## Florida Senate - 2000

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.
21	
22	Be It Enacted by the Legislature of the State of Florida:
23	
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.
31	
	1

SB 2206

**CODING:**Words stricken are deletions; words <u>underlined</u> are additions.

2county or municipal law enforcement agency, or any other law3enforcement agency in the state shall engage in racial4profiling.5(b) The race or ethnicity of an individual shall not6be the sole factor in determining the existence of probable7cause to place in custody or arrest an individual or in8constituting a reasonable and articulable suspicion that an9offense has been or is being committed so as to justify the10detention of an individual or the investigatory stop of a11motor vehicle.12(3)(a) No later than January 1, 2001, each state,13county, and municipal law enforcement agency in the state14shall adopt a written policy that prohibits the stopping,15detention, or search of any person when such an action is16solely motivated by considerations of race, color, ethnicity,17age, gender, or sexual orientation, and the action would18constitute a violation of the civil rights of the person.19(b) Commencing on January 1, 2001, each state, county,20and municipal law enforcement agency shall, using the form21developed pursuant to this section, record and retain the21following information:222. Characteristics of race, color, ethnicity, gender,23and age of such persons, provided the identification of such24characteristics shall be based on the observation and25perception of the law enforcement officer responsible for26reporting the s	1	(2)(a) No member of the Florida Highway Patrol, or any
4profiling.5(b) The race or ethnicity of an individual shall not6be the sole factor in determining the existence of probable7cause to place in custody or arrest an individual or in8constituting a reasonable and articulable suspicion that an9offense has been or is being committed so as to justify the10detention of an individual or the investigatory stop of a11motor vehicle.12(3)(a) No later than January 1, 2001, each state,13county, and municipal law enforcement agency in the state14shall adopt a written policy that prohibits the stopping,15detention, or search of any person when such an action is16solely motivated by considerations of race, color, ethnicity,17age, gender, or sexual orientation, and the action would18constitute a violation of the civil rights of the person.19(b) Commencing on January 1, 2001, each state, county,10and municipal law enforcement agency shall, using the form11developed pursuant to this section, record and retain the16following information:111. The number of persons stopped for traffic12violations.132. Characteristics of race, color, ethnicity, gender,14and age of such persons, provided the identification of such17characteristics shall be based on the observation and18perception of the law enforcement officer responsible for19reporting the stop and the information shall not be required <t< td=""><td>2</td><td>county or municipal law enforcement agency, or any other law</td></t<>	2	county or municipal law enforcement agency, or any other law
5(b)The race or ethnicity of an individual shall not6be the sole factor in determining the existence of probable7cause to place in custody or arrest an individual or in8constituting a reasonable and articulable suspicion that an9offense has been or is being committed so as to justify the10detention of an individual or the investigatory stop of a11motor vehicle.12(3)(a)13county, and municipal law enforcement agency in the state14shall adopt a written policy that prohibits the stopping,15detention, or search of any person when such an action is16solely motivated by considerations of race, color, ethnicity,17age, gender, or sexual orientation, and the action would18constitute a violation of the civil rights of the person.19(b)Commencing on January 1, 2001, each state, county,10and municipal law enforcement agency shall, using the form12(allowing information:131.14The number of persons stopped for traffic152.16characteristics of race, color, ethnicity, gender,18and age of such persons, provided the identification of such17characteristics shall be based on the observation and18perception of the law enforcement officer responsible for19reporting the stop and the information shall not be required10to be provided by the person stopped.	3	enforcement agency in the state shall engage in racial
6be the sole factor in determining the existence of probable7cause to place in custody or arrest an individual or in8constituting a reasonable and articulable suspicion that an9offense has been or is being committed so as to justify the10detention of an individual or the investigatory stop of a11motor vehicle.12(3)(a) No later than January 1, 2001, each state,13county, and municipal law enforcement agency in the state14shall adopt a written policy that prohibits the stopping,15detention, or search of any person when such an action is16solely motivated by considerations of race, color, ethnicity,17age, gender, or sexual orientation, and the action would18constitute a violation of the civil rights of the person.19(b) Commencing on January 1, 2001, each state, county,20and municipal law enforcement agency shall, using the form21developed pursuant to this section, record and retain the21following information:222. Characteristics of race, color, ethnicity, gender,233. The number of persons stopped for traffic24violations.252. Characteristics of race, color, ethnicity, gender,26and age of such persons, provided the identification of such27characteristics shall be based on the observation and28perception of the law enforcement officer responsible for29reporting the stop and the information shall not be required30to be provided by t	4	profiling.
