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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 and the Division of Motor Vehicles of
6 the Department of Highway Safety and Motor
7 Vehicles; providing legislative findings
8 regarding records maintained by the divisions;
9 providing legislative findings regarding the
10 missions of the divisions and the department;
11 providing legislative findings regarding the
12 application of the exclusionary rule;
13 prohibiting the exclusion of evidence in
14 certain circumstances; amending s. 322.20,
15 F.S.; providing that the creation and
16 maintenance of records of the Department of
17 Highway Safety and Motor Vehicles and the
18 Division of Driver Licenses pursuant to ch.
19 322, F.S., are not law enforcement functions;
20 amending s. 320.05, F.S.; providing that the
21 creation and maintenance of records of the
22 Department of Highway Safety and Motor Vehicles
23 and the Division of Motor Vehicles pursuant to
24 ch. 320, F.S., are not law enforcement
25 functions; providing an effective date.

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

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

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1 90.959 Admission of evidence obtained from the
2 Division of Driver Licenses and the Division of Motor
3 Vehicles.--

4 (1) The Legislature finds that the Division of Driver
5 Licenses and the Division of Motor Vehicles of the Department
6 of Highway Safety and Motor Vehicles are not law enforcement
7 agencies. The Legislature also finds that the divisions are
8 not adjuncts of any law enforcement agency in that employees
9 have no stake in particular prosecutions. The Legislature
10 further finds that errors in records maintained by the
11 divisions are not within the collective knowledge of any law
12 enforcement agency. The Legislature also finds that the
13 missions of the Division of Driver Licenses, the Division of
14 Motor Vehicles, and the Department of Highway Safety and Motor
15 Vehicles provide a sufficient incentive to maintain records in
16 a current and correct fashion.

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

20 (3) The Legislature finds that the application of the
21 exclusionary rule to cases where a law enforcement officer
22 effects an arrest based on objectively reasonable reliance on
23 information obtained from the divisions is repugnant to the
24 purposes of the exclusionary rule and contrary to the
25 decisions of the United States Supreme Court in Arizona v.
26 Evans, 514 U.S. 1 (1995) and United States v. Leon, 468 U.S.
27 897 (1984).

28 (4) In any case where a law enforcement officer
29 effects an arrest based on objectively reasonable reliance on
30 information obtained from the divisions, evidence found
31 pursuant to such an arrest shall not be suppressed by

1 application of the exclusionary rule on the grounds that the
2 arrest is subsequently determined to be unlawful due to
3 erroneous information obtained from the divisions.

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

6 322.20 Records of the department; fees; destruction of
7 records.--

8 (15) The creation and maintenance of records by the
9 department and the Division of Driver Licenses pursuant to
10 chapter 322 shall not be regarded as law enforcement functions
11 of agency recordkeeping.

12 Section 3. Subsection (5) is added to section 320.05,
13 Florida Statutes, to read:

14 320.05 Records of the department; inspection
15 procedure; lists and searches; fees.--

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

20 Section 4. This act shall take effect July 1, 2002.
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