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2022 Legislature

1  
2 An act relating to motor vehicle and vessel law  
3 enforcement; reenacting and amending s. 316.191, F.S.;  
4 revising and providing definitions; prohibiting a  
5 person from driving any motor vehicle in any street  
6 takeover, stunt driving performed as part of a street  
7 takeover, racing, speed competition or contest, drag  
8 race or acceleration contest, test of physical  
9 endurance, or exhibition of speed or acceleration on  
10 any highway, roadway, or parking lot; prohibiting a  
11 person from participating in or coordinating via  
12 social media any such race, drag race, street  
13 takeover, stunt driving, competition, contest, test,  
14 or exhibition; prohibiting a person from knowingly  
15 riding as a passenger in any such race, drag race,  
16 street takeover, stunt driving, competition, contest,  
17 test, or exhibition; prohibiting a person from  
18 purposefully causing the movement of traffic,  
19 including pedestrian traffic, to slow, stop, or be  
20 impeded in any way for such race, drag race, street  
21 takeover, stunt driving, competition, contest, test,  
22 or exhibition; prohibiting a person from operating a  
23 motor vehicle for the purpose of filming or recording  
24 activities of participants in any such race, drag  
25 race, street takeover, stunt driving, competition,

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26 | contest, test, or exhibition; providing an exception;  
 27 | prohibiting a person from operating a motor vehicle  
 28 | carrying any amount of fuel for the purposes of  
 29 | fueling a motor vehicle involved in any such race,  
 30 | drag race, street takeover, stunt driving,  
 31 | competition, contest, test, or exhibition; providing  
 32 | penalties; prohibiting a person from being a spectator  
 33 | at any such race, drag race, or street takeover;  
 34 | providing penalties; amending s. 316.2397, F.S.;  
 35 | providing criminal penalties for unlawful use of  
 36 | certain lights under specified circumstances; amending  
 37 | s. 318.18, F.S.; conforming provisions to changes made  
 38 | by the act; reenacting ss. 316.027(2)(c) and  
 39 | 322.0261(4)(a) and (b), F.S., relating to a crash  
 40 | involving death or personal injuries and driver  
 41 | improvement courses, respectively, to incorporate the  
 42 | amendment made to s. 316.191, F.S., in references  
 43 | thereto; amending s. 901.15, F.S.; conforming  
 44 | provisions to changes made by the act; amending s.  
 45 | 843.08, F.S.; authorizing a court or jury to consider  
 46 | specified evidence in determining whether an offense  
 47 | of false personation was committed; providing an  
 48 | effective date.

50 | Be It Enacted by the Legislature of the State of Florida:

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51  
 52 Section 1. Section 316.191, Florida Statutes, is reenacted  
 53 and amended to read:

54 316.191 Racing on highways, street takeovers, and stunt  
 55 driving.—

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

57 (a) "Burnout" means a maneuver performed while operating a  
 58 motor vehicle whereby the motor vehicle is kept stationary, or  
 59 is in motion, while the wheels are spun, resulting in friction  
 60 which causes the motor vehicle's tires to heat up and emit  
 61 smoke.

62 (b)-(a) "Conviction" means a determination of guilt that is  
 63 the result of a plea or trial, regardless of whether  
 64 adjudication is withheld.

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

71 (d)-(b) "Drag race" means the operation of two or more  
 72 motor vehicles from a point side by side at accelerating speeds  
 73 in a competitive attempt to outdistance each other, or the  
 74 operation of one or more motor vehicles over a common selected  
 75 course, from the same point to the same point, for the purpose

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76 | of comparing the relative speeds or power of acceleration of  
77 | such motor vehicle or motor vehicles within a certain distance  
78 | or time limit.

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

83 | (f) "Motor vehicle" has the same meaning as in s. 316.003.  
84 | The term "motor vehicle" also includes any motorcycle,  
85 | autocycle, moped, all-terrain vehicle, off-road vehicle, or  
86 | vehicle not licensed to operate on a highway or roadway.

