

By Senator Hill

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1 A bill to be entitled

2 An act relating to traffic stops; creating s. 316.642,
3 F.S.; requiring certain data to be collected from each
4 traffic stop and reported to the Department of
5 Transportation; requiring an annual report; providing for
6 a task force to be created if the Governor determines that
7 there is evidence of racial profiling; providing for
8 recommendations; providing for rulemaking; amending s.
9 316.614, F.S.; deleting duplicative provisions; providing
10 an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 316.642, Florida Statutes, is created to
15 read:

16 316.642 Traffic stops; data; reporting; task force.--

17 (1) Each officer of a traffic enforcement agency, as
18 provided in s. 316.640(8), who stops an operator shall,
19 regardless of whether a traffic citation is issued or an arrest
20 is made as a result of the stop, record the name, address,
21 gender, and race of the operator and record whether the stop
22 involved a search and whether a citation was issued or an arrest
23 resulted. Each agency must maintain such information and forward
24 it to the Department of Transportation in a form and manner
25 determined by the department. The Department of Transportation
26 shall analyze the data and annually make a report to the
27 Governor, the President of the Senate, and the Speaker of the
28 House of Representatives. The report must show separate statewide
29 totals for the state's county sheriffs and municipal law

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30 enforcement agencies, state law enforcement agencies, and state
31 university law enforcement agencies.

32 (2) If the Governor determines that this data indicates
33 evidence of racial profiling by law enforcement officers, the
34 Governor shall appoint a task force reflective of Florida's
35 diverse population to review the data and recommend any
36 appropriate changes to traffic enforcement agency policies and
37 procedures or any other remedies.

38 (3) The Department of Transportation has authority to adopt
39 rules pursuant to ss. 120.536(1) and 120.54 to implement the
40 provisions of this section conferring duties upon it.

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

43 316.614 Safety belt usage.--

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

58 Section 3. This act shall take effect October 1, 2008.