

By Senator Book

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1 A bill to be entitled
2 An act relating to racing motor vehicles; amending s.
3 316.191, F.S.; defining the term "organized ride";
4 revising the definition of the term "spectator";
5 revising prohibitions on persons driving motor
6 vehicles in any race, speed competition or contest,
7 drag race or acceleration contest, test of physical
8 endurance, or exhibition of speed, a stunt, agility,
9 or acceleration or for other specified purposes on any
10 highway, roadway, or parking lot; prohibiting a person
11 from coordinating via social media any such race,
12 competition, contest, test, or exhibition; prohibiting
13 a person from purposefully causing the movement of
14 traffic, including pedestrian traffic, to slow, stop,
15 or be impeded in any way for such race, competition,
16 contest, test, or exhibition; prohibiting a person
17 from operating a vehicle for the purpose of filming or
18 recording activities of participants in any such race,
19 competition, contest, test, or exhibition; prohibiting
20 a person from operating a vehicle carrying any amount
21 of fuel for the purposes of fueling a vehicle involved
22 in any such race, competition, contest, test, or
23 exhibition; prohibiting persons from operating a
24 vehicle in a manner that would constitute
25 participation in an organized ride; providing
26 penalties; prohibiting a person from being a spectator
27 at any such race, competition, contest, test,
28 exhibition, or organized ride; providing penalties;
29 amending s. 318.18, F.S.; conforming provisions to

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30 changes made by the act; reenacting ss. 316.027(2)(c),
31 322.0261(4)(a) and (b), and 901.15(9)(d), F.S.,
32 relating to a crash involving death or personal
33 injuries, driver improvement courses, a requirement to
34 maintain driving privileges, and failure to complete,
35 and when arrest by an officer without warrant is
36 lawful, to incorporate the amendments made to s.
37 316.191, F.S., in references thereto; providing an
38 effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Section 316.191, Florida Statutes, is amended to
43 read:

44 316.191 Racing on highways, roadways, or parking lots;
45 organized rides.—

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

47 (a) "Conviction" means a determination of guilt that is the
48 result of a plea or trial, regardless of whether adjudication is
49 withheld.

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

58 (c) "Organized ride" means the operation of more than three

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59 motor vehicles that cause the movement of traffic to slow or
60 stop for any such race, competition, contest, test, stunt, or
61 exhibition of the vehicle's performance capabilities or of a
62 driver's ability in violation of this section.

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

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

85 (2) A person may not:

86 (a) Drive any motor vehicle, including any motorcycle,
87 autocycle, moped, all-terrain vehicle, off-road vehicle, or

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88 vehicle not licensed to operate on a highway or roadway, in any
89 race, speed competition or contest, drag race or acceleration
90 contest, test of physical endurance, or exhibition of speed, a
91 stunt, agility, or acceleration or for the purpose of making a
92 speed record or exhibiting the vehicle's performance
93 capabilities and driver's abilities on any highway, roadway, or
94 parking lot;

95 (b) In any manner participate in, coordinate via social
96 media or otherwise, facilitate, or collect moneys at any
97 location for any such race, competition, contest, test, or
98 exhibition;

99 (c) Knowingly ride as a passenger in any such race,
100 competition, contest, test, or exhibition; ~~or~~

101 (d) Purposefully cause the movement of traffic, including
102 pedestrian traffic, to slow, ~~or~~ stop, or be impeded in any way
103 for any such race, competition, contest, test, or exhibition;

104 (e) Operate a vehicle for the purpose of filming or
105 recording the activities of participants in any such race,
106 competition, contest, test, or exhibition;

107 (f) Operate a vehicle carrying any amount of fuel for the
108 purposes of fueling a vehicle involved in any such race,
109 competition, contest, test, or exhibition; or

110 (g) Operate a vehicle in a manner that would constitute
111 participation in an organized ride.

112 (3) (a) Any person who violates subsection (2) commits a
113 misdemeanor of the first degree, punishable as provided in s.
114 775.082 or s. 775.083. Any person who violates subsection (2)
115 shall pay a fine of not less than \$500 and not more than \$1,000,
116 and the department shall revoke the driver license of a person

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117 so convicted for 1 year. A hearing may be requested pursuant to
118 s. 322.271.

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

127 (c) Any person who commits a third or subsequent violation
128 of subsection (2) within 5 years after the date of a prior
129 violation that resulted in a conviction for a violation of
130 subsection (2) commits a misdemeanor of the first degree,
131 punishable as provided in s. 775.082 or s. 775.083, and shall
132 pay a fine of not less than \$2,000 and not more than \$5,000. The
133 department shall also revoke the driver license of that person
134 for 4 years. A hearing may be requested pursuant to s. 322.271.

135 (d) In any case charging a violation of subsection (2), the
136 court shall be provided a copy of the driving record of the
137 person charged and may obtain any records from any other source
138 to determine if one or more prior convictions of the person for
139 a violation of subsection (2) have occurred within 5 years prior
140 to the charged offense.

141 (4) (a) A person may not be a spectator at any race,
142 competition, contest, test, exhibition, or organized ride drag
143 ~~race~~ prohibited under subsection (2).

144 (b) A person who violates paragraph (a) commits a
145 noncriminal traffic infraction, punishable as a moving violation

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146 as provided in chapter 318.

147 (5) Whenever a law enforcement officer has probable cause
148 to believe that a person violated subsection (2), the officer
149 may arrest and take such person into custody without a warrant.
150 The court may enter an order of impoundment or immobilization as
151 a condition of incarceration or probation. Within 7 business
152 days after the date the court issues the order of impoundment or
153 immobilization, the clerk of the court must send notice by
154 certified mail, return receipt requested, to the registered
155 owner of the motor vehicle, if the registered owner is a person
156 other than the defendant, and to each person of record claiming
157 a lien against the motor vehicle.