87 | (g)-(e) "Race" means the use of one or more motor vehicles  
88 | in competition, arising from a challenge to demonstrate  
89 | superiority of a motor vehicle or driver and the acceptance or  
90 | competitive response to that challenge, either through a prior  
91 | arrangement or in immediate response, in which the competitor  
92 | attempts to outgain or outdistance another motor vehicle, to  
93 | prevent another motor vehicle from passing, to arrive at a given  
94 | destination ahead of another motor vehicle or motor vehicles, or  
95 | to test the physical stamina or endurance of drivers over long-  
96 | distance driving routes. A race may be prearranged or may occur  
97 | through a competitive response to conduct on the part of one or  
98 | more drivers which, under the totality of the circumstances, can  
99 | reasonably be interpreted as a challenge to race.

100 | (h)-(d) "Spectator" means any person who is knowingly

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101 present at and views a drag race or street takeover, when such  
 102 presence is the result of an affirmative choice to attend or  
 103 participate in the event ~~race~~. For purposes of determining  
 104 whether or not an individual is a spectator, finders of fact  
 105 shall consider the relationship between the motor vehicle  
 106 operator ~~racer~~ and the individual, evidence of gambling or  
 107 betting on the outcome of the event ~~race~~, filming or recording  
 108 the event, or posting the event on social media, and any other  
 109 factor that would tend to show knowing attendance or  
 110 participation.

111 (i) "Street takeover" means the taking over of a portion  
 112 of a highway, roadway, or parking lot by blocking or impeding  
 113 the regular flow of traffic to perform a race, drag race,  
 114 burnout, doughnut, drifting, wheelie, or other stunt driving.

115 (j) "Stunt driving" means to perform or engage in any  
 116 burnouts, doughnuts, drifting, wheelies, or other dangerous  
 117 motor vehicle activity on a highway, roadway, or parking lot as  
 118 part of a street takeover.

119 (k) "Wheelie" means a maneuver performed while operating a  
 120 motor vehicle whereby a motor vehicle is ridden for a distance  
 121 with the front wheel or wheels raised off the ground.

122 (2) A person may not:

123 (a) Drive any motor vehicle, ~~including any motorcycle,~~ in  
 124 any street takeover, stunt driving, race, speed competition or  
 125 contest, drag race or acceleration contest, test of physical

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126 endurance, or exhibition of speed or acceleration or for the  
 127 purpose of making a speed record on any highway, roadway, or  
 128 parking lot;

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

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

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

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

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

149 (3) (a) Any person who violates subsection (2) commits a  
 150 misdemeanor of the first degree, punishable as provided in s.

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151 775.082 or s. 775.083. Any person who violates subsection (2)  
152 shall pay a fine of not less than \$500 and not more than \$1,000,  
153 and the department shall revoke the driver license of a person  
154 so convicted for 1 year. A hearing may be requested pursuant to  
155 s. 322.271.

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

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

172 (d) In any case charging a violation of subsection (2),  
173 the court shall be provided a copy of the driving record of the  
174 person charged and may obtain any records from any other source  
175 to determine if one or more prior convictions of the person for

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176 a violation of subsection (2) have occurred within 5 years  
177 before ~~prior to~~ the charged offense.

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

180 (b) A person who violates paragraph (a) commits a  
181 noncriminal traffic infraction, punishable as a moving violation  
182 as provided in chapter 318.

183 (5) Whenever a law enforcement officer has probable cause  
184 to believe that a person violated subsection (2), the officer  
185 may arrest and take such person into custody without a warrant.  
186 The court may enter an order of impoundment or immobilization as  
187 a condition of incarceration or probation. Within 7 business  
188 days after the date the court issues the order of impoundment or  
189 immobilization, the clerk of the court must send notice by  
190 certified mail, return receipt requested, to the registered  
191 owner of the motor vehicle, if the registered owner is a person  
192 other than the defendant, and to each person of record claiming  
193 a lien against the motor vehicle.

