

By Senator Meek

36-7-01

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 bias 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 bias profiling and
23 discriminatory practices with respect to motor
24 vehicle stops; providing an appropriation;
25 providing an effective date.

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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

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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,

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

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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 has 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 may 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 enforcement**
17 **or discriminatory 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.**

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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 bias profiling or discriminatory practices as a primary factor
22 in determining whether the driver of a motor vehicle should be
23 stopped for a routine traffic violation. A copy of the
24 policies and procedures developed by each law enforcement
25 agency shall be submitted to the task force by October 1,
26 2001.

27 (2) The task force, with the assistance of persons
28 knowledgeable in subject areas pertinent to the study
29 conducted pursuant to subsection (1), shall produce uniform
30 statewide guidelines that may be used by state and local law
31 enforcement agencies in the development of policies,

1 procedures, and training curricula that will eliminate biased
2 law enforcement and discriminatory law enforcement practices.

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

5 943.1758 Curriculum revision for diverse populations;
6 skills training.--

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

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

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

29 Section 4. There is appropriated from the General
30 Revenue Fund to the Office of Civil Rights within the
31 Department of Legal Affairs the sum of \$350,000 to fund two

1 OPS positions within the Office of Civil Rights and to carry
2 out the purposes of this act and the duties of the Florida
3 Traffic Stop Evaluation Task Force.

4 Section 5. This act shall take effect upon becoming a
5 law.

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8 SENATE SUMMARY

9 Creates a Florida Motorist Profiling Evaluation Task
10 Force to study the use of discriminatory practices used
11 by law enforcement agencies in making motor vehicle
12 traffic stops, to determine whether discriminatory
13 practices exist, and to develop policies with respect to
14 nondiscriminatory traffic-stop practices. Requires that
15 nondiscriminatory traffic-stop practices be included in
16 the criminal justice and standards curriculum.
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