

By Senator Jones

40-1677-00

See HB 1113

1 A bill to be entitled
2 An act relating to traffic stop statistics;
3 providing a definition of the term "racial
4 profiling"; prohibiting law enforcement
5 agencies from engaging in racial profiling;
6 requiring law enforcement agencies to adopt
7 written policies prohibiting racial profiling;
8 requiring the recording and retention of
9 certain information with respect to traffic
10 stops and arrests; requiring law enforcement
11 agencies to provide the Attorney General with
12 certain information related to such stops and
13 arrests; providing immunity from civil
14 liability under certain circumstances;
15 authorizing penalties; providing for a summary
16 report to the Attorney General; directing the
17 Attorney General to provide for a review and a
18 report; directing the Attorney General to
19 develop certain forms; providing an effective
20 date.

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22 Be It Enacted by the Legislature of the State of Florida:
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24 Section 1. Traffic stop statistics; definition; racial
25 profiling prohibited; written policies; reports required;
26 review.--

27 (1) For the purposes of this section, the term "racial
28 profiling" means the detention, interdiction, or other
29 disparate treatment of an individual solely on the basis of
30 the racial or ethnic status of such individual.

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1 (2)(a) No member of the Florida Highway Patrol, or any
2 county or municipal law enforcement agency, or any other law
3 enforcement agency in the state shall engage in racial
4 profiling.

5 (b) The race or ethnicity of an individual shall not
6 be the sole factor in determining the existence of probable
7 cause to place in custody or arrest an individual or in
8 constituting a reasonable and articulable suspicion that an
9 offense has been or is being committed so as to justify the
10 detention of an individual or the investigatory stop of a
11 motor vehicle.

12 (3)(a) No later than January 1, 2001, each state,
13 county, and municipal law enforcement agency in the state
14 shall adopt a written policy that prohibits the stopping,
15 detention, or search of any person when such an action is
16 solely motivated by considerations of race, color, ethnicity,
17 age, gender, or sexual orientation, and the action would
18 constitute a violation of the civil rights of the person.

19 (b) Commencing on January 1, 2001, each state, county,
20 and municipal law enforcement agency shall, using the form
21 developed pursuant to this section, record and retain the
22 following information:

23 1. The number of persons stopped for traffic
24 violations.

25 2. Characteristics of race, color, ethnicity, gender,
26 and age of such persons, provided the identification of such
27 characteristics shall be based on the observation and
28 perception of the law enforcement officer responsible for
29 reporting the stop and the information shall not be required
30 to be provided by the person stopped.

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1 3. The nature of the alleged traffic violation that
2 resulted in the stop.

3 4. Whether a warning or citation was issued, an arrest
4 made, or a search conducted as a result of the stop.

5 5. Any additional information the law enforcement
6 agency deems appropriate.

7 (c) Each law enforcement agency in the state shall
8 provide to the Attorney General a copy of each complaint
9 received pursuant to this section and written notification of
10 the review and disposition of such complaint.

11 (d) Any law enforcement officer who in good faith
12 records traffic stop information pursuant to the requirements
13 of this section shall not be held civilly liable for the act
14 of recording such information unless the officer's conduct was
15 unreasonable or reckless.

16 (e) If a law enforcement agency fails to comply with
17 the provisions of this section, the Attorney General may
18 recommend and the Department of Management Services may order
19 an appropriate penalty in form of the withholding of state
20 funds.

21 (f) On or before October 1, 2001, and annually
22 thereafter, each law enforcement agency in the state shall
23 provide to the Attorney General, in such form as the Attorney
24 General may require, a summary report of the information
25 required to be recorded pursuant to this section.

26 (g) The Attorney General shall, within the limits of
27 existing appropriations, provide for a review of the
28 prevalence and disposition of traffic stops and complaints
29 reported pursuant to this section. Not later than January 1,
30 2003, the Attorney General shall report to the Governor, the
31 President of the Senate, and the Speaker of the House of

1 Representatives the results of such review, including any
2 recommendations.

3 (4) Not later than January 1, 2001, the Attorney
4 General shall develop and promulgate:

5 (a) A form, in both printed and electronic format, to
6 be used by law enforcement officers when making a traffic stop
7 to record personal identifying information about the operator
8 of the motor vehicle that is stopped, the location of the
9 stop, the reason for the stop, and other information that is
10 required to be recorded pursuant to this section.

11 (b) A form, in both printed and electronic format, to
12 be used to report complaints by persons who believe they have
13 been subjected to a motor vehicle stop by a law enforcement
14 officer solely on the basis of their race, color, ethnicity,
15 age, gender, or sexual orientation.

16 Section 2. This act shall take effect upon becoming a
17 law.

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20 LEGISLATIVE SUMMARY

21 Defines the term "racial profiling" to mean the
22 detention, interdiction, or other disparate treatment of
23 an individual solely on the basis of the racial or ethnic
24 status of such individual. Prohibits law enforcement
agencies from engaging in racial profiling.

25 Requires the keeping and retention of described
26 information with respect to traffic stops and arrests.
27 Requires a summary of such information be sent to the
28 Attorney General and directs the Attorney General to
review the information and report to the Governor, the
President of the Senate, and the Speaker of the House of
Representatives. (See bill for details.)

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