

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Criminal Justice
2 Subcommittee

3 Representative Plakon offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (5) of section 316.191, Florida
8 Statutes, is amended to read:

9 316.191 Racing on highways.—

10 (5) Whenever a law enforcement officer has probable cause
11 to believe ~~determines~~ that a person violated subsection (2) ~~was~~
12 ~~engaged in a drag race or race, as described in subsection (1),~~
13 the officer may ~~immediately~~ arrest and take such person into
14 custody, without a warrant. The court may enter an order of
15 impoundment or immobilization as a condition of incarceration or
16 probation. Within 7 business days after the date the court

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17 issues the order of impoundment or immobilization, the clerk of
18 the court must send notice by certified mail, return receipt
19 requested, to the registered owner of the motor vehicle, if the
20 registered owner is a person other than the defendant, and to
21 each person of record claiming a lien against the motor vehicle.

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

27 (b) All costs and fees for the impoundment or
28 immobilization, including the cost of notification, must be paid
29 by the owner of the motor vehicle or, if the motor vehicle is
30 leased or rented, by the person leasing or renting the motor
31 vehicle, unless the impoundment or immobilization order is
32 dismissed. All provisions of s. 713.78 shall apply.

33 (c) Any motor vehicle used in violation of subsection (2)
34 may be impounded for a period of 30 business days if a law
35 enforcement officer has arrested and taken a person into custody
36 pursuant to this subsection and the person being arrested is the
37 registered owner or coowner of the motor vehicle. If the
38 arresting officer finds that the criteria of this paragraph are
39 met, the officer may immediately impound the motor vehicle. The
40 law enforcement officer shall notify the Department of Highway
41 Safety and Motor Vehicles of any impoundment for violation of

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42 this subsection in accordance with procedures established by the
43 department. Paragraphs (a) and (b) shall be applicable to such
44 impoundment.

45 Section 2. Paragraph (d) is added to subsection (9) of
46 section 901.15, Florida Statutes, to read:

47 901.15 When arrest by officer without warrant is lawful.—A
48 law enforcement officer may arrest a person without a warrant
49 when:

50 (9) There is probable cause to believe that the person has
51 committed:

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

53 Section 3. This act shall take effect July 1, 2019.

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56 **T I T L E A M E N D M E N T**

57 Remove everything before the enacting clause and insert:
58 An act relating to motor vehicle racing; amending s.
59 316.191, F.S.; authorizing a law enforcement officer
60 to arrest a person without a warrant upon probable
61 cause that the person committed a criminal racing
62 violation; amending s. 901.15, F.S.; authorizing a law
63 enforcement officer to arrest a person without a
64 warrant upon probable cause that the person committed
65 a criminal racing violation; providing an effective
66 date.