cause to place in custody or arrest an individual or inconstituting a reasonable and articulable suspicion that anoffense has been or is being committed so as to justify thedetention of an individual or the investigatory stop of amotor vehicle.(3)(a) No later than January 1, 2001, each state,county, and municipal law enforcement agency in the stateshall adopt a written policy that prohibits the stopping,detention, or search of any person when such an action issolely motivated by considerations of race, color, ethnicity,age, gender, or sexual orientation, and the action wouldconstitute a violation of the civil rights of the person.(b) Commencing on January 1, 2001, each state, county,and municipal law enforcement agency shall, using the formdeveloped pursuant to this section, record and retain thefollowing information:l. The number of persons stopped for trafficviolations.22. Characteristics of race, color, ethnicity, gender,and age of such persons, provided the identification of suchcharacteristics shall be based on the observation andperception of the law enforcement officer responsible forreporting the stop and the information shall not be requiredto be provided by the person stopped.	5	(b) The race or ethnicity of an individual shall not
a       constituting a reasonable and articulable suspicion that an         offense has been or is being committed so as to justify the         10       detention of an individual or the investigatory stop of a         motor vehicle.       (3)(a) No later than January 1, 2001, each state,         county, and municipal law enforcement agency in the state         shall adopt a written policy that prohibits the stopping,         detention, or search of any person when such an action is         solely motivated by considerations of race, color, ethnicity,         age, gender, or sexual orientation, and the action would         constitute a violation of the civil rights of the person.         (b) Commencing on January 1, 2001, each state, county,         and municipal law enforcement agency shall, using the form         developed pursuant to this section, record and retain the         following information:         1         1         10         20         21         12         13         22         33         34         35         35         36         36         37         38         38         39         30 <td< td=""><td>б</td><td>be the sole factor in determining the existence of probable</td></td<>	б	be the sole factor in determining the existence of probable
9offense has been or is being committed so as to justify the10detention of an individual or the investigatory stop of a11motor vehicle.12(3)(a) No later than January 1, 2001, each state,13county, and municipal law enforcement agency in the state14shall adopt a written policy that prohibits the stopping,15detention, or search of any person when such an action is16solely motivated by considerations of race, color, ethnicity,17age, gender, or sexual orientation, and the action would18constitute a violation of the civil rights of the person.19(b) Commencing on January 1, 2001, each state, county,20and municipal law enforcement agency shall, using the form21developed pursuant to this section, record and retain the22following information:231. The number of persons stopped for traffic24violations.252. Characteristics of race, color, ethnicity, gender,26and age of such persons, provided the identification of such27characteristics shall be based on the observation and28perception of the law enforcement officer responsible for29reporting the stop and the information shall not be required30to be provided by the person stopped.	7	cause to place in custody or arrest an individual or in
10detention of an individual or the investigatory stop of a11motor vehicle.12(3)(a) No later than January 1, 2001, each state,13county, and municipal law enforcement agency in the state14shall adopt a written policy that prohibits the stopping,15detention, or search of any person when such an action is16solely motivated by considerations of race, color, ethnicity,17age, gender, or sexual orientation, and the action would18constitute a violation of the civil rights of the person.19(b) Commencing on January 1, 2001, each state, county,20and municipal law enforcement agency shall, using the form21developed pursuant to this section, record and retain the22following information:231. The number of persons stopped for traffic24violations.252. Characteristics of race, color, ethnicity, gender,26and age of such persons, provided the identification of such27characteristics shall be based on the observation and28perception of the law enforcement officer responsible for29reporting the stop and the information shall not be required30to be provided by the person stopped.	8	constituting a reasonable and articulable suspicion that an
Inmotor vehicle.12(3)(a) No later than January 1, 2001, each state,13county, and municipal law enforcement agency in the state14shall adopt a written policy that prohibits the stopping,15detention, or search of any person when such an action is16solely motivated by considerations of race, color, ethnicity,17age, gender, or sexual orientation, and the action would18constitute a violation of the civil rights of the person.19(b) Commencing on January 1, 2001, each state, county,20and municipal law enforcement agency shall, using the form21developed pursuant to this section, record and retain the221. The number of persons stopped for traffic232. Characteristics of race, color, ethnicity, gender,24and age of such persons, provided the identification of such27characteristics shall be based on the observation and28perception of the law enforcement officer responsible for29reporting the stop and the information shall not be required30to be provided by the person stopped.	9	offense has been or is being committed so as to justify the