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

199 (b) All costs and fees for the impoundment or  
200 immobilization, including the cost of notification, must be paid



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201 by the owner of the motor vehicle or, if the motor vehicle is  
 202 leased or rented, by the person leasing or renting the motor  
 203 vehicle, unless the impoundment or immobilization order is  
 204 dismissed. All provisions of s. 713.78 shall apply.

205 (c) Any motor vehicle used in violation of subsection (2)  
 206 may be impounded for a period of 30 business days if a law  
 207 enforcement officer has arrested and taken a person into custody  
 208 pursuant to this subsection and the person being arrested is the  
 209 registered owner or co-owner of the motor vehicle. If the  
 210 arresting officer finds that the criteria of this paragraph are  
 211 met, the officer may immediately impound the motor vehicle. The  
 212 law enforcement officer shall notify the Department of Highway  
 213 Safety and Motor Vehicles of any impoundment for violation of  
 214 this subsection in accordance with procedures established by the  
 215 department. Paragraphs (a) and (b) shall be applicable to such  
 216 impoundment.

217 (6) Any motor vehicle used in violation of subsection (2)  
 218 by any person within 5 years after the date of a prior  
 219 conviction of that person for a violation under subsection (2)  
 220 may be seized and forfeited as provided by the Florida  
 221 Contraband Forfeiture Act. This subsection shall only be  
 222 applicable if the owner of the motor vehicle is the person  
 223 charged with violating subsection (2).

224 (7) This section does not apply to licensed or duly  
 225 authorized racetracks, drag strips, or other designated areas

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226 set aside by proper authorities for such purposes.

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

229 316.2397 Certain lights prohibited; exceptions.—

230 (10) (a) A person who violates subsection (1) and in so  
 231 doing effects or attempts to effect a stop of another vehicle  
 232 commits a misdemeanor of the first degree, punishable as  
 233 provided in s. 775.082 or s. 775.083.

234 (b) Except as provided in paragraph (a), a violation of  
 235 this section is a noncriminal traffic infraction, punishable as  
 236 a nonmoving violation as provided in chapter 318.

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

239 318.18 Amount of penalties.—The penalties required for a  
 240 noncriminal disposition pursuant to s. 318.14 or a criminal  
 241 offense listed in s. 318.17 are as follows:

242 (20) In addition to any other penalty, \$65 for a violation  
 243 of s. 316.191, prohibiting racing on highways, street takeovers,  
 244 and stunt driving, or s. 316.192, prohibiting reckless driving.

245 The additional \$65 collected under this subsection shall be  
 246 remitted to the Department of Revenue for deposit into the  
 247 Emergency Medical Services Trust Fund of the Department of  
 248 Health to be used as provided in s. 395.4036.

249 Section 4. For the purpose of incorporating the amendment  
 250 made by this act to section 316.191, Florida Statutes, in a

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251 reference thereto, paragraph (c) of subsection (2) of section  
 252 316.027, Florida Statutes, is reenacted to read:

253 316.027 Crash involving death or personal injuries.—

254 (2)

255 (c) The driver of a vehicle involved in a crash occurring  
 256 on public or private property which results in the death of a  
 257 person shall immediately stop the vehicle at the scene of the  
 258 crash, or as close thereto as possible, and shall remain at the  
 259 scene of the crash until he or she has fulfilled the  
 260 requirements of s. 316.062. A person who is arrested for a  
 261 violation of this paragraph and who has previously been  
 262 convicted of a violation of this section, s. 316.061, s.  
 263 316.191, or s. 316.193, or a felony violation of s. 322.34,  
 264 shall be held in custody until brought before the court for  
 265 admittance to bail in accordance with chapter 903. A person who  
 266 willfully violates this paragraph commits a felony of the first  
 267 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 268 775.084, and shall be sentenced to a mandatory minimum term of  
 269 imprisonment of 4 years. A person who willfully commits such a  
 270 violation while driving under the influence as set forth in s.  
 271 316.193(1) shall be sentenced to a mandatory minimum term of  
 272 imprisonment of 4 years.

