

1 A bill to be entitled
2 An act relating to law enforcement and correctional
3 officer practices; amending s. 943.13, F.S.; requiring
4 an affidavit-of-applicant form for employment or
5 appointment as a law enforcement or correctional
6 officer to contain specified disclosures; amending s.
7 943.133, F.S.; requiring a background investigation of
8 an applicant to include specified information;
9 amending s. 943.134, F.S.; requiring employing
10 agencies to maintain employment information for a
11 minimum time period; creating s. 943.1735, F.S.;
12 providing definitions; requiring the Criminal Justice
13 Standards and Training Commission and employing
14 agencies to establish standards for officer training
15 and adopt policies concerning use of force,
16 respectively; providing requirements for such
17 standards and policies; requiring such training to be
18 included in a specified course by a certain date;
19 creating s. 943.1740, F.S.; providing applicability;
20 requiring law enforcement agencies to develop and
21 maintain policies for specified use of force
22 investigations; specifying such policies must include
23 an independent review by a specified law enforcement
24 agency, law enforcement officer, or state attorney;
25 requiring the investigation to include an independent

26 | report; requiring such report to be submitted to the
27 | state attorney of the judicial circuit; creating s.
28 | 943.6872, F.S.; requiring law enforcement agencies to
29 | submit specified data to the Department of Law
30 | Enforcement; requiring data to be compliant with a
31 | specified federal program; creating s. 985.031, F.S.;
32 | providing a short title; prohibiting a child younger
33 | than a certain age from being arrested, charged, or
34 | adjudicated delinquent for a delinquent act or
35 | violation of law; providing an exception; reenacting
36 | ss. 943.131(1)(a), 943.1395(6), and 943.19(1), F.S.,
37 | relating to temporary employment or appointment and
38 | minimum basic recruit training, certification for
39 | employment or appointment, and a saving clause,
40 | respectively, for the purpose of incorporating the
41 | amendment made by the act; providing an effective
42 | date.

43 |
44 | Be It Enacted by the Legislature of the State of Florida:

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46 | Section 1. Subsection (8) of section 943.13, Florida
47 | Statutes, is amended to read:

48 | 943.13 Officers' minimum qualifications for employment or
49 | appointment.—On or after October 1, 1984, any person employed or
50 | appointed as a full-time, part-time, or auxiliary law

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51 enforcement officer or correctional officer; on or after October
52 1, 1986, any person employed as a full-time, part-time, or
53 auxiliary correctional probation officer; and on or after
54 October 1, 1986, any person employed as a full-time, part-time,
55 or auxiliary correctional officer by a private entity under
56 contract to the Department of Corrections, to a county
57 commission, or to the Department of Management Services shall:

58 (8) Execute and submit to the employing agency or, if a
59 private correctional officer, submit to the appropriate
60 governmental entity an affidavit-of-applicant form, adopted by
61 the commission, attesting to his or her compliance with
62 subsections (1)-(7). The affidavit shall require the applicant
63 to disclose any pending investigation by a local, state, or
64 federal agency or entity for criminal, civil, or administrative
65 wrongdoing and whether the applicant separated or resigned from
66 previous criminal justice employment while he or she was under
67 investigation. The affidavit shall be executed under oath and
68 constitutes an official statement within the purview of s.
69 837.06. The affidavit shall include conspicuous language that
70 the intentional false execution of the affidavit constitutes a
71 misdemeanor of the second degree. The affidavit shall be
72 retained by the employing agency.

73 Section 2. Subsection (3) of section 943.133, Florida
74 Statutes, is amended to read:

75 943.133 Responsibilities of employing agency, commission,

76 | and program with respect to compliance with employment
 77 | qualifications and the conduct of background investigations;
 78 | injunctive relief.-

79 | (3) The commission shall adopt rules that establish
 80 | procedures for conducting background investigations. The rules
 81 | must specify a form for employing agencies to use to document
 82 | the findings of the background investigation. Before employing
 83 | or appointing any officer, the employing agency must conduct a
 84 | thorough background investigation in accordance with the rules.
 85 | The background information shall ~~should~~ include information
 86 | setting forth the facts and reasons for any of the applicant's
 87 | previous separations from private or public employment or
 88 | appointment, as the applicant understands them. For the purposes
 89 | of this subsection, the term "separation from employment or
 90 | appointment" includes any firing, termination, resignation,
 91 | retirement, or voluntary or involuntary extended leave of
 92 | absence from any salaried or nonsalaried position. The employing
 93 | agency must maintain the original background investigation form,
 94 | which must be signed by the administrator of the employing
 95 | agency or his or her designee.

