

By Senator Bracy

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1                   A bill to be entitled  
2       An act relating to a statewide police misconduct  
3       registry; creating s. 943.6872, F.S.; defining the  
4       term "discriminatory profiling"; requiring the  
5       Department of Law Enforcement to establish by a  
6       certain date and maintain a statewide police  
7       misconduct registry; specifying information that the  
8       registry must contain on all state and local law  
9       enforcement officers; requiring the head of each state  
10      and local law enforcement agency to periodically  
11      submit specified information to the department  
12      beginning on a specified date; requiring the  
13      department to publish the information on its website  
14      by a specified date; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

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18       Section 1. Section 943.6872, Florida Statutes, is created  
19      to read:

20       943.6872 Statewide police misconduct registry.-

21       (1) As used in this section, the term "discriminatory  
22 profiling" means the practice of a law enforcement officer or a  
23 law enforcement agency relying, to any degree, on actual or  
24 perceived race, ethnicity, national origin, religion, gender,  
25 gender identity, or sexual orientation in selecting which  
26 individual to subject to a routine or spontaneous investigatory  
27 procedure or in deciding upon the scope and substance of law  
28 enforcement activity following the initial investigatory  
29 procedure, except when there is reliable information relevant to

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30 the locality and timeframe which links a person having such  
31 actual or perceived characteristic to an identified criminal  
32 incident or scheme.

33 (2) The department shall establish by June 30, 2022, and  
34 maintain a statewide police misconduct registry.

35 (3) The registry shall contain all of the following  
36 information with respect to all state and local law enforcement  
37 officers:

38 (a) Each complaint filed against a law enforcement officer,  
39 aggregated by all of the following and disaggregated by whether  
40 the complaint involved a use of force or discriminatory  
41 profiling:

42 1. Complaints that were found to be credible or that  
43 resulted in disciplinary action against the law enforcement  
44 officer; and

45 2. Complaints for which the law enforcement officer was  
46 exonerated or which were determined to be unfounded or not  
47 sustained.

48 (b) Disciplinary records, disaggregated by whether the  
49 complaint involved a use of force or discriminatory profiling.

50 (c) Termination records and the reason for each  
51 termination, disaggregated by whether a complaint involved a use  
52 of force or discriminatory profiling.

53 (d) Records of lawsuits against law enforcement officers  
54 and settlements of such lawsuits.

55 (e) Instances in which a law enforcement officer resigned  
56 or retired while under active investigation related to a use of  
57 force.

58 (4) Beginning January 2, 2023, and every 3 months

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59 thereafter:

60 (a) The head of each state and local law enforcement  
61 agency, including the executive director of the department,  
62 shall submit to the department for inclusion in the registry the  
63 information described in subsection (3); and

64 (b) The department shall publish the information on its  
65 website in a modern, open, electronic format which is machine-  
66 readable and readily accessible by the public. The published  
67 data must be searchable by data elements.

68 Section 2. This act shall take effect July 1, 2021.