



189694

LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Stewart) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

316.191 Racing on highways.—

(5) Whenever a law enforcement officer has probable cause
to believe ~~determines~~ that a person violated subsection (2) ~~was~~
~~engaged in a drag race or race, as described in subsection (1),~~
the officer may ~~immediately~~ arrest and take such person into



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12 custody, without a warrant. The court may enter an order of
13 impoundment or immobilization as a condition of incarceration or
14 probation. Within 7 business days after the date the court
15 issues the order of impoundment or immobilization, the clerk of
16 the court must send notice by certified mail, return receipt
17 requested, to the registered owner of the motor vehicle, if the
18 registered owner is a person other than the defendant, and to
19 each person of record claiming a lien against the motor vehicle.

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

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

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



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41 department. Paragraphs (a) and (b) shall be applicable to such
42 impoundment.

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

45 901.15 When arrest by officer without warrant is lawful.—A
46 law enforcement officer may arrest a person without a warrant
47 when:

48 (9) There is probable cause to believe that the person has
49 committed:

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

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

52

53 ===== T I T L E A M E N D M E N T =====

54 And the title is amended as follows:

55 Delete everything before the enacting clause
56 and insert:

57 A bill to be entitled
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.