

By Senator Pizzo

38-01746A-21

20211970\_\_

1                   A bill to be entitled  
2       An act relating to law enforcement reform; amending s.  
3       943.10, F.S.; defining terms; amending s. 943.12,  
4       F.S.; requiring the Criminal Justice Standards and  
5       Training Commission to adopt rules prohibiting law  
6       enforcement officers, correctional officers, or  
7       correctional probation officers from using specified  
8       techniques; providing an exception; requiring the  
9       commission to adopt rules requiring employing agencies  
10      to report information related to the use of such  
11      techniques; requiring that the commission review  
12      certain officers who use the prohibited techniques;  
13      requiring the commission to provide specified data  
14      regarding final commission orders to the National  
15      Decertification Index; creating s. 943.121, F.S.;  
16      requiring the commission to establish and maintain  
17      standards for the instruction of officers in specified  
18      subjects in order to build upon and improve police-  
19      community relations; providing minimum required  
20      standards for deescalation training; amending s.  
21      943.125, F.S.; revising the minimum aspects of law  
22      enforcement that the law enforcement accreditation  
23      program must address; providing minimum required  
24      standards for deescalation training; requiring that by  
25      a specified date the Office of the Attorney General  
26      provide certain guidance to law enforcement agencies;  
27      requiring that by a specified date each law  
28      enforcement agency adopt a certain policy; requiring  
29      the commission to create and publish on its website a

38-01746A-21

20211970\_\_

30 model written policy; requiring the Office of the  
31 Attorney General to collect certain data and submit an  
32 annual report; amending s. 943.1715, F.S.; requiring  
33 every basic skills course required for officers to  
34 obtain initial certification to include a minimum  
35 number of hours of deescalation training; amending s.  
36 943.1716, F.S.; requiring the commission to adopt  
37 rules requiring that every officer receive a minimum  
38 number of hours of deescalation training; providing an  
39 effective date.

40  
41 Be It Enacted by the Legislature of the State of Florida:

42  
43 Section 1. Subsections (23) through (27) are added to  
44 section 943.10, Florida Statutes, to read:

45 943.10 Definitions; ss. 943.085-943.255.—The following  
46 words and phrases as used in ss. 943.085-943.255 are defined as  
47 follows:

48 (23) "Deescalation technique" means a method or methods for  
49 assessing and managing a situation in order to resolve it with  
50 the least response to resistance which is safe and practicable  
51 by a law enforcement officer.

52 (24) "Implicit bias training" means a program designed to  
53 go beyond producing fair and impartial enforcement of the law by  
54 bringing awareness to or increasing awareness of, and improving  
55 response strategies to, unconscious bias towards diverse  
56 communities. Such training should allow law enforcement to serve  
57 the community with a deeper understanding of the diversities  
58 within the community, thereby mitigating community tension and

38-01746A-21

20211970\_\_

59 improving police-community relations.

60 (25) "Intervene" means to stop the use of excessive or  
61 unnecessary force.

62 (26) "Procedural justice training" means a system of law  
63 enforcement that prioritizes obtaining citizen compliance with  
64 law enforcement direction through fair and respectful two-way  
65 communication and, where possible and safe, provides explanation  
66 of the rationale behind directions given by law enforcement  
67 officers to build trust. This training allows for both community  
68 and police to be treated with respect and dignity, thereby  
69 cultivating stronger police-community relations.

70 (27) "Reaction gap" means the minimum amount of distance  
71 necessary to ensure that a law enforcement officer will have  
72 time to be able to react appropriately to a potential threat.

73 Section 2. Present subsection (17) of section 943.12,  
74 Florida Statutes, is redesignated as subsection (18), and a new  
75 subsection (17) and subsection (19) are added to that section,  
76 to read:

77 943.12 Powers, duties, and functions of the commission.—The  
78 commission shall:

79 (17) Adopt rules prohibiting any law enforcement officer,  
80 correctional officer, or correctional probation officer from  
81 using any technique that requires the application of pressure to  
82 the neck, throat, esophagus, trachea, or carotid arteries  
83 alongside the trachea. The use of such a technique by a law  
84 enforcement officer, correctional officer, or correctional  
85 probation officer is prohibited unless deadly force is  
86 authorized under the law. The commission shall adopt rules  
87 requiring employing agencies to report to the commission any use

38-01746A-21

20211970\_\_

88 of such technique by a law enforcement officer, correctional  
89 officer, or correctional probation officer employed by that  
90 agency. The commission shall review any law enforcement officer,  
91 correctional officer, or correctional probation officer who uses  
92 such a technique when deadly force is not authorized under the  
93 law.

94 (19) Provide data to the National Decertification Index on  
95 final commission orders regarding decertifications, criminal  
96 convictions for on-duty conduct, and disciplinary measures  
97 against law enforcement officers, correctional officers, or  
98 correctional probation officers.