273 Section 5. For the purpose of incorporating the amendment  
 274 made by this act to section 316.191, Florida Statutes, in  
 275 references thereto, paragraphs (a) and (b) of subsection (4) of

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276 | section 322.0261, Florida Statutes, are reenacted to read:

277 |       322.0261 Driver improvement course; requirement to  
278 | maintain driving privileges; failure to complete; department  
279 | approval of course.—

280 |       (4) (a) The department shall identify any operator  
281 | convicted of, or who pleaded nolo contendere to, a violation of  
282 | s. 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.  
283 | 316.192 and shall require that operator, in addition to other  
284 | applicable penalties, to attend a department-approved driver  
285 | improvement course in order to maintain driving privileges. The  
286 | department shall, within 10 days after receiving a notice of  
287 | judicial disposition, send notice to the operator of the  
288 | requirement to attend a driver improvement course. If the  
289 | operator fails to complete the course within 90 days after  
290 | receiving notice from the department, the operator's driver  
291 | license shall be canceled by the department until the course is  
292 | successfully completed.

293 |       (b) Any operator who receives a traffic citation for a  
294 | violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or  
295 | s. 316.192, for which the court withholds adjudication, is not  
296 | required to attend a driver improvement course, unless the court  
297 | finds that the nature or severity of the violation is such that  
298 | attendance to a driver improvement course is necessary. The  
299 | department shall, within 10 days after receiving a notice of  
300 | judicial disposition, send notice to the operator of the

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301 requirement to attend a driver improvement course. If the  
 302 operator fails to complete the course within 90 days after  
 303 receiving notice from the department, the operator's driver  
 304 license shall be canceled by the department until the course is  
 305 successfully completed.

306 Section 6. Paragraph (d) of subsection (9) of section  
 307 901.15, Florida Statutes, is amended to read:

308 901.15 When arrest by officer without warrant is lawful.—A  
 309 law enforcement officer may arrest a person without a warrant  
 310 when:

311 (9) There is probable cause to believe that the person has  
 312 committed:

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

315 Section 7. Section 843.08, Florida Statutes, is amended to  
 316 read:

317 843.08 False personation.—A person who falsely assumes or  
 318 pretends to be a firefighter, a sheriff, an officer of the  
 319 Florida Highway Patrol, an officer of the Fish and Wildlife  
 320 Conservation Commission, an officer of the Department of  
 321 Environmental Protection, an officer of the Department of  
 322 Financial Services, any personnel or representative of the  
 323 Division of Investigative and Forensic Services, an officer of  
 324 the Department of Corrections, a correctional probation officer,  
 325 a deputy sheriff, a state attorney or an assistant state

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326 attorney, a statewide prosecutor or an assistant statewide  
327 prosecutor, a state attorney investigator, a coroner, a police  
328 officer, a lottery special agent or lottery investigator, a  
329 beverage enforcement agent, a school guardian as described in s.  
330 30.15(1)(k), a security officer licensed under chapter 493, any  
331 member of the Florida Commission on Offender Review or any  
332 administrative aide or supervisor employed by the commission,  
333 any personnel or representative of the Department of Law  
334 Enforcement, or a federal law enforcement officer as defined in  
335 s. 901.1505, and takes upon himself or herself to act as such,  
336 or to require any other person to aid or assist him or her in a  
337 matter pertaining to the duty of any such officer, commits a  
338 felony of the third degree, punishable as provided in s.  
339 775.082, s. 775.083, or s. 775.084. However, a person who  
340 falsely personates any such officer during the course of the  
341 commission of a felony commits a felony of the second degree,  
342 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
343 If the commission of the felony results in the death or personal  
344 injury of another human being, the person commits a felony of  
345 the first degree, punishable as provided in s. 775.082, s.  
346 775.083, or s. 775.084. In determining whether a defendant has  
347 violated this section, the court or jury may consider any  
348 relevant evidence, including, but not limited to, whether the  
349 defendant used lights in violation of s. 316.2397 or s. 843.081.

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