

By Senators Posey and Mitchell

15-367-02

1                                   A bill to be entitled  
2           An act relating to actions against law  
3           enforcement officers; amending s. 111.065,  
4           F.S.; redefining the term "law enforcement  
5           officer" for purposes of the payment of costs  
6           and attorney's fees in certain actions  
7           commenced against a law enforcement officer;  
8           revising circumstances under which the  
9           employing agency of a law enforcement officer  
10          has the option of paying legal costs and  
11          attorney's fees in an action arising out of the  
12          officer's official duties; requiring that an  
13          officer's employing agency pay legal costs and  
14          attorney's fees under certain circumstances  
15          involving an emergency, imminent death or  
16          bodily harm, or the pursuit or apprehension of  
17          an offender; providing an effective date.

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

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21                   Section 1. This act may be cited as the "Law  
22 Enforcement Fair Defense Act."

23                   Section 2. Section 111.065, Florida Statutes, is  
24 amended to read:

25                   111.065 Law enforcement officers, civil or criminal  
26 action against; employer payment of costs and attorney's  
27 fees.--

28                   (1) As used in this section, the term ~~For the purpose~~  
29 ~~of this act,~~ "law enforcement officer" means any officer  
30 defined in s. 943.10(14) who is ~~person~~ employed full time by  
31 any municipality or the state or any political subdivision

1 ~~thereof or any deputy sheriff whose primary responsibility is~~  
2 ~~the prevention and detection of crime or the enforcement of~~  
3 ~~the penal, traffic, or highway laws of this state.~~

4 (2) The employing agency of any law enforcement  
5 officer shall have the option to pay the legal costs and  
6 reasonable attorney's fees for any law enforcement officer in  
7 any civil or criminal action commenced against such law  
8 enforcement officer in any court when the action arose out of  
9 the performance of the officer's official duties and:

10 (a) The civil or criminal action is dismissed or not  
11 prosecuted ~~plaintiff requests dismissal of the suit; or~~

12 (b) The ~~Such~~ law enforcement officer is found to be  
13 not liable or not guilty.

14 (3) However, the employing agency shall pay the legal  
15 costs and reasonable attorney's fees for a civil or criminal  
16 action commenced against a law enforcement officer who is  
17 employed by a political subdivision of the state if the  
18 action:

19 (a) Is resolved as provided in paragraph (2)(a) or  
20 paragraph (2)(b);

21 (b) Arose out of the performance of the officer's  
22 official duties; and

23 (c)1. Occurred in response to what the officer  
24 reasonably believed was an emergency;

25 2. Was necessary to protect the officer or others from  
26 imminent death or bodily harm; or

27 3. Occurred in the course of the officer's fresh  
28 pursuit, apprehension, or attempted apprehension of a suspect  
29 whom the officer reasonably believes has perpetrated or  
30 attempted to perpetrate a forcible felony or the offense of  
31 escape.

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

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5                           SENATE SUMMARY

6           Provides that the employing agency of a law enforcement  
7 officer has the option of paying legal costs and  
8 attorney's fees in a civil or criminal action against the  
9 law enforcement agency if the action is dismissed or not  
10 prosecuted. Requires that the employing agency pay an  
11 officer's legal costs and attorney's fees if the officer  
12 is employed by a political subdivision of the state, the  
13 case is dismissed or the officer is found not liable or  
14 not guilty, and the case involved an emergency, imminent  
15 death or bodily harm, or the pursuit or apprehension of  
16 an offender.  
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