

By the Committee on Criminal Justice and Senator Meek

307-1555-01

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 membership,  
6           terms, and organization; providing an  
7           appropriation; providing an effective date.

8  
9           WHEREAS, in a free society, law enforcement agencies  
10          are entrusted with the protection of the civil rights of all  
11          citizens, and that protection is expected of every law  
12          enforcement agency by each citizen, and

13           WHEREAS, the Legislature, the Attorney General, the  
14          Florida Sheriffs Association, the Florida Police Chiefs  
15          Association, the National Association for the Advancement of  
16          Colored People, the American Civil Liberties Union, the  
17          Florida Department of Law Enforcement, and the Florida Highway  
18          Patrol agree that bias, whether real or perceived, is  
19          detrimental to the relationship between law enforcement and  
20          the public, and

21           WHEREAS, the aforementioned groups encourage the  
22          Florida law enforcement community, in conjunction with local  
23          officials and community organizations, to conduct open  
24          dialogue and discussion on the topics of police integrity and  
25          mutual respect between citizens and the law enforcement  
26          community and to produce guidelines, procedures, and training  
27          programs that prohibit biased law enforcement practices or any  
28          other type of discriminatory law enforcement practices, and

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

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

2

3 Section 1. Section 943.1759, Florida Statutes, is  
4 created to read:

5 943.1759 Florida Motorist Profiling Evaluation Task  
6 Force.--

7 (1) There is created the Florida Motorist Profiling  
8 Evaluation Task Force.--

9 (2) The task force has the following duties:

10 (a) To identify practices currently used by state and  
11 local law enforcement agencies of this state in making motor  
12 vehicle traffic stops;

13 (b) To identify and recommend changes to address  
14 deficiencies, if any, in such current practices;

15 (c) To recommend best practices and policies and  
16 procedures that may be adopted by state or local law  
17 enforcement agencies of this state to prevent bias profiling  
18 and discriminatory practices from serving as a primary factor  
19 in determining whether the driver of a motor vehicle should be  
20 stopped for a routine traffic violation; and

21 (d) To report its findings and recommendations to the  
22 Governor, the President of the Senate, the Speaker of the  
23 House of Representatives, and the majority and minority  
24 leaders of the Senate and the House of Representatives by  
25 January 1, 2002. The recommendations must specifically include  
26 recommendations, including proposed legislation, for assuring  
27 that law enforcement agencies' policies for motor vehicle  
28 traffic stops are free of bias profiling.

29 (3) The task force shall have 12 members as follows;  
30 members may not delegate their duties to attend meetings of

31

1 the task force and to vote on any matter before the task force  
2 to any other person:

3 (a) The Attorney General.

4 (b) The president of the Florida Sheriffs Association.

5 (c) The president of the Florida Police Chiefs  
6 Association.

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

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

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

13 (g) The executive director of the American Civil  
14 Liberties Union of Florida.

15 (h) The state president of the National Association  
16 for the Advancement of Colored People.

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

19 (j) One member of the Senate, to be appointed by the  
20 President of the Senate.

21 (k) One member of the House of Representatives, to be  
22 appointed by the minority leader of the House of  
23 Representatives.

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

26 (4) The Attorney General shall serve as the chair of  
27 the task force. Members of the task force must be appointed  
28 within 30 days after the effective date of this act, and the  
29 task force must hold its first meeting within 60 days after  
30 the effective date of this act. In the event of a vacancy, the  
31

1 person who made the original appointment shall appoint a new  
2 member to fill the vacancy.

3 (5) Staffing shall be provided to the task force by  
4 the Department of Legal Affairs. Technical assistance may be  
5 provided to the task force by the Department of Law  
6 Enforcement, the Department of Highway Safety and Motor  
7 Vehicles, and the Division of the Florida Highway Patrol.

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

16 (7) The task force may appoint subcommittees that  
17 include persons who are knowledgeable in a subject area  
18 pertinent to the subject areas identified in subsection (2)  
19 but are not members of the task force and may not vote as  
20 such.

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

25 (9) The task force is abolished April 1, 2002.

26 Section 2. There is appropriated from the General  
27 Revenue Fund to the Department of Legal Affairs the sum of  
28 \$100,000 to carry out the purposes of this act and the duties  
29 of the Florida Motorist Profiling Evaluation Task Force.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 84

- Revises duties of Florida Motorist Profiling Evaluation Task Force.
- Changes date for reporting findings and recommendations to the Legislature and Governor and for abolishing task force.
- Eliminates data collection requirements.
- Eliminates authorization for designees of appointed members of task force to serve instead of appointed members.
- Reduces appropriation to \$100,000.