99 Section 3. Section 943.121, Florida Statutes, is created to  
100 read:

101 943.121 Commission standards for instruction of officers in  
102 certain subjects.-

103 (1) The commission shall establish and maintain standards  
104 for instruction of officers in the subjects of deescalation  
105 techniques, procedural justice training, implicit bias training,  
106 and the duty to intervene if another officer uses excessive or  
107 unnecessary force in order to build upon and improve police-  
108 community relations.

109 (2) The minimum standards for deescalation training must  
110 include all of the following:

111 (a) Training on verbal and physical tactics that would help  
112 avoid a physical response to resistance with an emphasis on  
113 communication, negotiation, deescalation techniques, creating  
114 and maintaining a reaction gap, and obtaining the time needed to  
115 resolve the incident safely for each individual involved.

116 (b) Training officers simultaneously and in teams on

38-01746A-21

20211970\_\_

117 deescalation and appropriate responses to resistance to improve  
118 group dynamics and diminish excessive responses to resistance  
119 while managing critical incidents.

120 (c) Training that intentional chokeholds must never be  
121 used, except in deadly force situations.

122 (d) Training on the principles of using distance, cover,  
123 and time when approaching and managing critical incidents, and  
124 the elimination of other techniques in favor of using distance  
125 and cover to create and sustain a reaction gap.

126 (e) Training on the use of the lowest response to  
127 resistance which is a possible and safe response to an  
128 identified threat.

129 (f) Training on the reevaluation of an identified threat as  
130 the management of the critical incident progresses.

131 (g) Training on procedural justice training.

132 (h) Training on crisis intervention strategies to  
133 appropriately identify and respond to individuals suffering from  
134 physical or mental disabilities, mental health issues, or  
135 substance abuse issues with an emphasis on deescalation  
136 techniques and promoting effective communication with such  
137 individuals.

138 (i) Training on techniques that provide all officers with  
139 awareness and recognition of an individual's physical and mental  
140 disabilities, mental health issues, and substance abuse issues  
141 with an emphasis on communication strategies.

142 (j) Training on other evidence-based approaches found to be  
143 appropriate by the commission which enhance deescalation  
144 techniques and skills.

145 (k) Training on implicit bias.

38-01746A-21

20211970\_\_

146 Section 4. Section 943.125, Florida Statutes, is amended to  
147 read:

148 943.125 Accreditation of state and local law enforcement  
149 agencies, correctional facilities, public agency offices of  
150 inspectors general, and certain pretrial diversion programs;  
151 intent.—

152 (1) It is the intent of the Legislature that law  
153 enforcement agencies, correctional facilities, public agency  
154 offices of inspectors general, and those agencies offering  
155 pretrial diversion programs within offices of the state  
156 attorneys, county government, or sheriff's offices in the state  
157 be upgraded and strengthened through the adoption of meaningful  
158 standards of operation for those agencies and their functions.

159 (2) It is the further intent of the Legislature that these  
160 agencies voluntarily adopt standards designed to promote  
161 enhanced professionalism:

162 (a) For law enforcement, to maximize the capability of law  
163 enforcement agencies to enforce the law and prevent and control  
164 criminal activities.

165 (b) For correctional facilities, to maintain best practices  
166 for the care, custody, and control of inmates.

167 (c) Within public agency offices of inspector general, to  
168 promote more effective scrutiny of public agency operations and  
169 greater accountability of those serving in those agencies.

170 (d) In the operation and management of pretrial diversion  
171 programs offered by and through the state attorney's offices,  
172 county government, or sheriff's offices.

173 (3) The Legislature also intends to encourage the  
174 continuation of a voluntary state accreditation program to

38-01746A-21

20211970\_\_

175 facilitate the enhanced professionalism identified in subsection  
176 (2). Other than the staff support by the department as  
177 authorized in subsection (10) ~~(5)~~, the accreditation program  
178 must be independent of any law enforcement agency, the  
179 Department of Corrections, the Florida Sheriffs Association, or  
180 the Florida Police Chiefs Association.

181 (4) The law enforcement accreditation program must address,  
182 at a minimum, all of the following aspects of law enforcement:

- 183 (a) Vehicle pursuits.  
184 (b) Seizure and forfeiture of contraband articles.  
185 (c) Recording and processing citizens' complaints.  
186 (d) Response to resistance ~~Use of force~~.  
187 (e) Traffic stops.  
188 (f) Handling natural and manmade disasters.  
189 (g) Special operations.  
190 (h) Prisoner transfer.  
191 (i) Collection and preservation of evidence.  
192 (j) Recruitment and selection.  
193 (k) Officer training.  
194 (l) Performance evaluations.  
195 (m) Law enforcement disciplinary procedures and rights.  
196 (n) Use of criminal investigative funds.  
197 (o) Deescalation techniques.  
198 (p) Implicit bias training.  
199 (q) Procedural justice training.  
200 (r) Mental health and wellness resources and support  
201 available for law enforcement officers, including any peer-  
202 support teams and sworn or unsworn chaplaincy programs.  
203 (s) The duty to intervene if another officer uses excessive

38-01746A-21

20211970\_\_

204 or unnecessary force.

