

By Senator Thurston

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1                   A bill to be entitled  
2           An act relating to standards for pursuit and arrest of  
3           suspects; amending s. 776.05, F.S.; providing  
4           additional criteria for use of force by law  
5           enforcement officers; creating s. 943.17185, F.S.;  
6           providing a definition; requiring law enforcement  
7           agencies to adopt standards for the pursuit of  
8           different types of fleeing suspects; providing  
9           requirements for such standards; providing an  
10          effective date.

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

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14           Section 1. Section 776.05, Florida Statutes, is amended to  
15          read:

16           776.05 Law enforcement officers; use of force in making an  
17          arrest.—A law enforcement officer, or any person whom the  
18          officer has summoned or directed to assist him or her, need not  
19          retreat or desist from efforts to make a lawful arrest because  
20          of resistance or threatened resistance to the arrest.

21           (1) The officer is justified in the use of any necessary  
22          force:

23           (a) ~~(1)~~ Which he or she reasonably believes to be reasonable  
24          and necessary to defend himself or herself or another from  
25          bodily harm while making the arrest;

26           (b) ~~(2)~~ When necessarily committed in retaking felons who  
27          have escaped; or

28           (c) ~~(3)~~ When necessarily committed in arresting felons  
29          fleeing from justice. However, this subsection shall not

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30 constitute a defense in any civil action for damages brought for  
31 the wrongful use of deadly force unless the use of deadly force  
32 was necessary to prevent the arrest from being defeated by such  
33 flight and, when feasible, some warning had been given, and:

34 1. ~~(a)~~ The officer reasonably believes that the fleeing  
35 felon poses a threat of death or serious physical harm to the  
36 officer or others; and the officer may not shoot at a moving  
37 vehicle in a manner intended to cause bodily injury to the  
38 occupants of the vehicle and may only shoot to safely disable or  
39 slow down the vehicle; or

40 2. ~~(b)~~ The officer reasonably believes that the fleeing  
41 felon has committed a crime involving the infliction or  
42 threatened infliction of serious physical harm to another  
43 person.

44 (2) Deescalation techniques shall be used before resorting  
45 to deadly force.

46 (3) For purposes of this section, the standard of force  
47 should be measured in an objective context, not a subjective  
48 one.

49 (4) The level of force that officers are permitted to use  
50 to detain or arrest a suspect must be proportional to:

51 (a) The suspect's level of force.

52 (b) Whether the subject is known to be armed and merely not  
53 suspected.

54 (c) The severity of the criminal activity involved.

55 (d) The actual level of danger that the subject poses to  
56 the officers and the public at the time of flight and takedown.

57 (e) The necessary force to effectuate the arrest safely.

58 Section 2. Section 943.17185, Florida Statutes, is created

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59 to read:

60 943.17185 Pursuit of fleeing suspects.-

61 (1) As used in this section, the term "law enforcement  
62 agency" has the same meaning as provided in s. 943.1718(1).

63 (2) A law enforcement agency shall establish policies and  
64 procedures concerning the pursuit of fleeing suspects. The  
65 policies and procedures must include:

66 (a) As it relates to motor vehicle pursuits:

67 1. Requiring compliance with the standards in s.  
68 768.28(9)(d).

69 2. Prohibiting high-speed pursuits in densely populated  
70 areas.

71 3. Prohibiting shooting at moving vehicles.

72 4. Other standards consistent with the public policy that  
73 protecting innocent persons is more important than punishing the  
74 guilty.

75 (b) Concerning pursuit of alleged felons, regardless of  
76 manner of pursuit:

77 1. Requiring that law enforcement officers pursue a person  
78 only when there is a reasonable certainty that apprehension of  
79 the person will prevent further physical harm to other  
80 individuals or the officer.

81 2. Requiring that a pursuit end if significant property  
82 damage or harm to individuals seems probable.

83 3. Prohibiting shooting at a fleeing individual who  
84 presents no immediate harm to an officer or any other person.

85 (c) Alleged misdemeanants may only be pursued if the  
86 pursuing officer is reasonably certain to apprehend the person  
87 without damage to public property or harm to innocent persons.

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Section 3. This act shall take effect July 1, 2021.