

By the Committee on Transportation; and Senators Hill and Lynn

596-1998-05

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A bill to be entitled

An act relating to motor vehicle safety belt usage; providing a short title; amending s. 316.614, F.S.; revising provisions relating to safety belt usage; requiring the Department of Highway Safety and Motor Vehicles to develop a policy to prohibit the practice of racial profiling; providing an effective date.

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

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) of that section 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.

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

1 detained for a suspected violation of another section of this
2 chapter, chapter 320, or chapter 322.

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

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

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 216

23 This CS amends the "Florida Safety Belt Law" to provide for
24 primary enforcement of the safety belt law for operators and
25 passengers under the age of 18 years and requires each law
26 enforcement agency in Florida to adopt a departmental policy
27 to prohibit racial profiling.
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