



189694

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/23/2019	.	
	.	
	.	
	.	

---

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



189694

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



189694

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.