

By Senator Pizzo

37-01245B-24

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1                                   A bill to be entitled  
2       An act relating to car racing penalties; amending s.  
3       316.191, F.S.; revising the definition of the term  
4       "conviction"; increasing the fine for violations of  
5       prohibitions against drag race, street takeover, stunt  
6       driving, competition, contest, test, or exhibition;  
7       revising applicability of the penalty for second  
8       violations of prohibitions against drag race, street  
9       takeover, stunt driving, competition, contest, test,  
10      or exhibition; increasing the fine for any such  
11      violations; authorizing an arresting law enforcement  
12      agency to seize any vehicle used in connection with  
13      any violation, pursuant to the Florida Contraband  
14      Forfeiture Act; providing penalties for impeding,  
15      obstructing, or interfering with an emergency vehicle  
16      while participating in a drag race, street takeover,  
17      stunt driving, competition, contest, test, or  
18      exhibition; revising applicability of the penalty for  
19      third or subsequent violations of prohibitions against  
20      drag race, street takeover, stunt driving,  
21      competition, contest, test, or exhibition; increasing  
22      the fine for any such violations; revising  
23      circumstances under which a motor vehicle used in  
24      connection with any violation may be impounded;  
25      providing an effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29       Section 1. Paragraph (b) of subsection (1), subsection (3),

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30 paragraph (b) of subsection (4), and paragraph (c) of subsection  
31 (5) of section 316.191, Florida Statutes, are amended, and  
32 subsection (2) and paragraph (a) of subsection (4) of that  
33 section are republished, to read:

34 316.191 Racing on highways, street takeovers, and stunt  
35 driving.—

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

37 (b) "Conviction" means a determination of guilt that is the  
38 result of a plea or trial, regardless of whether adjudication is  
39 withheld. For the purpose of determining whether a conviction is  
40 a first, second, third, or subsequent conviction for the  
41 purposes of sentencing under this section, the term "conviction"  
42 includes being convicted of a violation of this section, the  
43 completion of any diversion or other program that results in the  
44 dismissal or change of charge of a violation of this section, or  
45 the acceptance of a plea creating a change of charge of a  
46 violation of this section.

47 (2) A person may not:

48 (a) Drive any motor vehicle in any street takeover, stunt  
49 driving, race, speed competition or contest, drag race or  
50 acceleration contest, test of physical endurance, or exhibition  
51 of speed or acceleration or for the purpose of making a speed  
52 record on any highway, roadway, or parking lot;

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

57 (c) Knowingly ride as a passenger in any such race, drag  
58 race, street takeover, stunt driving, competition, contest,

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59 test, or exhibition;

60 (d) Purposefully cause the movement of traffic, including  
61 pedestrian traffic, to slow, stop, or be impeded in any way for  
62 any such race, drag race, street takeover, stunt driving,  
63 competition, contest, test, or exhibition;

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

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

73 (3) (a) Any person who violates subsection (2) commits a  
74 misdemeanor of the first degree, punishable as provided in s.  
75 775.082 or s. 775.083. Any person who violates subsection (2)  
76 shall pay a fine of not less than \$1,500 ~~\$500~~ and not more than  
77 \$2,500 ~~\$1,000~~, and the department shall revoke the driver  
78 license of a person so convicted for 1 year. A hearing may be  
79 requested pursuant to s. 322.271.

80 (b) Any person who commits a second violation of subsection  
81 (2) within 1 year ~~5 years~~ after the date of a prior violation  
82 that resulted in a conviction for a violation of subsection (2)  
83 commits a felony of the third degree ~~misdemeanor of the first~~  
84 ~~degree~~, punishable as provided in s. 775.082 or s. 775.083, and  
85 shall pay a fine of not less than \$5,000 ~~\$1,000~~ and not more  
86 than \$7,500 ~~\$3,000~~. Pursuant to the Florida Contraband  
87 Forfeiture Act, the arresting law enforcement agency may move to

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88 seize any vehicle used in the violation of subsection (2). The  
 89 department shall also revoke the driver license of that person  
 90 for 2 years. A hearing may be requested pursuant to s. 322.271.

91 (c) Any person who violates subsection (2) and, in the  
 92 course of committing the offense, impedes, obstructs, or  
 93 interferes with an emergency vehicle commits a felony of the  
 94 third degree, punishable as provided in paragraph (3)(b).

95 (d) Any person who commits a second or subsequent violation  
 96 of paragraph (c) commits a felony of the second degree,  
 97 punishable as provided in s. 775.082 or s. 775.083.

98 (e) Any person who commits a third or subsequent violation  
 99 of subsection (2) within 5 years after the date of a prior  
 100 violation that resulted in a conviction for a violation of  
 101 subsection (2) commits a felony ~~misdemeanor~~ of the second ~~first~~  
 102 degree, punishable as provided in s. 775.082 or s. 775.083, and  
 103 shall pay a fine of not less than \$7,500 ~~\$2,000~~ and not more  
 104 than \$10,000 ~~\$5,000~~. The department shall also revoke the driver  
 105 license of that person for 4 years. A hearing may be requested  
 106 pursuant to s. 322.271.

107 (f) ~~(d)~~ In any case charging a violation of subsection (2),  
 108 the court shall be provided a copy of the driving record of the  
 109 person charged and may obtain any records from any other source  
 110 to determine if one or more prior convictions of the person for  
 111 a violation of subsection (2) have occurred within 5 years  
 112 before the charged offense.

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

115 (b) A person who violates paragraph (a) commits a  
 116 noncriminal traffic infraction, punishable by a fine of \$500 ~~as~~

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117 ~~a moving violation as provided in chapter 318.~~

118 (5) Whenever a law enforcement officer has probable cause  
119 to believe that a person violated subsection (2), the officer  
120 may arrest and take such person into custody without a warrant.  
121 The court may enter an order of impoundment or immobilization as  
122 a condition of incarceration or probation. Within 7 business  
123 days after the date the court issues the order of impoundment or  
124 immobilization, the clerk of the court must send notice by  
125 certified mail, return receipt requested, to the registered  
126 owner of the motor vehicle, if the registered owner is a person  
127 other than the defendant, and to each person of record claiming  
128 a lien against the motor vehicle.

129 (c) Any motor vehicle used in violation of subsection (2)  
130 may be impounded for a period of 30 business days if a law  
131 enforcement officer has arrested and taken a person into custody  
132 pursuant to this subsection ~~and the person being arrested is the~~  
133 ~~registered owner or co-owner of the motor vehicle.~~ If the  
134 arresting officer finds that the criteria of this paragraph are  
135 met, the officer may immediately impound the motor vehicle. The  
136 law enforcement officer shall notify the Department of Highway  
137 Safety and Motor Vehicles of any impoundment for violation of  
138 this subsection in accordance with procedures established by the  
139 department. Paragraphs (a) and (b) shall be applicable to such  
140 impoundment.

141 Section 2. This act shall take effect July 1, 2024.