96 | Section 3. Subsection (3) of section 943.134, Florida
 97 | Statutes, is amended to read:

98 | 943.134 Release of employee information by employers.-

99 | (3) Each employing agency shall ~~This section does not~~
 100 | ~~require an employer to~~ maintain employment information for a

101 minimum of 5 years after the date of the officer's termination,
102 resignation, or retirement from the employing agency, unless the
103 employing agency is otherwise required to retain such
104 information for a longer time period ~~other than that kept in the~~
105 ~~ordinary course of business.~~

106 Section 4. Section 943.1735, Florida Statutes, is created
107 to read:

108 943.1735 Basic skills training related to use of force;
109 use of force policies; contents.

110 (1) For the purposes of this section, the term:

111 (a) "Chokehold" means the intentional and prolonged
112 application of force to the throat, windpipe, or airway of
113 another person that prevents the intake of air. The term does
114 not include any hold involving contact with another person's
115 neck that is not intended to prevent the intake of air.

116 (b) "Excessive use of force" means use of force that
117 exceeds the degree of force permitted by law, policy, or the
118 observing officer's employing agency.

119 (2) The commission shall establish standards for the
120 instruction of officers in the subject of use of force and each
121 employing agency in the state shall adopt policies in the
122 subject of use of force. The standards and policies must
123 include:

124 (a) Instruction on the proportional use of force.

125 (b) Alternatives to use of force, including de-escalation

126 techniques.

127 (c) Authorized use of a chokehold, which must be limited
128 to circumstances where the officer perceives an immediate threat
129 of serious bodily injury or death to himself, herself, or
130 another person.

131 (d) The duty to intervene in another officer's excessive
132 use of force, which must require an on-duty officer who observes
133 another officer engaging or attempting to engage in excessive
134 use of force to intervene to end the excessive use of force or
135 attempted excessive use of force when such intervention is
136 reasonable based on the totality of the circumstances and the
137 observing officer may intervene without jeopardizing his or her
138 own health or safety.

139 (e) The duty to render medical assistance following use of
140 force, which must require an officer who knows, or when it is
141 otherwise evident, that a person who is detained or in custody
142 is injured or requires medical attention to provide first aid or
143 seek medical assistance when such action is reasonable based on
144 the totality of the circumstances and the officer may do so
145 without jeopardizing his or her own health or safety.

146 (f) Instruction on the recognition of the evident symptoms
147 and characteristics of an individual with a substance abuse
148 disorder or a mental illness and appropriate responses to an
149 individual exhibiting such symptoms or characteristics.

150 (3) Beginning July 1, 2023, every basic skills course

151 required in order for officers to obtain initial certification
152 must include the standards for instruction required under this
153 section.

154 Section 5. Section 943.1740, Florida Statutes, is created
155 to read:

156 943.1740 Standards for use of force investigations.-

157 (1) This section shall apply to use of force
158 investigations conducted when a law enforcement officer's use of
159 force results in the death of any person or the intentional
160 discharge of a firearm that results in injury or death to any
161 person.

162 (2) Each law enforcement agency shall develop and maintain
163 policies regarding use of force investigations concerning a law
164 enforcement officer employed by the agency at the time of the
165 use of force. At a minimum, such policies must incorporate an
166 independent review of the use of force by:

167 (a) A law enforcement agency that did not employ the law
168 enforcement officer under investigation at the time of the use
169 of force;

170 (b) A law enforcement officer who is not employed by the
171 same employing agency as the law enforcement officer under
172 investigation; or

173 (c) The state attorney of the judicial circuit in which
174 the use of force occurred.

175 (3) The policies must incorporate a requirement for the

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176 reviewing agency or officer to complete an independent report
177 upon completion of the independent review. The independent
178 report shall be submitted to the state attorney of the judicial
179 circuit in which the use of force occurred.

180 Section 6. Section 943.6872, Florida Statutes, is created
181 to read:

182 943.6872 Use of force data collection.-Beginning July 1,
183 2022, each law enforcement agency in the state shall report
184 quarterly to the department data regarding use of force by the
185 law enforcement officers employed by the agency that results in
186 serious bodily injury, death, or discharge of a firearm at a
187 person. The data shall include all information collected by the
188 Federal Bureau of Investigation's National Use-of-Force Data
189 Collection.

190 Section 7. Section 985.031, Florida Statutes, is created
191 to read:

192 985.031 Age limitation; exception.-

193 (1) This section may be cited as the "Kaia Rolle Act."

194 (2) A child younger than 7 years of age may not be
195 arrested, charged, or adjudicated delinquent for a delinquent
196 act or violation of law based on an act occurring before he or
197 she reaches 7 years of age, unless the violation of law is a
198 forcible felony as defined in s. 776.08.

