being a spectator at a
7 street takeover; providing applicability of specified
8 criminal penalties; amending s. 318.18, F.S.;
9 providing applicability of a certain civil penalty;
10 amending s. 901.15, F.S.; conforming a provision to
11 changes made by the act; reenacting s. 322.0261(4)(a)
12 and (b), F.S., relating to driver improvement courses,
13 to incorporate the amendment made to s. 316.191, F.S.,
14 in references thereto; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 316.191, Florida Statutes, is amended to
19 read:

20 316.191 Racing on highways, street takeovers, and stunt
21 driving on highways.—

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

23 (a) “Burnout” means a maneuver performed while operating a
24 motor vehicle whereby the vehicle is kept stationary while the
25 wheels are spun, the resulting friction causing the vehicle’s
26 tires to heat up and emit smoke.

27 (b) “Conviction” means a determination of guilt that is the
28 result of a plea or trial, regardless of whether adjudication is
29 withheld.

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

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

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

48 (f)~~(e)~~ "Race" means the use of one or more motor vehicles
49 in competition, arising from a challenge to demonstrate
50 superiority of a motor vehicle or driver and the acceptance or
51 competitive response to that challenge, either through a prior
52 arrangement or in immediate response, in which the competitor
53 attempts to outgain or outdistance another motor vehicle, to
54 prevent another motor vehicle from passing, to arrive at a given
55 destination ahead of another motor vehicle or motor vehicles, or
56 to test the physical stamina or endurance of drivers over long-
57 distance driving routes. A race may be prearranged or may occur
58 through a competitive response to conduct on the part of one or

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59 more drivers which, under the totality of the circumstances, can
60 reasonably be interpreted as a challenge to race.

61 (g)~~(d)~~ "Spectator" means any person who is knowingly
62 present at and views a drag race, when such presence is the
63 result of an affirmative choice to attend or participate in the
64 race. For purposes of determining whether or not an individual
65 is a spectator, finders of fact shall consider the relationship
66 between the racer and the individual, evidence of gambling or
67 betting on the outcome of the race, and any other factor that
68 would tend to show knowing attendance or participation.

69 (h) "Street takeover" means the taking over of a portion of
70 a highway or roadway by blocking or impeding the regular flow of
71 traffic to perform burnouts, doughnuts, drifting, wheelies, or
72 other stunt driving.

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

77 (j) "Wheelie" means a maneuver performed while operating a
78 motor vehicle whereby a motorcycle or other motor vehicle is
79 ridden for a distance with the front wheel or wheels raised off
80 the ground.

81 (2) A person may not:

82 (a) Drive any motor vehicle, including any motorcycle, in
83 any street takeover, stunt driving, race, speed competition or
84 contest, drag race or acceleration contest, test of physical
85 endurance, or exhibition of speed or acceleration or for the
86 purpose of making a speed record on any highway, roadway, or
87 parking lot;

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88 (b) In any manner participate in, coordinate, facilitate,
89 or collect moneys at any location for any such race, street
90 takeover, stunt driving, competition, contest, test, or
91 exhibition;

92 (c) Knowingly ride as a passenger in any such race, street
93 takeover, stunt driving, competition, contest, test, or
94 exhibition; or

95 (d) Purposefully cause the movement of traffic to slow or
96 stop for any such race, street takeover, stunt driving,
97 competition, contest, test, or exhibition.

98 (3) (a) Any person who violates subsection (2) commits a
99 misdemeanor of the first degree, punishable as provided in s.
100 775.082 or s. 775.083. Any person who violates subsection (2)
101 shall pay a fine of not less than \$500 and not more than \$1,000,
102 and the department shall revoke the driver license of a person
103 so convicted for 1 year. A hearing may be requested pursuant to
104 s. 322.271.

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

113 (c) Any person who commits a third or subsequent violation
114 of subsection (2) within 5 years after the date of a prior
115 violation that resulted in a conviction for a violation of
116 subsection (2) commits a misdemeanor of the first degree,

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

121 (d) In any case charging a violation of subsection (2), the
122 court shall be provided a copy of the driving record of the
123 person charged and may obtain any records from any other source
124 to determine if one or more prior convictions of the person for
125 a violation of subsection (2) have occurred within 5 years prior
126 to the charged offense.

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

129 (b) A person who violates paragraph (a) commits a
130 noncriminal traffic infraction, punishable as a moving violation
131 as provided in chapter 318.

