

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 833 Public Safety Programs

SPONSOR(S): Yarkosky and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 1708

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee	13 Y, 4 N	Burgess	Darden
2) Judiciary Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Current law contains multiple provisions to ensure Floridians are not subject to discrimination on the basis of race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Sheriffs and municipal law enforcement agencies are required to incorporate an antiracial or other anti-discriminatory profiling policy into the sheriff's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide. Anti-profiling policies have to include the elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

The bill requires any public safety program established, created, funded, administered, or promoted by a sheriff or municipal law enforcement agency that provides training to businesses and their employees on assisting crime victims or reporting crimes to provide training on a broad range of victims and the common crimes affecting persons, property, and businesses in the area. Requires signs or symbols that designate participation in the training programs or designate safe locations under those programs to be inclusive of all people to prevent the benefit of a limited group of people based on characteristics such as a person's race, religion, ethnicity, national origin, sexual orientation, or sex.

The bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Anti-Discrimination

The Florida Civil Rights Act

The Florida Civil Rights Act of 1992 (FCRA) secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, pregnancy, national origin,¹ age, handicap, or marital status.² These protections are in place to safeguard each individual's interest in personal dignity, making available to the state his or her full productive capacities. These protections also help to secure the state against domestic strife and unrest; preserve the public safety, health, and general welfare; and promote the interests, rights, and privileges of individuals within the state.³ FCRA prohibits discrimination in places of public accommodation and unlawful employment practices.⁴

Florida Educational Equity Act

The Florida Educational Equity Act (FEEA) requires equal access to, and prohibits discrimination against, any student or employee of the state's K-20 public education system on the basis of race, ethnicity, gender, national origin, disability, religion, or marital status.⁵ No individual may, on such bases, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.⁶ Additionally, the prohibition on discrimination extends to participation in any interscholastic, intercollegiate, club, or intermural athletics offered by a public K-20 educational institution, and no K-20 education institution may provide athletics separately on such basis, except as provided by law.⁷ Further, the FEEA expressly requires that any discrimination motivated by anti-Semitic⁸ intent be treated in an identical manner to discrimination motivated by race.⁹

Anti-Discrimination by Sheriffs and Municipal Law Enforcement

Sheriffs and municipal law enforcement are required to incorporate an antiracial or other anti-discriminatory profiling policy into the sheriff's policies and practices, utilizing the Florida Police Chiefs Association Model Policy as a guide.¹⁰ Anti-profiling policies must include elements of definitions, traffic stop procedures, community education and awareness efforts, and policies for the handling of complaints from the public.

Effect of Proposed Changes

¹ "National origin" includes ancestry. S. 760.02(5), F.S.

² S. 760.01(2), F.S.

³ *Id.*

⁴ Ss. 760.08 and 760.10, F.S.

⁵ S. 1000.05(2)(a), F.S.

⁶ *Id.* Students may be separated for permissible single gender programs, for portions of a class that deals with human reproduction, or during participation in bodily contact sports. S. 1000.05(2)(d), F.S. All K-20 public education classes and guidance services must be made available to students without regard to any of the bases described above. S. 1000.05(2)(c) and (e), F.S.

⁷ S. 1000.05(3)(a), F.S. Public K-20 educational institutions are authorized to maintain separate teams for members of each gender or based on ability in certain circumstances. S. 1000.05(3)(b)-(c), F.S. It is the responsibility of the Board of Governors and the Commissioner of Education to determine whether equal athletic opportunities are provided for both genders at state universities and in school districts and Florida College Systems, respectively. S. 1000.05(3)(d), F.S.

⁸ For purposes of this section, the term "anti-Semitism" includes a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his or her property, or toward Jewish community institutions or religious facilities. S. 1005.05(7), F.S. The FEEA also lists examples of anti-Semitism. S. 1000.05(7)(a)-(b), F.S.

⁹ S. 1000.05(7), F.S.

¹⁰ Ss. 30.15(3) and 166.0493, F.S.

The bill requires any public safety program established, created, funded, administered, or promoted by a sheriff or municipal law enforcement agency that provides training to businesses and their employees on assisting crime victims or reporting crimes to provide training on a broad range of victims and the common crimes affecting persons, property, and businesses in the area. Requires signs or symbols that designate participation in the training programs or designate safe locations under those programs to be inclusive of all people to prevent the benefit of a limited group of people based on characteristics such as a person's race, religion, ethnicity, national origin, sexual orientation, or sex.

B. SECTION DIRECTORY:

Section 1: Amends s. 30.15, F.S., concerning the powers, duties, and obligations of sheriffs.

Section 2: Amends s. 166.0493, F.S., concerning the powers, duties, and obligations of municipal law enforcement.

Section 3: Provides an effective date of October 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.