

STORAGE NAME: h0177.lec

DATE: October 14, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND CRIME PREVENTION
ANALYSIS**

BILL #: HB 177

RELATING TO: Traffic Infraction Data

SPONSOR(S): Representative Hill

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) LAW ENFORCEMENT AND CRIME PREVENTION
 - (2) GOVERNMENTAL OPERATIONS
 - (3) COMMUNITY AFFAIRS
 - (4) CRIMINAL JUSTICE APPROPRIATIONS
 - (5)
-

I. SUMMARY:

House Bill 177 creates a Florida Traffic Stop Evaluation Task Force consisting of seven members, each appointed for a one-year term. The task force is charged with conducting a study of practices currently used by law enforcement agencies of the state in making motor vehicle traffic stops, and analyzing the data submitted by specified law enforcement agencies throughout the state.

The bill requires that for one year, state and local law enforcement agencies would be responsible for collecting specified information whenever a law enforcement officer causes an operator of a motor vehicle being operated on any street or highway in the state to stop the motor vehicle. The officer must obtain and record (1) a description of the motor vehicle, (2) the license plate number, (3) the race, age and gender of the operator and all occupants of the vehicle, (4) the exact location and time the traffic stop occurred, (5) the alleged traffic violation that was the basis for the stop, (6) whether the traffic stop resulted in a search of the motor vehicle and its occupants, the rationale for the search and how the search was instituted, (7) the nature of any contraband discovered in the search, (8) whether any oral or written warning, ticket or citation was issued or an arrest was made as a result of the traffic stop, and (9) whether any items were seized for forfeiture.

The bill requires that each law enforcement agency collecting this data transmit the data on a monthly basis to the Office of the Attorney General, which, in turn, transmits the cumulative monthly data to the task force. In addition, the Office of the Attorney General must prepare and submit a quarterly analysis of the data, and a final analysis of the data submitted during the one-year reporting period.

The bill provides a \$150,000 appropriation to fund two OPS positions in the Office of Civil Rights within the Department of Legal Affairs to carry out the purposes of the act. State and local law enforcement agencies would be responsible for collecting the required information on each traffic stop and then recording the information in a manner determined by the Office of the Attorney General. Neither the Office of the Attorney General, the Department of Highway Safety and Motor Vehicles, or the Florida Department of Law Enforcement have been able to provide estimated expenditures to their respective agencies at this time. The direct fiscal impact on local agencies is also unknown because of the difficulty in determining whether collecting the information can be incorporated into current traffic stop practices or would require additional work for law enforcement officers to perform.

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II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Section 316.650, Florida Statutes, pertaining to the enforcement of traffic laws, sets forth a number of state and local law enforcement agencies that have responsibility for enforcing traffic laws. At the state level there is the Division of the Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, the Division of Law Enforcement of the Department of Environmental Protection, and the law enforcement officers of the Department of Transportation. Each of these agencies have the authority to enforce all of the traffic laws of this state on all of the streets and highways thereof.

University police officers and community college police officers have authority to enforce traffic laws of the state that occur within their jurisdiction. Similarly, police officers employed by an airport have the authority to enforce traffic laws when such violations occur on their property or facilities.

At the county level, the sheriff's office of each county has the authority to enforce all the traffic laws of the state on all the streets and highways throughout the county. Finally, the police department of each chartered municipality has the authority to enforce the state's traffic laws throughout the municipality, wherever the public has the right to travel by motor vehicle.

Section 316.650, Florida Statutes, pertaining to traffic citations, provides that the Department of Highway Safety and Motor Vehicles shall prepare, and provide to every traffic enforcement agency in this state, a uniform traffic citation form containing a notice to appear. Every traffic enforcement officer, upon issuing a traffic citation to an alleged violator of any of the motor vehicle laws of this state, must deposit the original and one copy of the citation, with the court having jurisdiction over the alleged offense within 5 days after issuance. In addition, the chief administrative officer of the traffic enforcement agency must, within 5 days of submission of the original and one copy to the court, transmit a copy of the uniform citation to the Department of Highway Safety and Motor Vehicles. The law provides that these tasks may be performed electronically.

Currently, the Florida Uniform Traffic Citation requires the following information on the motor vehicle and the driver violating the traffic laws of the state: (1) day of week, (2) month, (3) day, (4) year, (5) time, (6) name (first, middle and last), (7) address (street, city,

state, and zip code), (8) telephone number, (9) date of birth, (10) race, (11) sex, (12) height, (13) driver's license number (including state, class, and year of expiration), (14) year of vehicle, (15) make of vehicle, (16) style of vehicle, (17) color of vehicle, (18) vehicle license number (including state and year tag expires), (19) location of violation, (20) violations which occurred, (21) section of state or ordinance violated, (22) whether the violation resulted in a crash (including whether there was property damage or injuries), and (23) court information.

