

By the Committees on Criminal Justice; and Transportation; and  
Senators Pizzo and Rodrigues

591-02598-22

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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 the operation of a vehicle for specified  
8       purposes; providing an exception; prohibiting the  
9       operation of a vehicle in a manner that would  
10      constitute a street takeover; prohibiting a person  
11      from being a spectator at a street takeover; providing  
12      applicability of specified criminal penalties;  
13      amending s. 316.2397, F.S.; providing criminal  
14      penalties for unlawful use of certain lights; amending  
15      s. 318.18, F.S.; providing applicability of a certain  
16      civil penalty; amending s. 843.08, F.S.; prohibiting a  
17      person from falsely assuming or pretending to be  
18      specified persons by the unlawful use of certain  
19      lights; providing criminal penalties; amending s.  
20      901.15, F.S.; conforming a provision to changes made  
21      by the act; reenacting ss. 316.027(2)(c) and  
22      322.0261(4)(a) and (b), F.S., relating to crashes  
23      involving death or personal injuries and driver  
24      improvement courses, respectively, to incorporate the  
25      amendment made to s. 316.191, F.S., in references  
26      thereto; providing an effective date.

27  
28   Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Section 316.191, Florida Statutes, is amended to  
31 read:

32 316.191 Racing on highways, street takeovers, and stunt  
33 driving on highways.—

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

35 (a) “Burnout” means a maneuver performed while operating a  
36 motor vehicle whereby the vehicle is kept stationary, or is in  
37 motion, while the wheels are spun, the resulting friction  
38 causing the vehicle’s tires to heat up and emit smoke.

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

42 (c) “Doughnut” means a maneuver performed while operating a  
43 motor vehicle whereby the front or rear of the vehicle is  
44 rotated around the opposite set of wheels in a continuous motion  
45 which may cause a circular skid-mark pattern of rubber on the  
46 driving surface or the tires to heat up and emit smoke from  
47 friction, or both.

48 (d) ~~(b)~~ “Drag race” means the operation of two or more motor  
49 vehicles from a point side by side at accelerating speeds in a  
50 competitive attempt to outdistance each other, or the operation  
51 of one or more motor vehicles over a common selected course,  
52 from the same point to the same point, for the purpose of  
53 comparing the relative speeds or power of acceleration of such  
54 motor vehicle or motor vehicles within a certain distance or  
55 time limit.

56 (e) “Drifting” means a maneuver performed while operating a  
57 motor vehicle whereby the vehicle is steered so that it makes a  
58 controlled skid sideways through a turn with the front wheels

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59 pointed in a direction opposite to that of the turn.

60 (f)~~(e)~~ "Race" means the use of one or more motor vehicles  
61 in competition, arising from a challenge to demonstrate  
62 superiority of a motor vehicle or driver and the acceptance or  
63 competitive response to that challenge, either through a prior  
64 arrangement or in immediate response, in which the competitor  
65 attempts to outgain or outdistance another motor vehicle, to  
66 prevent another motor vehicle from passing, to arrive at a given  
67 destination ahead of another motor vehicle or motor vehicles, or  
68 to test the physical stamina or endurance of drivers over long-  
69 distance driving routes. A race may be prearranged or may occur  
70 through a competitive response to conduct on the part of one or  
71 more drivers which, under the totality of the circumstances, can  
72 reasonably be interpreted as a challenge to race.

73 (g)~~(d)~~ "Spectator" means any person who is knowingly  
74 present at and views a drag race or street takeover, when such  
75 presence is the result of an affirmative choice to attend or  
76 participate in the event ~~race~~. For purposes of determining  
77 whether or not an individual is a spectator, finders of fact  
78 shall consider the relationship between the motor vehicle  
79 operator ~~racer~~ and the individual, evidence of gambling or  
80 betting on the outcome of the event ~~race~~, filming or recording  
81 the event, or posting the event on social media, and any other  
82 factor that would tend to show knowing attendance or  
83 participation.

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

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

92        (j) "Wheelie" means a maneuver performed while operating a  
93 motor vehicle whereby a motorcycle or other motor vehicle is  
94 ridden for a distance with the front wheel or wheels raised off  
95 the ground.

96        (2) A person may not:

97        (a) Drive any motor vehicle, including any motorcycle,  
98 autocycle, moped, all-terrain vehicle, off-road vehicle, or  
99 vehicle not licensed to operate on a highway or roadway, in any  
100 street takeover, stunt driving, race, speed competition or  
101 contest, drag race or acceleration contest, test of physical  
102 endurance, or exhibition of speed or acceleration or for the  
103 purpose of making a speed record or exhibiting the vehicle's  
104 performance capabilities and driver's abilities on any highway,  
105 roadway, or parking lot;

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

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

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

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

122 (f) Operate a vehicle carrying any amount of fuel for the  
123 purposes of fueling a vehicle involved in any such race, drag  
124 race, street takeover, stunt driving, competition, contest,  
125 test, or exhibition; or

126 (g) Operate a vehicle in a manner that would constitute  
127 participation in a street takeover.

