

1 A bill to be entitled
2 An act relating to law enforcement and correctional
3 officer practices; amending s. 943.13, F.S.; requiring
4 an affidavit of applicant form to contain specified
5 disclosures; amending s. 943.133, F.S.; requiring a
6 background investigation of an applicant to include
7 specified information; amending s. 943.134, F.S.;
8 requiring employing agencies to maintain employment
9 information for a minimum time period; amending s.
10 943.1735, F.S.; requiring the commission to establish
11 standards for officer training and employing agencies
12 to establish policies; requiring such standards and
13 policies to include minimum guidance; requiring such
14 training to be included in a specified course by a
15 certain date; creating s. 943.1740, F.S.; requiring
16 law enforcement agencies to establish policies for
17 specified use of force investigations; specifying such
18 policies must include an independent review by a
19 specified law enforcement agency, law enforcement
20 officer, or state attorney; requiring the
21 investigation to include an independent report;
22 requiring such report to be submitted to the state
23 attorney of the judicial circuit; creating s.
24 943.6872, F.S.; requiring law enforcement agencies to
25 submit specified data to the Department of Law

PCB JDC 21-01

ORIGINAL

2021

26 Enforcement by a certain date; creating s. 985.031,
27 F.S.; providing a short title; prohibiting a child
28 younger than a certain age from being arrested,
29 charged, or adjudicated delinquent for a delinquent
30 act or violation of law; providing an exception;
31 providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

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35 Section 1. Subsection (8) of section 943.13, Florida
36 Statutes, is amended to read:

37 943.13 Officers' minimum qualifications for employment or
38 appointment.—On or after October 1, 1984, any person employed or
39 appointed as a full-time, part-time, or auxiliary law
40 enforcement officer or correctional officer; on or after October
41 1, 1986, any person employed as a full-time, part-time, or
42 auxiliary correctional probation officer; and on or after
43 October 1, 1986, any person employed as a full-time, part-time,
44 or auxiliary correctional officer by a private entity under
45 contract to the Department of Corrections, to a county
46 commission, or to the Department of Management Services shall:

47 (8) Execute and submit to the employing agency or, if a
48 private correctional officer, submit to the appropriate
49 governmental entity an affidavit-of-applicant form, adopted by
50 the commission, attesting to his or her compliance with

PCB JDC 21-01

ORIGINAL

2021

51 subsections (1)-(7). The affidavit shall require the applicant
52 to disclose any pending investigation by a local, state, or
53 federal agency or entity for criminal, civil, or administrative
54 wrongdoing and whether the applicant separated or resigned from
55 previous criminal justice employment while he or she was under
56 investigation. The affidavit shall be executed under oath and
57 constitutes an official statement within the purview of s.
58 837.06. The affidavit shall include conspicuous language that
59 the intentional false execution of the affidavit constitutes a
60 misdemeanor of the second degree. The affidavit shall be
61 retained by the employing agency.

62 Section 2. Subsection (3) of section 943.133, Florida
63 Statutes, is amended to read:

64 943.133 Responsibilities of employing agency, commission,
65 and program with respect to compliance with employment
66 qualifications and the conduct of background investigations;
67 injunctive relief.—

68 (3) The commission shall adopt rules that establish
69 procedures for conducting background investigations. The rules
70 must specify a form for employing agencies to use to document
71 the findings of the background investigation. Before employing
72 or appointing any officer, the employing agency must conduct a
73 thorough background investigation in accordance with the rules.
74 The background information shall ~~should~~ include information
75 setting forth the facts and reasons for any of the applicant's

PCB JDC 21-01

ORIGINAL

2021

76 previous separations from private or public employment or
77 appointment, as the applicant understands them. For the purposes
78 of this subsection, the term "separation from employment or
79 appointment" includes any firing, termination, resignation,
80 retirement, or voluntary or involuntary extended leave of
81 absence from any salaried or nonsalaried position. The employing
82 agency must maintain the original background investigation form,
83 which must be signed by the administrator of the employing
84 agency or his or her designee.

85 Section 3. Subsection (3) of section 943.134, Florida
86 Statutes, is amended to read:

87 943.134 Release of employee information by employers.—

88 (3) Each employing agency shall ~~This section does not~~
89 ~~require an employer to~~ maintain employment information for a
90 minimum of 5 years after the date of the officer's termination,
91 resignation, or retirement from the employing agency, unless the
92 employing agency is otherwise required to retain such
93 information for a longer time period ~~other than that kept in the~~
94 ~~ordinary course of business.~~

95 Section 4. Section 943.1735, Florida Statutes, is created
96 to read:

97 943.1735 Basic skills training related to use of force;
98 use of force policies; contents.

