

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

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

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

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

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

24 (a) "Burnout" means a maneuver performed while operating a
25 motor vehicle whereby the vehicle is kept stationary, or is in
26 motion, while the wheels are spun, the resulting friction
27 causing the vehicle's tires to heat up and emit smoke.

28 (b) "Conviction" means a determination of guilt that is the
29 result of a plea or trial, regardless of whether adjudication is

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30 withheld.

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

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

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

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

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59 through a competitive response to conduct on the part of one or
60 more drivers which, under the totality of the circumstances, can
61 reasonably be interpreted as a challenge to race.

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

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

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

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

83 (2) A person may not:

84 (a) Drive any motor vehicle, including any motorcycle, in
85 any street takeover, stunt driving, race, speed competition or
86 contest, drag race or acceleration contest, test of physical
87 endurance, or exhibition of speed or acceleration or for the

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88 purpose of making a speed record on any highway, roadway, or
89 parking lot;

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

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

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

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

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

115 (c) Any person who commits a third or subsequent violation
116 of subsection (2) within 5 years after the date of a prior

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

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

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

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

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

145 (a) Notwithstanding any provision of law to the contrary,

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146 the impounding agency shall release a motor vehicle under the
147 conditions provided in s. 316.193(6)(e), (f), (g), and (h), if
148 the owner or agent presents a valid driver license at the time
149 of pickup of the motor vehicle.

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

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

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

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

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

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

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

190 Section 3. Paragraph (d) of subsection (9) of section
191 901.15, Florida Statutes, is amended to read:

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

195 (9) There is probable cause to believe that the person has
196 committed:

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

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

203 322.0261 Driver improvement course; requirement to maintain

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204 driving privileges; failure to complete; department approval of
205 course.—

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

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

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