128 (3) (a) Any person who violates subsection (2) commits a  
129 misdemeanor of the first degree, punishable as provided in s.  
130 775.082 or s. 775.083. Any person who violates subsection (2)  
131 shall pay a fine of not less than \$500 and not more than \$1,000,  
132 and the department shall revoke the driver license of a person  
133 so convicted for 1 year. A hearing may be requested pursuant to  
134 s. 322.271.

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

143 (c) Any person who commits a third or subsequent violation  
144 of subsection (2) within 5 years after the date of a prior  
145 violation that resulted in a conviction for a violation of

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146 subsection (2) commits a misdemeanor of the first degree,  
147 punishable as provided in s. 775.082 or s. 775.083, and shall  
148 pay a fine of not less than \$2,000 and not more than \$5,000. The  
149 department shall also revoke the driver license of that person  
150 for 4 years. A hearing may be requested pursuant to s. 322.271.

151 (d) In any case charging a violation of subsection (2), the  
152 court shall be provided a copy of the driving record of the  
153 person charged and may obtain any records from any other source  
154 to determine if one or more prior convictions of the person for  
155 a violation of subsection (2) have occurred within 5 years prior  
156 to the charged offense.

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

159 (b) A person who violates paragraph (a) commits a  
160 noncriminal traffic infraction, punishable as a moving violation  
161 as provided in chapter 318.

162 (5) Whenever a law enforcement officer has probable cause  
163 to believe that a person violated subsection (2), the officer  
164 may arrest and take such person into custody without a warrant.  
165 The court may enter an order of impoundment or immobilization as  
166 a condition of incarceration or probation. Within 7 business  
167 days after the date the court issues the order of impoundment or  
168 immobilization, the clerk of the court must send notice by  
169 certified mail, return receipt requested, to the registered  
170 owner of the motor vehicle, if the registered owner is a person  
171 other than the defendant, and to each person of record claiming  
172 a lien against the motor vehicle.

173 (a) Notwithstanding any provision of law to the contrary,  
174 the impounding agency shall release a motor vehicle under the

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175 conditions provided in s. 316.193(6) (e), (f), (g), and (h), if  
176 the owner or agent presents a valid driver license at the time  
177 of pickup of the motor vehicle.

178 (b) All costs and fees for the impoundment or  
179 immobilization, including the cost of notification, must be paid  
180 by the owner of the motor vehicle or, if the motor vehicle is  
181 leased or rented, by the person leasing or renting the motor  
182 vehicle, unless the impoundment or immobilization order is  
183 dismissed. All provisions of s. 713.78 shall apply.

184 (c) Any motor vehicle used in violation of subsection (2)  
185 may be impounded for a period of 30 business days if a law  
186 enforcement officer has arrested and taken a person into custody  
187 pursuant to this subsection and the person being arrested is the  
188 registered owner or co-owner of the motor vehicle. If the  
189 arresting officer finds that the criteria of this paragraph are  
190 met, the officer may immediately impound the motor vehicle. The  
191 law enforcement officer shall notify the Department of Highway  
192 Safety and Motor Vehicles of any impoundment for violation of  
193 this subsection in accordance with procedures established by the  
194 department. Paragraphs (a) and (b) shall be applicable to such  
195 impoundment.

196 (6) Any motor vehicle used in violation of subsection (2)  
197 by any person within 5 years after the date of a prior  
198 conviction of that person for a violation under subsection (2)  
199 may be seized and forfeited as provided by the Florida  
200 Contraband Forfeiture Act. This subsection shall only be  
201 applicable if the owner of the motor vehicle is the person  
202 charged with violating subsection (2).

203 (7) This section does not apply to licensed or duly

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204 authorized racetracks, drag strips, or other designated areas  
205 set aside by proper authorities for such purposes.

