

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. The
 21 officer is justified in the use of any necessary force:

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

25 (2) When necessarily committed in retaking felons who have

26 | escaped; or

27 | (3) When necessarily committed in arresting felons fleeing
 28 | from justice. However, this subsection shall not constitute a
 29 | defense in any civil action for damages brought for the wrongful
 30 | use of deadly force unless the use of deadly force was necessary
 31 | to prevent the arrest from being defeated by such flight and,
 32 | when feasible, some warning had been given, and:

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

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

42 | (4) De-escalation techniques shall be used before
 43 | resorting to deadly force.

44 | (5) For purposes of this section, the standard of force
 45 | should be measured in an objective context, not a subjective
 46 | one.

47 | (6) The level of force that officers are permitted to use
 48 | to detain or arrest a suspect must be proportional to:

49 | (a) The suspect's level of force.

50 | (b) Whether the subject is known to be armed and merely

51 not suspected.

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

53 (d) The actual level of danger that the subject poses to
54 the officers and the public at the time of flight and take down.

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

56
57 Section 2. Section 943.17185, Florida Statutes, is created
58 to read:

59 943.17185 Pursuit of fleeing suspects.—

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

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

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

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

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

70 3. Prohibiting shooting at moving vehicles.

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

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

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

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

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

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

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