

By Representative Bendross-Mindingall

1                                   A bill to be entitled  
2           An act relating to law enforcement; creating s.  
3           943.1759, F.S.; creating the Florida Motorist  
4           Profiling Evaluation Task Force; providing  
5           duties of the task force; providing  
6           restrictions on the use of data collected under  
7           the act; providing membership, terms, and  
8           organization; requiring state and local law  
9           enforcement agencies to develop policies and  
10          procedures that prohibit biased profiling or  
11          discriminatory practices as a primary factor in  
12          determining whether the driver of a motor  
13          vehicle should be stopped for a routine traffic  
14          violation; providing for submission to the task  
15          force of such policies and procedures;  
16          requiring the task force to develop specified  
17          statewide guidelines; amending s. 943.1758,  
18          F.S.; requiring the Criminal Justice Standards  
19          and Training Commission to include within the  
20          criminal justice and standards training  
21          curriculum guidelines and instructions that  
22          address prohibited biased profiling and  
23          discriminatory practices with respect to motor  
24          vehicle stops; providing an appropriation;  
25          providing an effective date.

26  
27           WHEREAS, in a free society, law enforcement agencies  
28          are entrusted with the protection of the civil rights of all  
29          citizens, and that protection is expected of every law  
30          enforcement agency by each citizen, and  
31

1           WHEREAS, the Legislature, the Attorney General, the  
2 Florida Sheriffs Association, the Florida Police Chiefs  
3 Association, the National Association for the Advancement of  
4 Colored People, the American Civil Liberties Union, the  
5 Florida Department of Law Enforcement, and the Florida Highway  
6 Patrol agree that bias, whether real or perceived, is  
7 detrimental to the relationship between law enforcement and  
8 the public, and

9           WHEREAS, the aforementioned groups encourage the  
10 Florida law enforcement community, in conjunction with local  
11 officials and community organizations, to conduct open  
12 dialogue and discussion on the topics of police integrity and  
13 mutual respect between citizens and the law enforcement  
14 community and to produce guidelines, procedures, and training  
15 programs that prohibit biased law enforcement practices or any  
16 other type of discriminatory law enforcement practices, and

17           WHEREAS, the Legislature supports empirically based  
18 practical efforts that will strengthen trust between Florida's  
19 law enforcement community and all Floridians, NOW, THEREFORE,

20

21 Be It Enacted by the Legislature of the State of Florida:

22

23           Section 1. Section 943.1759, Florida Statutes, is  
24 created to read:

25           943.1759 Florida Motorist Profiling Evaluation Task  
26 Force.--There is created the Florida Motorist Profiling  
27 Evaluation Task Force.

28

(1) The task force shall have the following duties:

29

(a) To develop a research method and design for the

30

study of practices currently used by law enforcement agencies

31

of the state in making motor vehicle traffic stops.

1       (b) To oversee a study of the practices currently used  
2 by law enforcement agencies of the state in making motor  
3 vehicle traffic stops, which study must include a mechanism  
4 for obtaining specific data related to the nature of traffic  
5 stops and the treatment of motorists who are the subjects of  
6 such traffic stops. Data acquired under this section may be  
7 used for research or statistical purposes only and shall not  
8 contain any information that may reveal the identity of any  
9 individual who is the subject of a motor vehicle traffic stop  
10 or any law enforcement officer. Data acquired under this  
11 section shall not be used in any legal or administrative  
12 proceeding to establish an inference of discrimination on the  
13 basis of particular identifying characteristics.

14       (c) To determine whether practices currently used by  
15 law enforcement agencies of the state in making motor vehicle  
16 traffic stops demonstrate a prevalence of biased or  
17 discriminatory law enforcement practices.

18       (d) To report its findings and recommendations  
19 annually, by September 1, to the Governor, the President of  
20 the Senate, the Speaker of the House of Representatives, and  
21 the minority leaders of the Senate and the House of  
22 Representatives and to provide a final report of its findings  
23 and recommendations by September 1, 2004.

24       (2) The task force shall have 12 members as follows:

25       (a) The Attorney General or the Attorney General's  
26 designee.

27       (b) The president of the Florida Sheriffs Association  
28 or his or her designee.

29       (c) The president of the Florida Police Chiefs  
30 Association or his or her designee.

31

1       (d) One member of the Florida Highway Patrol, to be  
2 appointed by the Governor.

