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HB 1697, Engrossed 2

2005 Legislature

3760 Section 97. Subsections (4) and (8) of section 316.614,
 3761 Florida Statutes, are amended, present subsection (9) of that section is
 3762 redesignated as subsection (10), and a new subsection
 3763 (9) is added to that section, to read:
 3764 316.614 Safety belt usage.-
 3765 (4 It is unlawful for any person:
 3766) To operate a motor vehicle in this state unless each
 3767 ~~passenger~~ and the operator of the vehicle under the age of 18 years is
 3768 restrained by a safety belt or by a child restraint
 3769 device pursuant to s. 316.613, if applicable; or
 3770 (b To operate a motor vehicle in this state unless the
 3771 person is restrained by a safety belt.
 3772 (8) Any person who violates the provisions of this section
 3773 commits a nonmoving violation, punishable as provided in chapter 318.
 3774 However, except for violations of s. 316.613 and paragraph
 3775 (4) (a), enforcement of this section by state or local law enforcement
 3776 agencies must be accomplished only as a secondary
 3777 action when a driver of a motor vehicle has been detained for a
 3778 suspected violation of another section of this chapter, chapter 320, or
 3779 chapter 322.
 3780 (9 By January 1, 2006, each law enforcement agency in
 3781 this state shall adopt departmental policies to prohibit the practice
 3782 of racial profiling. When a law enforcement officer
 3783 issues a citation for a violation of this section, the law
 3784 enforcement officer must record the race and ethnicity of the violator.
 3785 All law enforcement agencies must maintain such
 3786 information and forward the information to the department in a form
 3787 and manner determined by the department. The department

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3788 shall collect this information by jurisdiction and annually
3789 report the data to the Governor, the President of the Senate,
3790 and the Speaker of the House of Representatives. The report must
3791 show separate statewide totals for the state's county sheriffs
3792 and municipal law enforcement agencies, state law enforcement agencies,
3793 and state university law enforcement agencies.

3794 Section 98. Except as otherwise expressly provided in this
3795 act, this act shall take effect July 1, 2005.
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