99 (1) For the purposes of this section, the term:

100 (a) "Chokehold" means the intentional and prolonged

101 application of force to the throat, windpipe, or airway of
102 another person that prevents the intake of air. The term does
103 not include any hold involving contact with another person's
104 neck that is not intended to prevent the intake of air.

105 (b) "Excessive use of force" means use of force that
106 exceeds the degree of force permitted by law, policy, or the
107 observing officer's employing agency.

108 (c) The commission shall establish standards for the
109 instruction of officers in the subject of use of force and each
110 employing agency in the state shall adopt policies in the
111 subject of use of force. The standards and policies must
112 include:

113 1. Instruction on the proportional use of force.

114 2. Alternatives to use of force including de-escalation
115 techniques.

116 3. Authorized use of a chokehold, which must be limited
117 to circumstances where the officer perceives an immediate threat
118 of serious bodily injury or death to themselves or another
119 person.

120 4. The duty to intervene in another officer's excessive
121 use of force, which must require an on-duty officer who observes
122 another officer engaging or attempting to engage in excessive
123 use of force to intervene to end the excessive use of force or
124 attempted excessive use of force when such intervention is
125 reasonable based on the totality of the circumstances and the

126 observing officer may intervene without jeopardizing his or her
127 own health or safety.

128 5. The duty to render medical assistance following use of
129 force, which must require an officer who knows, or when it is
130 otherwise evident, that a person who is detained or in custody
131 is injured or requires medical attention to provide first aid or
132 seek medical assistance when such action is reasonable based on
133 the totality of the circumstances and the officer may do so
134 without jeopardizing his or her own health or safety.

135 6. Instruction on the recognition of the evident symptoms
136 and characteristics of an individual with a substance abuse
137 disorder or a mental illness and appropriate responses to an
138 individual exhibiting such symptoms or characteristics.

139 (d) Beginning July 1, 2023, every basic skills course
140 required in order for officers to obtain initial certification
141 must include the standards for instruction required under this
142 section.

143 Section 5. Section 943.1740, Florida Statutes, is created
144 to read:

145 943.1740 Establishment of standards for use of force
146 investigations.—

147 (1) This section shall apply to use of force
148 investigations conducted when a law enforcement officer's use of
149 force results in the death of any person or the intentional
150 discharge of a firearm that results in injury or death to any

151 person.

152 (2) Each law enforcement agency shall develop and maintain
153 policies regarding use of force investigations concerning a law
154 enforcement officer employed by the agency at the time of the
155 use of force. At a minimum, such policies must incorporate an
156 independent review of the use of force by:

157 (a) A law enforcement agency that did not employ the law
158 enforcement officer under investigation at the time of the use
159 of force;

160 (b) A law enforcement officer who is not employed by the
161 same employing agency as the law enforcement officer under
162 investigation; or

163 (c) The state attorney of the judicial circuit in which
164 the use of force occurred.

165 (3) The policies must incorporate a requirement for the
166 reviewing agency or officer to complete an independent report
167 upon completion of the independent review. The independent
168 report shall be provided to the state attorney of the judicial
169 circuit in which the use of force occurred.

170 Section 6. Section 943.6872, Florida Statutes, is created
171 to read:

172 943.6872 Use of force data collection.-

173 (1) Beginning July 1, 2022, each law enforcement agency in
174 the state shall report quarterly to the department data
175 regarding use of force by the law enforcement officers employed

PCB JDC 21-01

ORIGINAL

2021

176 by the agency that results in serious bodily injury, death, or
177 discharge of a firearm at a person. The data shall include all
178 information collected by the Federal Bureau of Investigation
179 National Use of Force Data Collection.

180 Section 7. Section 985.031, Florida Statutes, is created
181 to read:

182 985.031 Age limitation; exception.—

183 (1) This section may be cited as the "Kaia Rolle Act."

184 (2) A child younger than 7 years of age may not be
185 arrested, charged, or adjudicated delinquent for a delinquent
186 act or violation of law based on an act occurring before he or
187 she reaches 7 years of age, unless the violation of law is a
188 forcible felony as defined in s. 776.08.

189 Section 8. This act shall take effect July 1, 2021.