

By the Committee on Transportation; and Senator Pizzo

596-02956-24

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1 A bill to be entitled
2 An act relating to car racing penalties; s. 316.191,
3 F.S.; defining the term "coordinated street takeover";
4 increasing the maximum fine for violations of the
5 prohibitions against drag racing, street takeovers,
6 stunt driving, competitions, contests, tests, or
7 exhibitions; revising applicability of the penalty for
8 second violations of prohibitions against drag racing,
9 street takeovers, stunt driving, competitions,
10 contests, tests, or exhibitions; increasing the
11 criminal penalties and fines for any such violations;
12 providing penalties for knowingly impeding,
13 obstructing, or interfering with an authorized
14 emergency vehicle that is on call and responding to an
15 emergency while a person is participating in a drag
16 race, street takeover, stunt driving, competition,
17 contest, test, or exhibition; providing penalties for
18 any person who commits certain violations while
19 engaged in a coordinated street takeover; authorizing
20 the arresting officer to seize a vehicle used to
21 perform certain acts and authorizing the department to
22 revoke the driver license of the person who committed
23 such acts for a specified timeframe; providing a fine
24 for a spectator at any race, drag race, or street
25 takeover; revising circumstances under which a motor
26 vehicle used in connection with a specified violation
27 may be impounded at the time of a person's arrest;
28 providing an effective date.

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30 Be It Enacted by the Legislature of the State of Florida:

31
32 Section 1. Present paragraphs (b) through (k) of subsection
33 (1) of section 316.191, Florida Statutes, are redesignated as
34 paragraphs (c) through (l), respectively, a new paragraph (b) is
35 added to that subsection, subsection (3), paragraph (b) of
36 subsection (4), and paragraph (c) of subsection (5) of that
37 section are amended, and subsection (2) and paragraph (a) of
38 subsection (4) of that section are republished, to read:

39 316.191 Racing on highways, street takeovers, and stunt
40 driving.—

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

42 (b) "Coordinated street takeover" means 10 or more vehicles
43 operated in an organized manner to effect a street takeover.

44 (2) A person may not:

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

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

54 (c) Knowingly ride as a passenger in any such race, drag
55 race, street takeover, stunt driving, competition, contest,
56 test, or exhibition;

57 (d) Purposefully cause the movement of traffic, including
58 pedestrian traffic, to slow, stop, or be impeded in any way for

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59 any such race, drag race, street takeover, stunt driving,
60 competition, contest, test, or exhibition;

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

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

70 (3) (a) Any person who violates subsection (2) commits a
71 misdemeanor of the first degree, punishable as provided in s.
72 775.082 or s. 775.083. Any person who violates subsection (2)
73 shall pay a fine of not less than \$500 and not more than \$2,000
74 ~~\$1,000~~, and the department shall revoke the driver license of a
75 person so convicted for 1 year. A hearing may be requested
76 pursuant to s. 322.271.

77 (b) Any person who commits a second violation of subsection
78 (2) within 1 year ~~5 years~~ after the date of a prior violation
79 that resulted in a conviction for a violation of subsection (2)
80 commits a felony of the third degree ~~misdemeanor of the first~~
81 ~~degree~~, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or
82 s. 775.084, and shall pay a fine of not less than \$2,500 ~~\$1,000~~
83 and not more than \$4,000 ~~\$3,000~~. The department shall also
84 revoke the driver license of that person for 2 years. A hearing
85 may be requested pursuant to s. 322.271.

86 (c) Any person who violates subsection (2) and, in the
87 course of committing the offense, knowingly impedes, obstructs,

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88 or interferes with an authorized emergency vehicle as defined in
89 s. 316.003(1) which is on call and responding to an emergency
90 other than a violation of this section, commits a felony of the
91 third degree, punishable as provided in paragraph (b).

92 (d) Any person who commits a second or subsequent violation
93 of paragraph (c) commits a felony of the second degree,
94 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
95 The department shall also revoke the driver license of that
96 person for 4 years. A hearing may be requested pursuant to s.
97 322.271.

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, or
103 s. 775.084, and shall pay a fine of not less than \$3,500 ~~\$2,000~~
104 and not more than \$7,500 ~~\$5,000~~. The department shall also
105 revoke the driver license of that person for 4 years. A hearing
106 may be requested pursuant to s. 322.271.

107 (f) Any person who violates paragraphs (2) (a), (d), (e), or
108 (f) while engaged in a coordinated street takeover commits a
109 felony of the third degree, punishable as provided in s. 775.082
110 or s. 775.083, and shall pay a fine of not less than \$2,500 and
111 not more than \$4,000. Pursuant to the Florida Contraband
112 Forfeiture Act, the arresting law enforcement agency may move to
113 seize any vehicle used in the violation of paragraph (d). The
114 department shall also revoke the driver license of that person
115 for 2 years. A hearing may be requested pursuant to s. 322.271.

116 (g) ~~(d)~~ In any case charging a violation of subsection (2),

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117 the court shall be provided a copy of the driving record of the
118 person charged and may obtain any records from any other source
119 to determine if one or more prior convictions of the person for
120 a violation of subsection (2) have occurred within a specified
121 period ~~5 years~~ before the charged offense.

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

124 (b) A person who violates paragraph (a) commits a
125 noncriminal traffic infraction, punishable by a fine of \$400 ~~as~~
126 ~~a moving violation as provided in chapter 318.~~

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

138 (c) Any motor vehicle used in violation of subsection (2)
139 may be impounded for a period of 30 business days if a law
140 enforcement officer has arrested and taken a person into custody
141 pursuant to this subsection ~~and the person being arrested is the~~
142 ~~registered owner or co-owner of the motor vehicle.~~ If the
143 arresting officer finds that the criteria of this paragraph are
144 met, the officer may immediately impound the motor vehicle. The
145 law enforcement officer shall notify the Department of Highway

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146 Safety and Motor Vehicles of any impoundment for violation of
147 this subsection in accordance with procedures established by the
148 department. Paragraphs (a) and (b) shall be applicable to such
149 impoundment.

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