199 Section 8. For the purpose of incorporating the amendment
200 made by this act to section 943.13, Florida Statutes, in

201 references thereto, paragraph (a) of subsection (1) of section
202 943.131, Florida Statutes, is reenacted to read:

203 943.131 Temporary employment or appointment; minimum basic
204 recruit training exemptions.—

205 (1)(a) An employing agency may temporarily employ or
206 appoint a person who complies with the qualifications for
207 employment in s. 943.13(1)-(8), but has not fulfilled the
208 requirements of s. 943.13(9) and (10), if a critical need exists
209 to employ or appoint the person and such person is or will be
210 enrolled in the next approved basic recruit training program
211 available in the geographic area or that no assigned state
212 training program for state officers is available within a
213 reasonable time. The employing agency must maintain
214 documentation which demonstrates that a critical need exists to
215 employ a person pursuant to this section. Prior to the
216 employment or appointment of any person other than a
217 correctional probation officer under this subsection, the person
218 shall comply with the firearms provisions established pursuant
219 to s. 943.17(1)(a). Any person temporarily employed or appointed
220 as an officer under this subsection must attend the first
221 training program offered in the geographic area, or the first
222 assigned state training program for a state officer, subsequent
223 to his or her employment or appointment. A person temporarily
224 employed or appointed as an officer under this subsection must
225 begin basic recruit training within 180 consecutive days after

226 employment. Such person must fulfill the requirements of s.
227 943.13(9) within 18 months after beginning basic recruit
228 training and must fulfill the certification examination
229 requirements of s. 943.13(10) within 180 consecutive days after
230 completing basic recruit training. A person hired after he or
231 she has commenced basic recruit training or after completion of
232 basic recruit training must fulfill the certification
233 examination requirements of s. 943.13(10) within 180 consecutive
234 days after completion of basic recruit training or the
235 commencement of employment, whichever occurs later.

236 Section 9. For the purpose of incorporating the amendment
237 made by this act to section 943.13, Florida Statutes, in a
238 reference thereto, subsection (6) of section 943.1395, Florida
239 Statutes, is reenacted to read:

240 943.1395 Certification for employment or appointment;
241 concurrent certification; reemployment or reappointment;
242 inactive status; revocation; suspension; investigation.—

243 (6) The commission shall revoke the certification of any
244 officer who is not in compliance with the provisions of s.
245 943.13(4) or who intentionally executes a false affidavit
246 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

247 (a) The commission shall cause to be investigated any
248 ground for revocation from the employing agency pursuant to s.
249 943.139 or from the Governor, and the commission may cause
250 verifiable complaints to be investigated. Any investigation

251 initiated by the commission pursuant to this section must be
252 completed within 6 months after receipt of the completed report
253 of the disciplinary or internal affairs investigation from the
254 employing agency or Governor's office. A verifiable complaint
255 shall be completed within 1 year after receipt of the complaint.
256 An investigation shall be considered completed upon a finding by
257 a probable cause panel of the commission. These time periods
258 shall be tolled during the appeal of a termination or other
259 disciplinary action through the administrative or judicial
260 process or during the period of any criminal prosecution of the
261 officer.

262 (b)1. The report of misconduct and all records or
263 information provided to or developed by the commission during
264 the course of an investigation conducted by the commission are
265 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
266 of the State Constitution and, except as otherwise provided by
267 law, such information shall be subject to public disclosure only
268 after a determination as to probable cause has been made or
269 until the investigation becomes inactive.

270 2. However, not more than 30 days before the results of an
271 investigation are to be presented to a probable cause panel, an
272 officer who is being investigated, or the officer's attorney,
273 may review any documents or other information regarding the
274 investigation which was developed by or provided to the
275 commission.

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276 (c) When an officer's certification is revoked in any
277 discipline, his or her certification in any other discipline
278 shall simultaneously be revoked.

279 Section 10. For the purpose of incorporating the amendment
280 made by this act to section 943.13, Florida Statutes, in a
281 reference thereto, subsection (1) of section 943.19, Florida
282 Statutes, is reenacted to read:

283 943.19 Saving clause.—

284 (1) Any full-time, part-time, or auxiliary law enforcement
285 or correctional officer duly certified by the commission and
286 employed or appointed as of September 30, 1984, and any
287 correctional probation officer employed or appointed as of
288 September 30, 1986, and any correctional probation officer
289 employed in an institution as of September 30, 1989, is not
290 required to comply with s. 943.13(5) and (8) as a condition of
291 continued employment or appointment with his or her current
292 employing agency.

293 Section 11. This act shall take effect July 1, 2021.