

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; providing an
18 appropriation; providing an effective date.

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20 WHEREAS, in a free society, law enforcement agencies
21 are entrusted with the protection of the civil rights of all
22 citizens, and that protection is expected of every law
23 enforcement agency by each citizen, and

24 WHEREAS, the Legislature, the Attorney General, the
25 Florida Sheriffs Association, the Florida Police Chiefs
26 Association, the National Association for the Advancement of
27 Colored People, the American Civil Liberties Union, the
28 Florida Department of Law Enforcement, and the Florida Highway
29 Patrol agree that bias, whether real or perceived, is
30 detrimental to the relationship between law enforcement and
31 the public, and

1 WHEREAS, the aforementioned groups encourage the
2 Florida law enforcement community, in conjunction with local
3 officials and community organizations, to conduct open
4 dialogue and discussion on the topics of police integrity and
5 mutual respect between citizens and the law enforcement
6 community and to produce guidelines, procedures, and training
7 programs that prohibit biased law enforcement practices or any
8 other type of discriminatory law enforcement practices, and

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

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

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15 Section 1. Section 943.1759, Florida Statutes, is
16 created to read:

17 943.1759 Florida Motorist Profiling Evaluation Task
18 Force.--There is created the Florida Motorist Profiling
19 Evaluation Task Force.

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

21 (a) To develop a research method and design for the
22 study of practices currently used by law enforcement agencies
23 of the state in making motor vehicle traffic stops.

24 (b) To oversee a study of the practices currently used
25 by law enforcement agencies of the state in making motor
26 vehicle traffic stops, which study must include a mechanism
27 for obtaining specific data related to the nature of traffic
28 stops and the treatment of motorists who are the subjects of
29 such traffic stops. Data acquired under this section may be
30 used for research or statistical purposes only and shall not
31 contain any information that may reveal the identity of any

1 individual who is the subject of a motor vehicle traffic stop
2 or any law enforcement officer. Data acquired under this
3 section shall not be used in any legal or administrative
4 proceeding to establish an inference of discrimination on the
5 basis of particular identifying characteristics.

6 (c) To determine whether practices currently used by
7 law enforcement agencies of the state in making motor vehicle
8 traffic stops demonstrate a prevalence of biased or
9 discriminatory law enforcement practices.

10 (d) To report its findings and recommendations
11 annually, by September 1, to the Governor, the President of
12 the Senate, the Speaker of the House of Representatives, and
13 the minority leaders of the Senate and the House of
14 Representatives and to provide a final report of its findings
15 and recommendations by September 1, 2005.

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

17 (a) The Attorney General or the Attorney General's
18 designee.

19 (b) The president of the Florida Sheriffs Association
20 or his or her designee.

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

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

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

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

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

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

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

5 (j) One member of the Senate, to be appointed by the
6 President of the Senate.

7 (k) One member of the House of Representatives, to be
8 appointed by the minority leader of the House of
9 Representatives.

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

12 (3) The Attorney General or the Attorney General's
13 designee shall serve as the chair of the task force. All
14 appointments shall be made within 30 days after the effective
15 date of this act. Members of the task force must be appointed
16 by July 1, 2002. In the event of a vacancy, the person who
17 made the original appointment shall appoint a new member to
18 fill the vacancy.

19 (4) Staffing shall be provided to the task force by
20 the Office of the Attorney General. Technical assistance may
21 be provided to the task force by the Department of Law
22 Enforcement, the Department of Highway Safety and Motor
23 Vehicles, and the Division of the Florida Highway Patrol.

24 (5) Members of the task force shall serve without
25 compensation but are entitled to per diem and travel expenses
26 as provided in s. 112.061. Members of the task force shall
27 receive per diem and travel expenses from the budgets of their
28 respective agencies, except that the members of the task force
29 appointed pursuant to paragraphs (2)(g) and (h) shall receive
30 per diem and travel expenses from the budget of the Office of
31 the Attorney General to the extent that resources will permit.

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

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

10 (8) The task force is abolished September 1, 2005.

11 Section 2. (1) Each state and local law enforcement
12 agency shall develop policies and procedures that prohibit
13 biased profiling or discriminatory practices as a primary
14 factor in determining whether the driver of a motor vehicle
15 should be stopped for a routine traffic violation. A copy of
16 the policies and procedures developed by each law enforcement
17 agency shall be submitted to the Florida Motorist Profiling
18 Evaluation Task Force by October 1, 2002.

19 (2) The Florida Motorist Profiling Evaluation Task
20 Force, with the assistance of persons knowledgeable in subject
21 areas pertinent to the study conducted pursuant to s. 943.1759
22 (1), Florida Statutes, shall produce uniform statewide
23 guidelines that may be used by state and local law enforcement
24 agencies in the development of policies, procedures, and
25 training curricula that will eliminate biased law enforcement
26 and discriminatory law enforcement practices.

27 Section 3. There is appropriated from the General
28 Revenue Fund to the Office of Civil Rights within the
29 Department of Legal Affairs the sum of \$350,000 to fund two
30 OPS positions within the Office of Civil Rights and to carry
31

1 out the purposes of this act and the duties of the Florida
2 Motorist Profiling Evaluation Task Force.

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

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7 HOUSE SUMMARY

8 Creates a Florida Motorist Profiling Evaluation Task
9 Force to study the use of discriminatory practices by law
10 enforcement agencies in making motor vehicle traffic
11 stops to determine whether discriminatory practices exist
and to develop policies with respect to nondiscriminatory
traffic stop practices.

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