

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

595-03059-22

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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 prohibited race or street  
12 takeover; providing applicability of specified  
13 criminal penalties; amending s. 318.18, F.S.;  
14 providing applicability of a certain civil penalty;  
15 amending s. 901.15, F.S.; conforming a provision to  
16 changes made by the act; reenacting ss. 316.027(2)(c)  
17 and 322.0261(4)(a) and (b), F.S., relating to crashes  
18 involving death or personal injuries and driver  
19 improvement courses, respectively, to incorporate the  
20 amendment made to s. 316.191, F.S., in references  
21 thereto; providing an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Section 316.191, Florida Statutes, is amended to  
26 read:

27 316.191 Racing on highways, street takeovers, and stunt  
28 driving on highways.—

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

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30           (a) "Burnout" means a maneuver performed while operating a  
31 motor vehicle whereby the vehicle is kept stationary, or is in  
32 motion, while the wheels are spun, the resulting friction  
33 causing the vehicle's tires to heat up and emit smoke.

34           (b) "Conviction" means a determination of guilt that is the  
35 result of a plea or trial, regardless of whether adjudication is  
36 withheld.

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

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

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

55           (f) ~~(e)~~ "Race" means the use of one or more motor vehicles  
56 in competition, arising from a challenge to demonstrate  
57 superiority of a motor vehicle or driver and the acceptance or  
58 competitive response to that challenge, either through a prior

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59 arrangement or in immediate response, in which the competitor  
60 attempts to outgain or outdistance another motor vehicle, to  
61 prevent another motor vehicle from passing, to arrive at a given  
62 destination ahead of another motor vehicle or motor vehicles, or  
63 to test the physical stamina or endurance of drivers over long-  
64 distance driving routes. A race may be prearranged or may occur  
65 through a competitive response to conduct on the part of one or  
66 more drivers which, under the totality of the circumstances, can  
67 reasonably be interpreted as a challenge to race.

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

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

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

87 (j) "Wheelie" means a maneuver performed while operating a

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88 motor vehicle whereby a motorcycle or other motor vehicle is  
89 ridden for a distance with the front wheel or wheels raised off  
90 the ground.

91 (2) A person may not:

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

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

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

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

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

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117       (f) Operate a vehicle carrying any amount of fuel for the  
118 purposes of fueling a vehicle involved in any such race, drag  
119 race, street takeover, stunt driving, competition, contest,  
120 test, or exhibition; or

121       (g) Operate a vehicle in a manner that would constitute  
122 participation in a street takeover.

123       (3) (a) Any person who violates subsection (2) commits a  
124 misdemeanor of the first degree, punishable as provided in s.  
125 775.082 or s. 775.083. Any person who violates subsection (2)  
126 shall pay a fine of not less than \$500 and not more than \$1,000,  
127 and the department shall revoke the driver license of a person  
128 so convicted for 1 year. A hearing may be requested pursuant to  
129 s. 322.271.

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

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

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

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

154 (b) A person who violates paragraph (a) commits a  
155 noncriminal traffic infraction, punishable as a moving violation  
156 as provided in chapter 318.

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

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

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

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175 by the owner of the motor vehicle or, if the motor vehicle is  
176 leased or rented, by the person leasing or renting the motor  
177 vehicle, unless the impoundment or immobilization order is  
178 dismissed. All provisions of s. 713.78 shall apply.

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

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

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

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

203 318.18 Amount of penalties.—The penalties required for a

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204 noncriminal disposition pursuant to s. 318.14 or a criminal  
205 offense listed in s. 318.17 are as follows:

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

213 Section 3. Paragraph (d) of subsection (9) of section  
214 901.15, Florida Statutes, is amended to read:

215 901.15 When arrest by officer without warrant is lawful.—A  
216 law enforcement officer may arrest a person without a warrant  
217 when:

218 (9) There is probable cause to believe that the person has  
219 committed:

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

222 Section 4. For the purpose of incorporating the amendment  
223 made by this act to section 316.191, Florida Statutes, in a  
224 reference thereto, paragraph (c) of subsection (2) of section  
225 316.027, Florida Statutes, is reenacted to read:

226 316.027 Crash involving death or personal injuries.—

227 (2)

228 (c) The driver of a vehicle involved in a crash occurring  
229 on public or private property which results in the death of a  
230 person shall immediately stop the vehicle at the scene of the  
231 crash, or as close thereto as possible, and shall remain at the  
232 scene of the crash until he or she has fulfilled the



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233 requirements of s. 316.062. A person who is arrested for a  
234 violation of this paragraph and who has previously been  
235 convicted of a violation of this section, s. 316.061, s.  
236 316.191, or s. 316.193, or a felony violation of s. 322.34,  
237 shall be held in custody until brought before the court for  
238 admittance to bail in accordance with chapter 903. A person who  
239 willfully violates this paragraph commits a felony of the first  
240 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
241 775.084, and shall be sentenced to a mandatory minimum term of  
242 imprisonment of 4 years. A person who willfully commits such a  
243 violation while driving under the influence as set forth in s.  
244 316.193(1) shall be sentenced to a mandatory minimum term of  
245 imprisonment of 4 years.

246 Section 5. For the purpose of incorporating the amendment  
247 made by this act to section 316.191, Florida Statutes, in  
248 references thereto, paragraphs (a) and (b) of subsection (4) of  
249 section 322.0261, Florida Statutes, are reenacted to read:

250 322.0261 Driver improvement course; requirement to maintain  
251 driving privileges; failure to complete; department approval of  
252 course.—

253 (4) (a) The department shall identify any operator convicted  
254 of, or who pleaded nolo contendere to, a violation of s.  
255 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.  
256 316.192 and shall require that operator, in addition to other  
257 applicable penalties, to attend a department-approved driver  
258 improvement course in order to maintain driving privileges. The  
259 department shall, within 10 days after receiving a notice of  
260 judicial disposition, send notice to the operator of the  
261 requirement to attend a driver improvement course. If the

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262 operator fails to complete the course within 90 days after  
263 receiving notice from the department, the operator's driver  
264 license shall be canceled by the department until the course is  
265 successfully completed.

266 (b) Any operator who receives a traffic citation for a  
267 violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or  
268 s. 316.192, for which the court withholds adjudication, is not  
269 required to attend a driver improvement course, unless the court  
270 finds that the nature or severity of the violation is such that  
271 attendance to a driver improvement course is necessary. The  
272 department shall, within 10 days after receiving a notice of  
273 judicial disposition, send notice to the operator of the  
274 requirement to attend a driver improvement course. If the  
275 operator fails to complete the course within 90 days after  
276 receiving notice from the department, the operator's driver  
277 license shall be canceled by the department until the course is  
278 successfully completed.

279 Section 6. This act shall take effect October 1, 2022.