3       (e) One member of the Florida Department of Law  
4 Enforcement, to be appointed by the Governor.

5       (f) One member of the Florida Commission on Human  
6 Relations, to be appointed by the Governor.

7       (g) The executive director of the American Civil  
8 Liberties Union of Florida or his or her designee.

9       (h) The state director of the National Association for  
10 the Advancement of Colored People or his or her designee.

11       (i) One member of the House of Representatives, to be  
12 appointed by the Speaker of the House of Representatives.

13       (j) One member of the Senate, to be appointed by the  
14 President of the Senate.

15       (k) One member of the House of Representatives, to be  
16 appointed by the minority leader of the House of  
17 Representatives.

18       (l) One member of the Senate, to be appointed by the  
19 minority leader of the Senate.

20       (3) The Attorney General or the Attorney General's  
21 designee shall serve as the chair of the task force. All  
22 appointments shall be made within 30 days after the effective  
23 date of this act. Members of the task force must be appointed  
24 by July 1, 2001. In the event of a vacancy, the person who  
25 made the original appointment shall appoint a new member to  
26 fill the vacancy.

27       (4) Staffing shall be provided to the task force by  
28 the Office of the Attorney General. Technical assistance may  
29 be provided to the task force by the Department of Law  
30 Enforcement, the Department of Highway Safety and Motor  
31 Vehicles, and the Division of the Florida Highway Patrol.

1       (5) Members of the task force shall serve without  
2 compensation but are entitled to per diem and travel expenses  
3 as provided in s. 112.061. Members of the task force shall  
4 receive per diem and travel expenses from the budgets of their  
5 respective agencies, except that the members of the task force  
6 appointed pursuant to paragraphs (2)(g) and (h) shall receive  
7 per diem and travel expenses from the budget of the Office of  
8 the Attorney General to the extent that resources will permit.

9       (6) The task force may appoint subcommittees that  
10 include persons who are knowledgeable in a subject area  
11 pertinent to the study conducted pursuant to subsection (1)  
12 but are not members of the task force and may not vote as  
13 such.

14       (7) The task force may seek support in the form of  
15 grants and technical assistance from the United States  
16 Department of Justice and other applicable federal agencies in  
17 furtherance of its duties as provided in this act.

18       (8) The task force is abolished September 1, 2004.

19       Section 2. (1) Each state and local law enforcement  
20 agency shall develop policies and procedures that prohibit  
21 biased profiling or discriminatory practices as a primary  
22 factor in determining whether the driver of a motor vehicle  
23 should be stopped for a routine traffic violation. A copy of  
24 the policies and procedures developed by each law enforcement  
25 agency shall be submitted to the Florida Motorist Profiling  
26 Evaluation Task Force by October 1, 2001.

27       (2) The Florida Motorist Profiling Evaluation Task  
28 Force, with the assistance of persons knowledgeable in subject  
29 areas pertinent to the study conducted pursuant to s. 943.1759  
30 (1), Florida Statutes, shall produce uniform statewide  
31 guidelines that may be used by state and local law enforcement

1 agencies in the development of policies, procedures, and  
2 training curricula that will eliminate biased law enforcement  
3 and discriminatory law enforcement practices.

4 Section 3. Section 943.1758, Florida Statutes, is  
5 amended to read:

6 943.1758 Curriculum revision for diverse populations;  
7 skills training.--

8 (1) The Criminal Justice Standards and Training  
9 Commission shall revise its standards and training for basic  
10 recruits and its requirements for continued employment by  
11 integrating instructions on interpersonal skills relating to  
12 diverse populations into the criminal justice standards and  
13 training curriculum. The curriculum shall include standardized  
14 proficiency instruction relating to high-risk and critical  
15 tasks which include, but are not limited to, stops, use of  
16 force and domination, and other areas of interaction between  
17 officers and members of diverse populations. The curriculum  
18 shall also include guidelines and instructions on motor  
19 vehicle stops which address the prohibition of biased  
20 profiling and any other discriminatory law enforcement  
21 practices.

22 (2) The commission shall develop and implement, as  
23 part of its instructor training programs, standardized  
24 instruction in the subject of interpersonal skills relating to  
25 diverse populations.

26  
27 Culturally sensitive lesson plans, up-to-date videotapes, and  
28 other demonstrative aids developed for use in diverse  
29 population-related training shall be used as instructional  
30 materials.

31

