

1                                   A bill to be entitled  
 2           An act relating to motor vehicle racing; amending ss.  
 3           316.191 and 901.15, F.S.; authorizing a law  
 4           enforcement officer to arrest a person without a  
 5           warrant upon probable cause that the person committed  
 6           a criminal racing violation; providing an effective  
 7           date.

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

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

13           316.191 Racing on highways.—

14           (5) Whenever a law enforcement officer has probable cause  
 15           to believe ~~determines~~ that a person violated ~~was engaged in a~~  
 16           ~~drag race or race, as described in~~ subsection (2) ~~(1)~~, the  
 17           officer may ~~immediately~~ arrest and take such person into custody  
 18           without a warrant. The court may enter an order of impoundment  
 19           or immobilization as a condition of incarceration or probation.  
 20           Within 7 business days after the date the court issues the order  
 21           of impoundment or immobilization, the clerk of the court must  
 22           send notice by certified mail, return receipt requested, to the  
 23           registered owner of the motor vehicle, if the registered owner  
 24           is a person other than the defendant, and to each person of  
 25           record claiming a lien against the motor vehicle.

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

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

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

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

CS/HB 611

2019

51           901.15 When arrest by officer without warrant is lawful.—A  
52 law enforcement officer may arrest a person without a warrant  
53 when:

54           (9) There is probable cause to believe that the person has  
55 committed:

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

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