



Obstructed Tags

- *English v. State*, 191 So 3d 448 (Fla. 2016)
- s. 316.605: Licensing of Vehicles: Obstructed Tag
- The Court's decision allows Troopers to develop reasonable suspicion for a lawful traffic stop and probable to issue a UTC if the license plate is not plainly visible and legible at all times. Any object or matter may cause the obstruction and may be part of the license plate (such as grime, grease, or any defacement) or an external object (such as a hanging tag light, wires, or other foreign items).
- Even temporary obstructions

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Aguiar v. State, 199 So. 3d 920 (5th DCA) and

Presley v. State, 204 So. 3d 84 (1st DCA)

- Ability to detain a passenger who attempts to leave the scene of a lawful traffic stop
- Created major split in the circuits.
- Officer Safety
- Creates issues with statewide jurisdiction and policy for Florida Highway Patrol

- *State v. Cooper*, 24 Fla. L. Weekly Supp. 336a: EXIGENT CIRCUMSTANCES
 - This Court in looking at the totality of the circumstances finds that a valid exigency existed as an exception to the warrant requirement. The draws were conducted one hour and forty-five minutes after the crash. The entire process to obtain a warrant would have taken at least another two to four hours which would place the blood draw at approximately four to six hours after the crash. Law enforcement had knowledge that Ms. Cooper had consumed alcohol *earlier* in the night and the odor of alcohol was light as opposed to heavy. One could reasonably conclude that the impairment evidence contained within Ms. Cooper's blood had already substantially dissipated from earlier in the evening and was rapidly continuing to dissipate.
- *DHSMV v. Walsh*, 204 So. 3d 169: ALCOHOL IS A DRUG
 - Alcohol is a “drug,” for purposes of determining whether an applicant for hardship license has remained drug-free for at least five years prior to hearing on application.

- *Gaulden v. State*, 195 So 3d 1123
 - The operative phrase “any vehicle involved in a crash,” for purposes of holding a driver criminally responsible for leaving the scene of a crash that results in injury or death of any person, means that a vehicle must collide with another vehicle, person, or object.

For More Information
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