12(3)(a) No later than January 1, 2001, each state,13county, and municipal law enforcement agency in the state14shall adopt a written policy that prohibits the stopping,15detention, or search of any person when such an action is16solely motivated by considerations of race, color, ethnicity,17age, gender, or sexual orientation, and the action would18constitute a violation of the civil rights of the person.19(b) Commencing on January 1, 2001, each state, county,20and municipal law enforcement agency shall, using the form21developed pursuant to this section, record and retain the22following information:231. The number of persons stopped for traffic24violations.252. Characteristics of race, color, ethnicity, gender,26and age of such persons, provided the identification of such27characteristics shall be based on the observation and28perception of the law enforcement officer responsible for29reporting the stop and the information shall not be required30to be provided by the person stopped.	10	detention of an individual or the investigatory stop of a
13county, and municipal law enforcement agency in the state14shall adopt a written policy that prohibits the stopping,15detention, or search of any person when such an action is16solely motivated by considerations of race, color, ethnicity,17age, gender, or sexual orientation, and the action would18constitute a violation of the civil rights of the person.19(b) Commencing on January 1, 2001, each state, county,20and municipal law enforcement agency shall, using the form21developed pursuant to this section, record and retain the22following information:231. The number of persons stopped for traffic24violations.252. Characteristics of race, color, ethnicity, gender,26and age of such persons, provided the identification of such27characteristics shall be based on the observation and28perception of the law enforcement officer responsible for29reporting the stop and the information shall not be required30to be provided by the person stopped.	11	motor vehicle.
14shall adopt a written policy that prohibits the stopping,15detention, or search of any person when such an action is16solely motivated by considerations of race, color, ethnicity,17age, gender, or sexual orientation, and the action would18constitute a violation of the civil rights of the person.19(b) Commencing on January 1, 2001, each state, county,20and municipal law enforcement agency shall, using the form21developed pursuant to this section, record and retain the22following information:231. The number of persons stopped for traffic24violations.252. Characteristics of race, color, ethnicity, gender,26and age of such persons, provided the identification of such27characteristics shall be based on the observation and28perception of the law enforcement officer responsible for29reporting the stop and the information shall not be required30to be provided by the person stopped.	12	(3)(a) No later than January 1, 2001, each state,
15detention, or search of any person when such an action is16solely motivated by considerations of race, color, ethnicity,17age, gender, or sexual orientation, and the action would18constitute a violation of the civil rights of the person.19(b) Commencing on January 1, 2001, each state, county,20and municipal law enforcement agency shall, using the form21developed pursuant to this section, record and retain the22following information:231. The number of persons stopped for traffic24violations.252. Characteristics of race, color, ethnicity, gender,26and age of such persons, provided the identification of such27characteristics shall be based on the observation and28perception of the law enforcement officer responsible for29reporting the stop and the information shall not be required30to be provided by the person stopped.	13	county, and municipal law enforcement agency in the state
16solely motivated by considerations of race, color, ethnicity,17age, gender, or sexual orientation, and the action would18constitute a violation of the civil rights of the person.19(b) Commencing on January 1, 2001, each state, county,20and municipal law enforcement agency shall, using the form21developed pursuant to this section, record and retain the22following information:231. The number of persons stopped for traffic24violations.252. Characteristics of race, color, ethnicity, gender,26and age of such persons, provided the identification of such27characteristics shall be based on the observation and28perception of the law enforcement officer responsible for29reporting the stop and the information shall not be required30to be provided by the person stopped.	14	shall adopt a written policy that prohibits the stopping,
17age, gender, or sexual orientation, and the action would18constitute a violation of the civil rights of the person.19(b) Commencing on January 1, 2001, each state, county,20and municipal law enforcement agency shall, using the form21developed pursuant to this section, record and retain the22following information:231. The number of persons stopped for traffic24violations.252. Characteristics of race, color, ethnicity, gender,26and age of such persons, provided the identification of such27characteristics shall be based on the observation and28perception of the law enforcement officer responsible for29reporting the stop and the information shall not be required30to be provided by the person stopped.	15	detention, or search of any person when such an action is
constitute a violation of the civil rights of the person. (b) Commencing on January 1, 2001, each state, county, and municipal law enforcement agency shall, using the form developed pursuant to this section, record and retain the following information: 1. The number of persons stopped for traffic violations. 2. Characteristics of race, color, ethnicity, gender, and age of such persons, provided the identification of such characteristics shall be based on the observation and perception of the law enforcement officer responsible for reporting the stop and the information shall not be required to be provided by the person stopped.	16	solely motivated by considerations of race, color, ethnicity,
