

By Senator Martin

33-00661B-25

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1 A bill to be entitled
2 An act relating to fleeing or attempting to elude a
3 law enforcement officer; amending s. 316.1935, F.S.;
4 authorizing a law enforcement agency to impound a
5 motor vehicle driven by a person who willfully flees
6 or attempts to elude a law enforcement officer;
7 requiring the impounding agency to provide certain
8 notifications; requiring the release of the impounded
9 motor vehicle in certain circumstances; requiring
10 that, in certain circumstances, the motor vehicle be
11 impounded for the remaining duration of a specified
12 period; requiring the vehicle owner, lessee, or
13 renter, as applicable, to pay all fees and costs for
14 the impoundment; providing applicability of certain
15 provisions related to liens for recovering, towing, or
16 storing vehicles; providing an effective date.

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

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20 Section 1. Present subsection (7) of section 316.1935,
21 Florida Statutes, is redesignated as subsection (8) and amended,
22 and a new subsection (7) is added to that section, to read:

23 316.1935 Fleeing or attempting to elude a law enforcement
24 officer; aggravated fleeing or eluding.—

25 (7) A motor vehicle involved in a violation of this section
26 may be impounded for a period of 30 business days. A law
27 enforcement agency that impounds a vehicle under this subsection
28 shall make a diligent effort to notify the registered owner of
29 the vehicle that the vehicle has been impounded. The law

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30 enforcement agency shall notify the Department of Highway Safety
31 and Motor Vehicles of the impoundment in accordance with
32 procedures established by the department.

33 (a) The law enforcement agency must release an impounded
34 motor vehicle to the vehicle owner or the owner's agent if, at
35 the time of pickup, the owner or agent presents a valid driver
36 license and submits to the agency an affidavit establishing that
37 one of the following conditions applies:

38 1. The vehicle was, at the time of the violation, stolen.
39 The affidavit must be accompanied by a police report indicating
40 that the vehicle was stolen at the time of the violation. If the
41 vehicle owner fails to fully cooperate in the investigation or
42 prosecution of the alleged theft, or changes any statement made
43 to law enforcement in a manner that results in the termination
44 of the investigation or prosecution, the motor vehicle must be
45 impounded for the remaining duration of the 30-business day
46 impoundment period.

47 2. The vehicle was, at the time of the violation, in the
48 care, custody, or control of another person; the vehicle owner
49 identifies that person in a statement made under oath; and a
50 witness observed the other person driving the vehicle and
51 corroborates the vehicle owner's statement.

52 3. The owner's family or household member as defined in s.
53 741.28 has no other means of transportation, including walking,
54 biking, using a ride share, or transportation provided as
55 charity.

56 (b) An affidavit submitted in accordance with paragraph (a)
57 must include detailed information supporting the applicable
58 condition.

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59 (c) All fees and costs for the impoundment must be paid by
60 the owner of the motor vehicle or, if the vehicle is leased or
61 rented, by the person leasing or renting the vehicle. Section
62 713.78 applies.

63 ~~(8)(7)~~ Notwithstanding subsection (7), any motor vehicle
64 involved in a violation of this section is deemed to be
65 contraband, which may be seized by a law enforcement agency and
66 is subject to forfeiture pursuant to ss. 932.701-932.704. Any
67 vehicle not required to be titled under the laws of this state
68 is presumed to be the property of the person in possession of
69 the vehicle.

70 Section 2. This act shall take effect July 1, 2025.