

By Senator Bracy

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1 A bill to be entitled
2 An act relating to law enforcement practices; creating
3 s. 316.651, F.S.; requiring a law enforcement officer
4 or traffic enforcement officer who issues a traffic
5 citation during a traffic stop to record certain
6 information on the citation; requiring law enforcement
7 agencies to provide such information to the Department
8 of Highway Safety and Motor Vehicles; requiring the
9 department to report such information to the Governor
10 and Legislature and make such information available on
11 its website; amending s. 316.614, F.S.; conforming
12 provisions to changes made by the act; creating s.
13 943.1714, F.S.; defining the term "racial profiling";
14 prohibiting a law enforcement officer from engaging in
15 racial profiling in the performance of official
16 duties; requiring law enforcement agencies to adopt
17 policies to prohibit racial profiling; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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22 Section 1. Section 316.651, Florida Statutes, is created to
23 read:

24 316.651 Information recorded on traffic citation; reports.-
25 A law enforcement officer as defined in s. 943.10 or other
26 traffic enforcement officer who conducts a traffic stop and
27 issues a traffic citation as prescribed by s. 316.650 must
28 record on the citation the race of the person to whom the
29 citation is issued. Each law enforcement agency in this state

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30 must maintain such information and must provide such information
31 to the department in a form and manner determined by the
32 department. The department shall collect such information by
33 jurisdiction and shall submit an annual report to the Governor,
34 the President of the Senate, and the Speaker of the House of
35 Representatives which shows separate statewide totals for the
36 state's county sheriffs and municipal law enforcement agencies,
37 state law enforcement agencies, and state university law
38 enforcement agencies. The department shall make the report
39 available on its website each year.

40 Section 2. Subsection (9) of section 316.614, Florida
41 Statutes, is amended to read:

42 316.614 Safety belt usage.—

43 ~~(9) By January 1, 2006, each law enforcement agency in this~~
44 ~~state shall adopt departmental policies to prohibit the practice~~
45 ~~of racial profiling. When a law enforcement officer issues a~~
46 ~~citation for a violation of this section, the law enforcement~~
47 ~~officer must record the race and ethnicity of the violator. All~~
48 ~~law enforcement agencies must maintain such information and~~
49 ~~forward the information to the department in a form and manner~~
50 ~~determined by the department. The department shall collect this~~
51 ~~information by jurisdiction and annually report the data to the~~
52 ~~Governor, the President of the Senate, and the Speaker of the~~
53 ~~House of Representatives. The report must show separate~~
54 ~~statewide totals for the state's county sheriffs and municipal~~
55 ~~law enforcement agencies, state law enforcement agencies, and~~
56 ~~state university law enforcement agencies.~~

57 Section 3. Section 943.1714, Florida Statutes, is created
58 to read:

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59 943.1714 Racial profiling prohibited.-

60 (1) As used in this section, the term "racial profiling"
61 means determining probable cause for and carrying out the
62 detention, interdiction, or other disparate treatment of a
63 person based solely on the person's race or ethnicity.

64 (2) A law enforcement officer may not engage in racial
65 profiling in the performance of his or her official duties,
66 including, but not limited to, conducting a traffic stop, making
67 a physical arrest, or taking a person into custody.

68 (3) Each law enforcement agency in this state shall adopt
69 departmental policies to prohibit the practice of racial
70 profiling.

71 Section 4. This act shall take effect January 1, 2019.