The Department of Law Enforcement has estimated that there are between 32 and 35 million traffic stops in Florida annually. This estimate is based on the assumption that 1 in 10 to 12 traffic stops results in a citation being issued. In 1997, approximately 3.2 million citations were issued.

C. EFFECT OF PROPOSED CHANGES:

HB 177 provides for the creation of the Florida Traffic Stop Evaluation Task Force and requires the collection and compilation of specified data for a statewide study of motor vehicle stops made by law enforcement officers. The study requires the collection of data by law enforcement agencies for a period of one year, with monthly submission of the information collected to the Office of the Attorney General. The Office of the Attorney General must compile the data and prepare quarterly reports, as well as a final report. The task force is charged with analyzing all the information gathered and drawing conclusions which must be reported to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives, by September 1, 2001.

The task force is composed of seven members, consisting of the Attorney General or designee, one member of the Florida Sheriff's Association appointed by the Governor, one member of the Florida Police Chief's Association appointed by the Governor, one member of the Florida Highway Patrol appointed by the Governor, one at-large member who shall be a representative of the American Civil Liberties Union to be appointed by the Governor, one member of the House of Representatives appointed by the Speaker of the House, and one member of the Senate appointed by the President of the Senate. Members of the task force shall serve for a one-year term, to begin September 1, 2000.

The bill provides that staffing for the task force will be provided by the Office of the Attorney General, and that technical assistance may be provided by the Florida Department of Law Enforcement, the Department of Highway Safety and Motor Vehicles, and the Division of the Florida Highway Patrol. Task force members will serve without compensation, but receive per diem and travel expenses from their respective agencies. The at-large member shall receive per diem and travel expenses from the Office of the Attorney General.

The bill requires that for one year, state and local law enforcement agencies would be responsible for collecting certain information whenever a law enforcement officer causes an operator of a motor vehicle being operated on any street or highway in the state to stop the motor vehicle. The officer must obtain and record (1) a description of the motor vehicle, (2) the license plate number, (3) the race, age and gender of the operator and all occupants of the vehicle, (4) the exact location and time the traffic stop occurred, (5) the alleged traffic violation that was the basis for the stop, (6) whether the traffic stop resulted in a search of the motor vehicle and its occupants, the rationale for the search and how the search was instituted, (7) the nature of any contraband discovered in the search, (8) whether any oral

or written warning, ticket or citation was issued or an arrest was made as a result of the traffic stop, and (9) whether any items were seized for forfeiture.

The bill requires that each law enforcement agency collecting this data transmit the data on a monthly basis to the Office of the Attorney General, which, in turn, transmits the cumulative monthly data to the task force. In addition, the Office of the Attorney General must prepare and submit a quarterly analysis of the data, and a final analysis of the data at the end of the one-year reporting period.

The bill provides a \$150,000 appropriation to fund two OPS positions in the Office of Civil Rights within the Department of Legal Affairs to carry out the purposes of the act. State and local law enforcement agencies would be responsible for collecting the required information on each traffic stop and then recording the information in a manner determined by the Office of the Attorney General. Neither the Office of the Attorney General, the Department of Highway Safety and Motor Vehicles, or the Florida Department of Law Enforcement have been able to provide estimated expenditures to their respective agencies at this time. The direct fiscal impact on local agencies is also unknown because of the difficulty in determining whether collecting the information can be incorporated into current traffic stop practices or would require additional work for law enforcement officers to perform.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

	2001-02
Office of the Attorney General (2 OPS positions)	\$150,000
Dept. of Highway Safety and Motor Vehicles	
Fla. Dept. of Law Enforcement	

(None of these state agencies has yet prepared an estimate of the costs involved.)

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

Indeterminate, see D. Fiscal Comments

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

State and local law enforcement agencies would be responsible for collecting the required information on each traffic stop and then recording the information in a manner that would be usable to the Department. The direct fiscal impact on state agencies and local governments is unknown because of the difficulty in determining whether collecting the information can be incorporated into current traffic stop practices or would require additional work for law enforcement officers to perform.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

Prepared by:

Staff Director:

Kurt E. Ahrendt

Kurt E. Ahrendt