

1 A bill to be entitled
2 An act relating to law enforcement officer use of
3 force; amending s. 900.05, F.S.; defining the term
4 "law enforcement and correctional agency"; requiring
5 law enforcement and correctional agencies to collect
6 specified data concerning use of force incidents and
7 other interactions; providing for suspension of
8 funding for local law enforcement agencies that fail
9 to comply with data collection and reporting
10 requirements; requiring specified data to be collected
11 in compliance with specified federal standards;
12 creating s. 943.6872, F.S.; requiring the Department
13 of Law Enforcement to maintain a statewide database
14 with specified data reported by law enforcement and
15 correctional agencies and publish the database on the
16 department's website; requiring the department to
17 annually submit a report to the Governor and
18 Legislature; creating s. 943.1719, F.S.; requiring
19 each law enforcement agency to annually review and
20 revise its use of force policy and require each of its
21 officers to attend a training class that reviews the
22 policy; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

26 Section 1. Paragraphs (y) through (ff) of subsection (2)
27 of section 900.05, Florida Statutes, are redesignated as
28 paragraphs (z) through (gg), respectively, a new paragraph (y)
29 is added to that subsection, paragraph (h) is added to
30 subsection (3), subsection (5) is amended, and subsection (7) is
31 added to that section, to read:

32 900.05 Criminal justice data collection.—

33 (2) DEFINITIONS.—As used in this section, the term:

34 (y) "Law enforcement and correctional agency" means a law
35 enforcement agency, as defined in s. 943.1718(1), and any agency
36 employing correctional officers, as defined in s. 943.10(2).

37 (3) DATA COLLECTION AND REPORTING.—An entity required to
38 collect data in accordance with this subsection shall collect
39 the specified data and report them in accordance with this
40 subsection to the Department of Law Enforcement on a monthly
41 basis.

42 (h) Law enforcement and correctional agency.—Each law
43 enforcement and correctional agency shall collect the following
44 data:

45 1. Each use of force incident by its officers that results
46 in death or serious bodily injury, including:

47 a. The date, time, and location of the use of force
48 incident.

49 b. The perceived demographic information of the person
50 against whom use of force was used, provided that the

51 identification of the characteristics is based on the
52 observation and perception of the officer making the contact and
53 other available data.

54 c. The names of every officer at the scene at the time of
55 the use of force incident, identified by whether the officer was
56 involved in the use of force or not; except that the identity of
57 other officers at the scene not directly involved in the use of
58 force shall be identified by the officer's identification
59 number, unless the officer is charged criminally or is a
60 defendant to a civil suit as a result of the use of force.

61 d. The type of force used, the severity and nature of the
62 injury, whether the officer suffered physical injury, and the
63 severity of the officer's injury.

64 e. Whether the officer was on duty at the time of the use
65 of force incident.

66 f. Whether an officer unholstered a weapon during the use
67 of force incident.

68 g. Whether an officer discharged a firearm during the use
69 of force incident.

70 h. Whether the use of force resulted in an agency
71 investigation and the result of the investigation.

72 i. Whether the use of force resulted in a complaint and
73 the resolution of the complaint.

74 j. Whether a claim under chapter 776 was made by any
75 person involved in the use of force incident.

76 2. Each instance when an officer resigned while under
77 investigation for violating department policy.

78 3. All data relating to official contacts with members of
79 the public conducted by its officers, including:

80 a. The perceived demographic information of the person
81 contacted, provided that the identification of the
82 characteristics is based on the observation and perception of
83 the officer making the contact and other available data.

84 b. Whether the contact was a traffic stop.

85 c. The time, date, and location of the contact.

86 d. The duration of the contact.

87 e. The reason for the contact.

88 f. The suspected crime.

89 g. The result of the contact, such as:

90 (I) No action, warning, citation, property seizure, or
91 arrest.

92 (II) If a warning or citation was issued, the warning
93 provided or violation cited.

94 (III) If an arrest was made, the offense charged.

95 (IV) If the contact was a traffic stop, the information
96 collected concerning the driver.

97 h. The actions taken by the officer during the contact,
98 including whether:

99 (I) The officer asked for consent to search the person
100 and, if so, whether consent was provided.

101 (II) The officer searched the person or any property and,
102 if so, the basis for the search and the type of contraband or
103 evidence discovered, if any.

104 (III) The officer seized any property and, if so, the type
105 of property that was seized and the basis for seizing the
106 property.

107 (IV) An officer unholstered a weapon during the contact.

108 (V) An officer discharged a firearm during the contact.

109 i. All instances of unannounced entry into a residence,
110 with or without a warrant, including:

111 (I) The date, time, and location of the unannounced entry.

112 (II) The perceived demographic information of the subject
113 of the unannounced entry, provided that the identification of
114 the characteristics is based on the observation and perception
115 of the officer making the entry and other available data.

116 (III) Whether an officer unholstered a weapon during the
117 unannounced entry.

118 (IV) Whether an officer discharged a firearm during the
119 unannounced entry.

120 (5) NONCOMPLIANCE.—Notwithstanding any other law, an
121 entity required to collect and transmit data under subsection
122 (3) which does not comply with the requirements of this section
123 is ineligible to receive funding from the General Appropriations
124 Act, any state grant program administered by the Department of
125 Law Enforcement, or any other state agency for 5 years after the

126 | date of noncompliance. In addition, any law enforcement agency,
127 | other than a state law enforcement agency, is subject to the
128 | suspension of the law enforcement agency's funding by its
129 | appropriating authority until such failure is remedied.

130 | (7) USE OF FORCE DATA.—The data collected under
131 | subparagraph (3)(h)1. shall be collected in compliance with the
132 | standards of the Federal Bureau of Investigation's National Use-
133 | of-Force Data Collection.

134 | Section 2. Section 943.6872, Florida Statutes, is created
135 | to read:

136 | 943.6872 Law enforcement agency data; websites.—

137 | (1) Notwithstanding any provision of law to the contrary,
138 | the data reported pursuant to s. 900.05(3)(h)1. shall be made
139 | available to the public as provided in this section.

140 | (2) The department shall maintain a statewide database
141 | with data collected pursuant to s. 900.05(3)(h), in a searchable
142 | format and publish the database on its website and update it at
143 | least bimonthly.

144 | (3) Each January 1, the department shall submit a report
145 | to the Governor, the President of the Senate, and the Speaker of
146 | the House of Representatives listing law enforcement officers
147 | and law enforcement agencies that have an excessive number of
148 | complaints, as determined by the department, involving the use
149 | of force.

150 | Section 3. Section 943.1719, Florida Statutes, is created

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151 to read:

152 943.1719 Use of force policies; training.—Each law
153 enforcement agency shall annually:

154 (1) Review and revise policies, procedures, training
155 manuals, online courses, and classes pertaining to the use of
156 force.

157 (2) Require each of its law enforcement officers to attend
158 a training class reviewing the agency's use of force policy.

159 Section 4. This act shall take effect July 1, 2021.