

CHAPTER 2024-146

Committee Substitute for Senate Bill No. 1764

An act relating to car racing penalties; s. 316.191, F.S.; defining the term “coordinated street takeover”; increasing the maximum fine for violations of the prohibitions against drag racing, street takeovers, stunt driving, competitions, contests, tests, or exhibitions; revising applicability of the penalty for second violations of prohibitions against drag racing, street takeovers, stunt driving, competitions, contests, tests, or exhibitions; increasing the criminal penalties and fines for any such violations; providing penalties for knowingly impeding, obstructing, or interfering with an authorized emergency vehicle that is on call and responding to an emergency while a person is participating in a drag race, street takeover, stunt driving, competition, contest, test, or exhibition; providing penalties for any person who commits certain violations while engaged in a coordinated street takeover; authorizing the arresting officer to seize a vehicle used to perform certain acts and authorizing the department to revoke the driver license of the person who committed such acts for a specified timeframe; providing a fine for a spectator at any race, drag race, or street takeover; revising circumstances under which a motor vehicle used in connection with a specified violation may be impounded at the time of a person’s arrest; providing an effective date.

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

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

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

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

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

(2) A person may not:

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

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

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

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

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

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

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

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

(c) Any person who violates subsection (2) and, in the course of committing the offense, knowingly impedes, obstructs, or interferes with an authorized emergency vehicle as defined in s. 316.003(1) which is on call and responding to an emergency other than a violation of this section, commits a felony of the third degree, punishable as provided in paragraph (b).

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

(e) Any person who commits a third or subsequent violation of subsection (2) within 5 years after the date of a prior violation that resulted in a conviction for a violation of subsection (2) commits a felony ~~misdemeanor~~ of the second ~~first~~ degree, punishable as provided in s. 775.082, ~~or s. 775.083, or s. 775.084~~, and shall pay a fine of not less than \$3,500 ~~\$2,000~~ and not more

than ~~\$7,500~~ \$5,000. The department shall also revoke the driver license of that person for 4 years. A hearing may be requested pursuant to s. 322.271.

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

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

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

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

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

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

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

Approved by the Governor May 6, 2024.

Filed in Office Secretary of State May 6, 2024.