

CS/CS/SB 876 – Stunt Driving on Highways (Similar CS/HB 399)

This bill amends s. 316.191, F.S., expanding the prohibited acts, which currently only includes car racing, to also include street takeovers and stunt driving, while also specifically defining these acts. Furthermore, it adds more motor vehicle types that cannot participate in these acts. This would impact the misdemeanors that currently exist under this statute. Finally, this bill amends s. 316.2397, F.S., increasing the current noncriminal infraction for operating a vehicle while “showing or displaying a red, red and white, or blue light visible from directly in front” to a **1st degree misdemeanor**. Finally, this bill amends s. 843.08, F.S., adding the following to the current Level 2, 3rd degree felony for false personation (in bold): “takes upon himself or herself to act as such, **including by using lights in violation of s. 316.2397, F.S. or s. 843.081, F.S.**, or to require any other person to aid or assist him or her in a matter pertaining to the duty of any such officer.” S. 843.081, F.S. currently includes a 1st degree misdemeanor for “a person to use in or on any nongovernmentally owned vehicle or vessel any flashing or rotating blue light unless such person is a law enforcement officer.”

Per FLHSMV, there have been 3,613 citations under s. 316.2397, F.S. since July of 2019. Per FDLE, there were 10 arrests for violating s. 843.081, F.S. in FY 18-19, 7 arrests in FY 19-20, and 2 arrests in FY 20-21. Per DOC, in FY 18-19, there were 3 new commitments to prison for false personation. In FY 19-20, there was 1 new commitment, and in FY 20-21, there were 2 new commitments. It is not known how many additional offenders could be charged under this expanded definition.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House