

Bill No. SB 216

Barcode 065388

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Klein) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Short title--This act may be cited as the "Dori Slosberg Act of 2005."

Section 2. Subsections (4) and (8) of section 316.614, Florida Statutes, are amended, present subsection (9) is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

316.614 Safety belt usage.--

(4) It is unlawful for any person:

(a) To operate a motor vehicle in this state unless each passenger and the operator of the vehicle under the age of 18 years is restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or

(b) To operate a motor vehicle in this state unless the person is restrained by a safety belt.

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1           (8) Any person who violates the provisions of this  
2 section commits a nonmoving violation, punishable as provided  
3 in chapter 318. However, except for violations of s. 316.613  
4 and paragraph (4)(a), enforcement of this section by state or  
5 local law enforcement agencies must be accomplished only as a  
6 secondary action when a driver of a motor vehicle has been  
7 detained for a suspected violation of another section of this  
8 chapter, chapter 320, or chapter 322.

9           (9) By January 1, 2006, each law enforcement agency in  
10 this state shall adopt departmental policy to prohibit the  
11 practice of racial profiling. When a law enforcement officer  
12 issues a citation for a violation of this section, the law  
13 enforcement officer must record the race and ethnicity of the  
14 violation. All law enforcement agencies must maintain such  
15 information and forward the information to the department in a  
16 form and manner determined by the department. The department  
17 shall collect this information by jurisdiction and annually  
18 report the data to the Governor, the President of the Senate,  
19 and the Speaker of the House of Representatives. The report  
20 must show separate statewide totals for the state's county  
21 sheriffs and municipal law enforcement agencies, state law  
22 enforcement agencies, and state university law enforcement  
23 agencies.

24           ~~(10)(9)~~ A violation of the provisions of this section  
25 shall not constitute negligence per se, nor shall such  
26 violation be used as prima facie evidence of negligence or be  
27 considered in mitigation of damages, but such violation may be  
28 considered as evidence of comparative negligence, in any civil  
29 action.

30           Section 3. This act shall take effect July 1, 2005.

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

2 And the title is amended as follows:

3       On page 1, lines 3 through 6, delete those lines

4

5 and insert:

6       usage; amending s. 316.614, F.S.; revising

7       provisions relating to safety belt usage;

8       requiring the department to develop a policy to

9       prohibit the practice of racial profiling;

10       providing an effective date.

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