132 (5) Whenever a law enforcement officer has probable cause
133 to believe that a person violated subsection (2), the officer
134 may arrest and take such person into custody without a warrant.
135 The court may enter an order of impoundment or immobilization as
136 a condition of incarceration or probation. Within 7 business
137 days after the date the court issues the order of impoundment or
138 immobilization, the clerk of the court must send notice by
139 certified mail, return receipt requested, to the registered
140 owner of the motor vehicle, if the registered owner is a person
141 other than the defendant, and to each person of record claiming
142 a lien against the motor vehicle.

143 (a) Notwithstanding any provision of law to the contrary,
144 the impounding agency shall release a motor vehicle under the
145 conditions provided in s. 316.193(6) (e), (f), (g), and (h), if

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146 the owner or agent presents a valid driver license at the time
147 of pickup of the motor vehicle.

148 (b) All costs and fees for the impoundment or
149 immobilization, including the cost of notification, must be paid
150 by the owner of the motor vehicle or, if the motor vehicle is
151 leased or rented, by the person leasing or renting the motor
152 vehicle, unless the impoundment or immobilization order is
153 dismissed. All provisions of s. 713.78 shall apply.

154 (c) Any motor vehicle used in violation of subsection (2)
155 may be impounded for a period of 30 business days if a law
156 enforcement officer has arrested and taken a person into custody
157 pursuant to this subsection and the person being arrested is the
158 registered owner or co-owner of the motor vehicle. If the
159 arresting officer finds that the criteria of this paragraph are
160 met, the officer may immediately impound the motor vehicle. The
161 law enforcement officer shall notify the Department of Highway
162 Safety and Motor Vehicles of any impoundment for violation of
163 this subsection in accordance with procedures established by the
164 department. Paragraphs (a) and (b) shall be applicable to such
165 impoundment.

166 (6) Any motor vehicle used in violation of subsection (2)
167 by any person within 5 years after the date of a prior
168 conviction of that person for a violation under subsection (2)
169 may be seized and forfeited as provided by the Florida
170 Contraband Forfeiture Act. This subsection shall only be
171 applicable if the owner of the motor vehicle is the person
172 charged with violating subsection (2).

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

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175 set aside by proper authorities for such purposes.

176 Section 2. Subsection (20) of section 318.18, Florida
177 Statutes, is amended to read:

178 318.18 Amount of penalties.—The penalties required for a
179 noncriminal disposition pursuant to s. 318.14 or a criminal
180 offense listed in s. 318.17 are as follows:

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

188 Section 3. Paragraph (d) of subsection (9) of section
189 901.15, Florida Statutes, is amended to read:

190 901.15 When arrest by officer without warrant is lawful.—A
191 law enforcement officer may arrest a person without a warrant
192 when:

193 (9) There is probable cause to believe that the person has
194 committed:

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

197 Section 4. For the purpose of incorporating the amendment
198 made by this act to section 316.191, Florida Statutes, in
199 references thereto, paragraphs (a) and (b) of subsection (4) of
200 section 322.0261, Florida Statutes, are reenacted to read:

201 322.0261 Driver improvement course; requirement to maintain
202 driving privileges; failure to complete; department approval of
203 course.—

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204 (4) (a) The department shall identify any operator convicted
205 of, or who pleaded nolo contendere to, a violation of s.
206 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.
207 316.192 and shall require that operator, in addition to other
208 applicable penalties, to attend a department-approved driver
209 improvement course in order to maintain driving privileges. The
210 department shall, within 10 days after receiving a notice of
211 judicial disposition, send notice to the operator of the
212 requirement to attend a driver improvement course. If the
213 operator fails to complete the course within 90 days after
214 receiving notice from the department, the operator's driver
215 license shall be canceled by the department until the course is
216 successfully completed.

217 (b) Any operator who receives a traffic citation for a
218 violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or
219 s. 316.192, for which the court withholds adjudication, is not
220 required to attend a driver improvement course, unless the court
221 finds that the nature or severity of the violation is such that
222 attendance to a driver improvement course is necessary. The
223 department shall, within 10 days after receiving a notice of
224 judicial disposition, send notice to the operator of the
225 requirement to attend a driver improvement course. If the
226 operator fails to complete the course within 90 days after
227 receiving notice from the department, the operator's driver
228 license shall be canceled by the department until the course is
229 successfully completed.

230 Section 5. This act shall take effect October 1, 2022.