158 (a) Notwithstanding any provision of law to the contrary,
159 the impounding agency shall release a motor vehicle under the
160 conditions provided in s. 316.193(6)(e), (f), (g), and (h), if
161 the owner or agent presents a valid driver license at the time
162 of pickup of the motor vehicle.

163 (b) All costs and fees for the impoundment or
164 immobilization, including the cost of notification, must be paid
165 by the owner of the motor vehicle or, if the motor vehicle is
166 leased or rented, by the person leasing or renting the motor
167 vehicle, unless the impoundment or immobilization order is
168 dismissed. All provisions of s. 713.78 shall apply.

169 (c) Any motor vehicle used in violation of subsection (2)
170 may be impounded for a period of 30 business days if a law
171 enforcement officer has arrested and taken a person into custody
172 pursuant to this subsection and the person being arrested is the
173 registered owner or co-owner of the motor vehicle. If the
174 arresting officer finds that the criteria of this paragraph are

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175 met, the officer may immediately impound the motor vehicle. The
176 law enforcement officer shall notify the Department of Highway
177 Safety and Motor Vehicles of any impoundment for violation of
178 this subsection in accordance with procedures established by the
179 department. Paragraphs (a) and (b) shall be applicable to such
180 impoundment.

181 (6) Any motor vehicle used in violation of subsection (2)
182 by any person within 5 years after the date of a prior
183 conviction of that person for a violation under subsection (2)
184 may be seized and forfeited as provided by the Florida
185 Contraband Forfeiture Act. This subsection shall only be
186 applicable if the owner of the motor vehicle is the person
187 charged with violating subsection (2).

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

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

193 318.18 Amount of penalties.—The penalties required for a
194 noncriminal disposition pursuant to s. 318.14 or a criminal
195 offense listed in s. 318.17 are as follows:

196 (20) In addition to any other penalty, \$65 for a violation
197 of s. 316.191, prohibiting racing on highways, roadways, or
198 parking lots and prohibiting organized rides or s. 316.192,
199 prohibiting reckless driving. The additional \$65 collected under
200 this subsection shall be remitted to the Department of Revenue
201 for deposit into the Emergency Medical Services Trust Fund of
202 the Department of Health to be used as provided in s. 395.4036.

203 Section 3. For the purpose of incorporating the amendment

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204 made by this act to section 316.191, Florida Statutes, in a
205 reference thereto, paragraph (c) of subsection (2) of section
206 316.027, Florida Statutes, is reenacted to read:

207 316.027 Crash involving death or personal injuries.—
208 (2)

209 (c) The driver of a vehicle involved in a crash occurring
210 on public or private property which results in the death of a
211 person shall immediately stop the vehicle at the scene of the
212 crash, or as close thereto as possible, and shall remain at the
213 scene of the crash until he or she has fulfilled the
214 requirements of s. 316.062. A person who is arrested for a
215 violation of this paragraph and who has previously been
216 convicted of a violation of this section, s. 316.061, s.
217 316.191, or s. 316.193, or a felony violation of s. 322.34,
218 shall be held in custody until brought before the court for
219 admittance to bail in accordance with chapter 903. A person who
220 willfully violates this paragraph commits a felony of the first
221 degree, punishable as provided in s. 775.082, s. 775.083, or s.
222 775.084, and shall be sentenced to a mandatory minimum term of
223 imprisonment of 4 years. A person who willfully commits such a
224 violation while driving under the influence as set forth in s.
225 316.193(1) shall be sentenced to a mandatory minimum term of
226 imprisonment of 4 years.

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

231 322.0261 Driver improvement course; requirement to maintain
232 driving privileges; failure to complete; department approval of

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233 course.—

234 (4) (a) The department shall identify any operator convicted
235 of, or who pleaded nolo contendere to, a violation of s.
236 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.
237 316.192 and shall require that operator, in addition to other
238 applicable penalties, to attend a department-approved driver
239 improvement course in order to maintain driving privileges. The
240 department shall, within 10 days after receiving a notice of
241 judicial disposition, send notice to the operator of the
242 requirement to attend a driver improvement course. If the
243 operator fails to complete the course within 90 days after
244 receiving notice from the department, the operator's driver
245 license shall be canceled by the department until the course is
246 successfully completed.

247 (b) Any operator who receives a traffic citation for a
248 violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or
249 s. 316.192, for which the court withholds adjudication, is not
250 required to attend a driver improvement course, unless the court
251 finds that the nature or severity of the violation is such that
252 attendance to a driver improvement course is necessary. The
253 department shall, within 10 days after receiving a notice of
254 judicial disposition, send notice to the operator of the
255 requirement to attend a driver improvement course. If the
256 operator fails to complete the course within 90 days after
257 receiving notice from the department, the operator's driver
258 license shall be canceled by the department until the course is
259 successfully completed.

260 Section 5. For the purpose of incorporating the amendment
261 made by this act to section 316.191, Florida Statutes, in a

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262 reference thereto, paragraph (d) of subsection (9) of section
263 901.15, Florida Statutes, is reenacted to read:

264 901.15 When arrest by officer without warrant is lawful.—A
265 law enforcement officer may arrest a person without a warrant
266 when:

267 (9) There is probable cause to believe that the person has
268 committed:

269 (d) A racing violation as described in s. 316.191(2).

270 Section 6. This act shall take effect July 1, 2021.