

By Senator Bronson

18-1215A-00

See HB

1 A bill to be entitled
2 An act relating to the exclusionary rule;
3 creating s. 90.959, F.S.; providing legislative
4 findings regarding the Division of Driver
5 Licenses of the Department of Highway Safety
6 and Motor Vehicles; providing legislative
7 findings regarding records maintained by the
8 division; providing legislative findings
9 regarding the mission of the division and the
10 department; providing legislative findings
11 regarding the application of the exclusionary
12 rule; prohibiting the exclusion of evidence in
13 certain circumstances; amending s. 322.20,
14 F.S.; providing that the records of the
15 Department of Highway Safety and Motor Vehicles
16 maintained and created pursuant to ch. 322,
17 F.S., shall not be considered law enforcement
18 functions; providing an effective date.

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

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22 Section 1. Section 90.959, Florida Statutes, is
23 created to read:

24 90.959 Admission of evidence obtained from the
25 Division of Driver Licenses.--

26 (1) The Legislature finds that the Division of Driver
27 Licenses of the Department of Highway Safety and Motor
28 Vehicles is not a law enforcement agency. The Legislature
29 also finds that the division is not an adjunct of any law
30 enforcement agency in that employees have no stake in
31 particular prosecutions. The Legislature further finds that

1 errors in records maintained by the division are not within
2 the collective knowledge of any law enforcement agency. The
3 Legislature also finds that the mission of the Division of
4 Driver Licenses and the Department of Highway Safety and Motor
5 Vehicles provides a sufficient incentive to maintain records
6 in a current and correct fashion.

7 (2) The Legislature finds that the application of the
8 exclusionary rule to cases where a law enforcement officer
9 effects an arrest based on objectively reasonable reliance on
10 information obtained from the division is repugnant to the
11 purposes of the exclusionary rule and contrary to the
12 decisions of the United States Supreme Court in Arizona v.
13 Evans, 514 U.S. 1 (1995) and United States v. Leon, 468 U.S.
14 897 (1984).

15 (3) In any case where a law enforcement officer
16 effects an arrest based on objectively reasonable reliance on
17 information obtained from the division, evidence found
18 pursuant to such an arrest shall not be suppressed by
19 application of the exclusionary rule on the grounds that the
20 arrest is subsequently determined to be unlawful due to
21 erroneous information obtained from the division.

22 Section 2. Subsection (15) is added to section 322.20,
23 Florida Statutes, to read:

24 322.20 Records of the department; fees; destruction of
25 records.--

26 (15) Records of the department and the Division of
27 Driver Licenses created and maintained pursuant to chapter 322
28 shall not be regarded as law enforcement functions of agency
29 recordkeeping.

30 Section 3. This act shall take effect July 1, 2000.

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LEGISLATIVE SUMMARY

Provides that in any case where a law enforcement officer effects an arrest based on objectively reasonable reliance on information obtained from the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles, evidence found pursuant to such arrest shall not be suppressed by application of the exclusionary rule on the grounds that the arrest is subsequently determined to be unlawful due to erroneous information obtained from the division.

Provides that the records of the department maintained and created pursuant to ch. 322, F.S., shall not be considered law enforcement functions.