

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Needelman offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

90.959 Admission of evidence obtained from the
Division of Driver Licenses and the Division of Motor
Vehicles.--

(1) The Legislature finds that the Division of Driver
Licenses and the Division of Motor Vehicles of the Department
of Highway Safety and Motor Vehicles are not law enforcement
agencies. The Legislature also finds that the divisions are
not adjuncts of any law enforcement agency in that employees
have no stake in particular prosecutions. The Legislature
further finds that errors in records maintained by the
divisions are not within the collective knowledge of any law
enforcement agency. The Legislature also finds that the
missions of the Division of Driver Licenses, the Division of

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1 Motor Vehicles, and the Department of Highway Safety and Motor
2 Vehicles provide a sufficient incentive to maintain records in
3 a current and correct fashion.

4 (2) The Legislature finds that the purpose of the
5 exclusionary rule is to deter misconduct on the part of law
6 enforcement officers and law enforcement agencies.

7 (3) 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 divisions 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 (4) In any case where a law enforcement officer
16 effects an arrest based on objectively reasonable reliance on
17 information obtained from the divisions, 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 divisions.

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) The creation and maintenance of records by the
27 department and the Division of Driver Licenses pursuant to
28 chapter 322 shall not be regarded as law enforcement functions
29 of agency recordkeeping.

30 Section 3. A new subsection (5) is added to section
31 320.05, Florida Statutes, to read:

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1 320.05 Records of the department; inspection
2 procedure; lists and searches; fees.--

3 (5) The creation and maintenance of records by the
4 department and the Division of Motor Vehicles pursuant to
5 chapter 320 shall not be regarded as law enforcement functions
6 of agency recordkeeping.

7 Section 4. This act shall take effect July 1, 2001.

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

11 And the title is amended as follows:

12 On page 1,
13 remove from the title of the bill: all said lines
14
15 and insert in lieu thereof: An act relating to the
16 exclusionary rule; creating s. 90.959, F.S.; providing
17 legislative findings regarding the Division of Driver Licenses
18 and the Division of Motor Vehicles of the Department of
19 Highway Safety and Motor Vehicles; providing legislative
20 findings regarding records maintained by the divisions;
21 providing legislative findings regarding the missions of the
22 divisions and the department; providing legislative findings
23 regarding the application of the exclusionary rule;
24 prohibiting the exclusion of evidence in certain
25 circumstances; amending s. 322.20, F.S.; providing that the
26 records of the Department of Highway Safety and Motor Vehicles
27 maintained and created pursuant to ch. 322, F.S., shall not be
28 considered law enforcement functions; amending s. 320.05,
29 F.S.; providing that the records of the Department of Highway
30 Safety and Motor Vehicles maintained and created pursuant to
31 ch. 320, F.S., shall not be considered law enforcement

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1 functions; providing an effective date.
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