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

208 316.2397 Certain lights prohibited; exceptions.—

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

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

215 318.18 Amount of penalties.—The penalties required for a  
216 noncriminal disposition pursuant to s. 318.14 or a criminal  
217 offense listed in s. 318.17 are as follows:

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

225 Section 4. Section 843.08, Florida Statutes, is amended to  
226 read:

227 843.08 False personation.—A person who falsely assumes or  
228 pretends to be a firefighter, a sheriff, an officer of the  
229 Florida Highway Patrol, an officer of the Fish and Wildlife  
230 Conservation Commission, an officer of the Department of  
231 Environmental Protection, an officer of the Department of  
232 Financial Services, any personnel or representative of the



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233 Division of Investigative and Forensic Services, an officer of  
234 the Department of Corrections, a correctional probation officer,  
235 a deputy sheriff, a state attorney or an assistant state  
236 attorney, a statewide prosecutor or an assistant statewide  
237 prosecutor, a state attorney investigator, a coroner, a police  
238 officer, a lottery special agent or lottery investigator, a  
239 beverage enforcement agent, a school guardian as described in s.  
240 30.15(1)(k), a security officer licensed under chapter 493, any  
241 member of the Florida Commission on Offender Review or any  
242 administrative aide or supervisor employed by the commission,  
243 any personnel or representative of the Department of Law  
244 Enforcement, or a federal law enforcement officer as defined in  
245 s. 901.1505, and takes upon himself or herself to act as such,  
246 including by using lights in violation of s. 316.2397 or s.  
247 843.081, or to require any other person to aid or assist him or  
248 her in a matter pertaining to the duty of any such officer,  
249 commits a felony of the third degree, punishable as provided in  
250 s. 775.082, s. 775.083, or s. 775.084. However, a person who  
251 falsely personates any such officer during the course of the  
252 commission of a felony commits a felony of the second degree,  
253 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
254 If the commission of the felony results in the death or personal  
255 injury of another human being, the person commits a felony of  
256 the first degree, punishable as provided in s. 775.082, s.  
257 775.083, or s. 775.084.

258 Section 5. Paragraph (d) of subsection (9) of section  
259 901.15, Florida Statutes, is amended to read:

260 901.15 When arrest by officer without warrant is lawful.—A  
261 law enforcement officer may arrest a person without a warrant

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262 when:

263 (9) There is probable cause to believe that the person has  
264 committed:

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

267 Section 6. For the purpose of incorporating the amendment  
268 made by this act to section 316.191, Florida Statutes, in a  
269 reference thereto, paragraph (c) of subsection (2) of section  
270 316.027, Florida Statutes, is reenacted to read:

271 316.027 Crash involving death or personal injuries.—

272 (2)

273 (c) The driver of a vehicle involved in a crash occurring  
274 on public or private property which results in the death of a  
275 person shall immediately stop the vehicle at the scene of the  
276 crash, or as close thereto as possible, and shall remain at the  
277 scene of the crash until he or she has fulfilled the  
278 requirements of s. 316.062. A person who is arrested for a  
279 violation of this paragraph and who has previously been  
280 convicted of a violation of this section, s. 316.061, s.  
281 316.191, or s. 316.193, or a felony violation of s. 322.34,  
282 shall be held in custody until brought before the court for  
283 admittance to bail in accordance with chapter 903. A person who  
284 willfully violates this paragraph commits a felony of the first  
285 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
286 775.084, and shall be sentenced to a mandatory minimum term of  
287 imprisonment of 4 years. A person who willfully commits such a  
288 violation while driving under the influence as set forth in s.  
289 316.193(1) shall be sentenced to a mandatory minimum term of  
290 imprisonment of 4 years.

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291 Section 7. For the purpose of incorporating the amendment  
292 made by this act to section 316.191, Florida Statutes, in  
293 references thereto, paragraphs (a) and (b) of subsection (4) of  
294 section 322.0261, Florida Statutes, are reenacted to read:

295 322.0261 Driver improvement course; requirement to maintain  
296 driving privileges; failure to complete; department approval of  
297 course.—

298 (4) (a) The department shall identify any operator convicted  
299 of, or who pleaded nolo contendere to, a violation of s.  
300 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.  
301 316.192 and shall require that operator, in addition to other  
302 applicable penalties, to attend a department-approved driver  
303 improvement course in order to maintain driving privileges. The  
304 department shall, within 10 days after receiving a notice of  
305 judicial disposition, send notice to the operator of the  
306 requirement to attend a driver improvement course. If the  
307 operator fails to complete the course within 90 days after  
308 receiving notice from the department, the operator's driver  
309 license shall be canceled by the department until the course is  
310 successfully completed.

311 (b) Any operator who receives a traffic citation for a  
312 violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or  
313 s. 316.192, for which the court withholds adjudication, is not  
314 required to attend a driver improvement course, unless the court  
315 finds that the nature or severity of the violation is such that  
316 attendance to a driver improvement course is necessary. The  
317 department shall, within 10 days after receiving a notice of  
318 judicial disposition, send notice to the operator of the  
319 requirement to attend a driver improvement course. If the

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320 operator fails to complete the course within 90 days after  
321 receiving notice from the department, the operator's driver  
322 license shall be canceled by the department until the course is  
323 successfully completed.

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