205 (5) The minimum standards for deescalation training must  
206 include all of the following:

207 (a) Training on verbal and physical tactics that would help  
208 avoid a physical response to resistance with an emphasis on  
209 communication, negotiation, deescalation techniques, creating  
210 and maintaining a reaction gap, and obtaining the time needed to  
211 resolve the incident safely for each individual involved.

212 (b) Training officers simultaneously and in teams on  
213 deescalation and appropriate responses to resistance to improve  
214 group dynamics and diminish excessive responses to resistance  
215 while managing critical incidents.

216 (c) Training that intentional chokeholds must never be  
217 used, except in deadly force situations.

218 (d) Training on the principles of using distance, cover,  
219 and time when approaching and managing critical incidents, and  
220 the elimination of other techniques in favor of using distance  
221 and cover to create and sustain a reaction gap.

222 (e) Training on the use of the lowest response to  
223 resistance which is a possible and safe response to an  
224 identified threat.

225 (f) Training on the reevaluation of an identified threat as  
226 the management of the critical incident progresses.

227 (g) Training on crisis intervention strategies to  
228 appropriately identify and respond to individuals suffering from  
229 physical or mental disabilities, mental health issues, or  
230 substance abuse issues with an emphasis on deescalation  
231 techniques and promoting effective communication with such  
232 individuals.



38-01746A-21

20211970\_\_

233 (h) Training on techniques that provide all officers with  
234 awareness and recognition of an individual's physical and mental  
235 disabilities, mental health issues, and substance abuse issues  
236 with an emphasis on communication strategies.

237 (i) Training on other evidence-based approaches found to be  
238 appropriate by the commission which enhance deescalation  
239 techniques and skills.

240 (6) Not later than November 30, 2021, the Office of the  
241 Attorney General shall provide written guidance to law  
242 enforcement agencies in this state which employ law enforcement  
243 officers with regard to compliance with minimum standards under  
244 this section.

245 (7) Not later than January 1, 2022, each law enforcement  
246 agency in this state shall adopt a written policy stating that  
247 each of the law enforcement officers in its employ has an  
248 affirmative duty to use deescalation techniques in his or her  
249 interactions with citizens wherever possible.

250 (8) The commission shall create and publish on its website  
251 a model written policy in accordance with subsection (7). A law  
252 enforcement agency may fulfill its duty under subsection (5) by  
253 adopting the commission's model written policy.

254 (9) The Office of the Attorney General shall collect data  
255 regarding the implementation of training programs under this  
256 section and shall provide by July 1 of each year an annual  
257 report to the President of the Senate, the Senate Minority  
258 Leader, the Speaker of the House of Representatives, and the  
259 House Minority Leader describing that data.

260 (10)~~(5)~~ Subject to available funding, the department shall  
261 employ and assign adequate support staff to the Commission for

38-01746A-21

20211970\_\_

262 Florida Law Enforcement Accreditation, Inc., and the Florida  
263 Corrections Accreditation Commission, Inc., in support of the  
264 accreditation programs established in this section.

265 (11)~~(6)~~ Accreditation standards related to law enforcement  
266 and inspectors general used by the accreditation programs  
267 established in this section shall be determined by the  
268 Commission for Florida Law Enforcement Accreditation, Inc.  
269 Accreditation standards related to corrections functions and  
270 pretrial diversion programs shall be determined by the Florida  
271 Corrections Accreditation Commission, Inc.

272 Section 5. Section 943.1715, Florida Statutes, is amended  
273 to read:

274 943.1715 Basic skills training relating to diverse  
275 populations and deescalation training.—The commission shall  
276 establish and maintain standards for instruction of officers in  
277 the subject of interpersonal skills relating to diverse  
278 populations, with an emphasis on the awareness of cultural  
279 differences. Every basic skills course required in order for  
280 officers to obtain initial certification must include training  
281 in interpersonal skills with diverse populations. The commission  
282 shall also require that every basic skills course include in the  
283 curriculum at least 40 hours of deescalation training.

284 Section 6. Section 943.1716, Florida Statutes, is amended  
285 to read:

286 943.1716 Continued employment training relating to diverse  
287 populations and deescalation training.—The commission shall by  
288 rule require that each officer receive, as part of the 40 hours  
289 of required instruction for continued employment or appointment  
290 as an officer, instruction in the subject of interpersonal

38-01746A-21

20211970\_\_

291 skills relating to diverse populations, with an emphasis on the  
292 awareness of cultural differences. The commission shall also  
293 require by rule that every officer receive at least 16 hours of  
294 deescalation training, in addition to the 40 hours of required  
295 instruction for continued employment or appointment as an  
296 officer.

297 Section 7. This act shall take effect July 1, 2021.