(b) Commencing on January 1, 2001, each state, county, and municipal law enforcement agency shall, using the form developed pursuant to this section, record and retain the following information: 1. The number of persons stopped for traffic violations. 25 2. Characteristics of race, color, ethnicity, gender, and age of such persons, provided the identification of such characteristics shall be based on the observation and perception of the law enforcement officer responsible for reporting the stop and the information shall not be required to be provided by the person stopped.	17	age, gender, or sexual orientation, and the action would
<ul> <li>and municipal law enforcement agency shall, using the form</li> <li>developed pursuant to this section, record and retain the</li> <li>following information: <ol> <li>The number of persons stopped for traffic</li> <li>violations.</li> </ol> </li> <li>2. Characteristics of race, color, ethnicity, gender,</li> <li>and age of such persons, provided the identification of such</li> <li>characteristics shall be based on the observation and</li> <li>perception of the law enforcement officer responsible for</li> <li>reporting the stop and the information shall not be required</li> <li>to be provided by the person stopped.</li> </ul>	18	constitute a violation of the civil rights of the person.
21developed pursuant to this section, record and retain the22following information:231. The number of persons stopped for traffic24violations.252. Characteristics of race, color, ethnicity, gender,26and age of such persons, provided the identification of such27characteristics shall be based on the observation and28perception of the law enforcement officer responsible for29reporting the stop and the information shall not be required30to be provided by the person stopped.	19	(b) Commencing on January 1, 2001, each state, county,
following information: <ol> <li><u>1.</u> The number of persons stopped for traffic</li> <li><u>violations.</u></li> <li><u>2.</u> Characteristics of race, color, ethnicity, gender,</li> <li>and age of such persons, provided the identification of such</li> <li><u>characteristics shall be based on the observation and</u></li> <li><u>perception of the law enforcement officer responsible for</u></li> <li><u>reporting the stop and the information shall not be required</u></li> <li><u>to be provided by the person stopped.</u></li> </ol>	20	and municipal law enforcement agency shall, using the form
<ul> <li>1. The number of persons stopped for traffic</li> <li>violations.</li> <li>2. Characteristics of race, color, ethnicity, gender,</li> <li>and age of such persons, provided the identification of such</li> <li>characteristics shall be based on the observation and</li> <li>perception of the law enforcement officer responsible for</li> <li>reporting the stop and the information shall not be required</li> <li>to be provided by the person stopped.</li> </ul>	21	developed pursuant to this section, record and retain the
24 <u>violations.</u> 25 <u>2.</u> 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.	22	following information:
<ul> <li>25 <u>2. Characteristics of race, color, ethnicity, gender,</u></li> <li>26 and age of such persons, provided the identification of such</li> <li>27 characteristics shall be based on the observation and</li> <li>28 perception of the law enforcement officer responsible for</li> <li>29 reporting the stop and the information shall not be required</li> <li>30 to be provided by the person stopped.</li> </ul>	23	1. The number of persons stopped for traffic
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.	24	violations.
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.	25	2. Characteristics of race, color, ethnicity, gender,
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.	26	and age of such persons, provided the identification of such
29 reporting the stop and the information shall not be required 30 to be provided by the person stopped.	27	characteristics shall be based on the observation and
30 to be provided by the person stopped.	28	perception of the law enforcement officer responsible for
	29	reporting the stop and the information shall not be required
21	30	to be provided by the person stopped.
	31	

2

**CODING:**Words stricken are deletions; words <u>underlined</u> are additions.

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
	2

3

**CODING:**Words stricken are deletions; words <u>underlined</u> are additions.

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 б be used by law enforcement officers when making a traffic stop 7 to record personal identifying information about the operator of the motor vehicle that is stopped, the location of the 8 stop, the reason for the stop, and other information that is 9 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 been subjected to a motor vehicle stop by a law enforcement 13 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. 18 19 20 LEGISLATIVE SUMMARY 21 Defines the term "racial profiling" to mean the detention, interdiction, or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual. Prohibits law enforcement agencies from engaging in racial profiling. 22 23 24 Requires the keeping and retention of described information with respect to traffic stops and arrests. Requires a summary of such information be sent to the 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.) 25 26 27 28 29 30 31 4

**CODING:**Words stricken are deletions; words underlined are additions.