

By Senator Gibson

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1                   A bill to be entitled  
2           An act relating to law enforcement agency standards;  
3           creating s. 943.2555, F.S.; requiring the Department  
4           of Law Enforcement to adopt rules setting out minimum  
5           requirements for policies of law enforcement agencies;  
6           specifying areas that must be addressed by such  
7           policies; creating s. 943.2556, F.S.; requiring the  
8           department to create a model procedures document for  
9           law enforcement agencies; specifying requirements for  
10          the model procedures document; providing an effective  
11          date.

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

14  
15           Section 1. Section 943.2555, Florida Statutes, is created  
16          to read:

17           943.2555 Adoption of minimum requirements for law  
18          enforcement agency policies.—The department shall adopt rules  
19          establishing minimum requirements for the policies of agencies  
20          employing law enforcement officers, as defined in s. 943.10,  
21          applicable to at least all of the following areas:

22           (1) Demilitarization.

23           (2) Use of force.

24           (3) Intelligence-led policing. As used in this subsection,  
25          the term "intelligence-led policing" means the cultivation and  
26          dissemination of strategic, operational, and tactical  
27          intelligence assessments to identify, quantify, and target key  
28          criminals for investigation and prosecution.

29           (4) Officer qualifications, compensation, and hiring and

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30 termination proceedings.

31 (5) Police canine unit operations, including:

32 (a) Ensuring that use of a canine to intimidate or harass a  
33 person who is already subdued or in custody is considered an  
34 excessive use of force.

35 (b) Minimum standards for creation, use, and maintenance of  
36 a canine unit.

37 (6) Minimum training standards addressing:

38 (a) Use of force.

39 (b) Duty to intervene.

40 (c) Use of neck restraints.

41 (7) Revocation of an officer's certification or placing a  
42 limitation on his or her authority as a consequence of an  
43 unauthorized use-of-force incident. Such limitation may include:

44 (a) Mandating the suspension or revocation of a law  
45 enforcement officer's certification if certain criteria are met,  
46 such as his or her involvement in a specified number of unlawful  
47 use-of-force incidents within a certain period, or an unlawful  
48 use of force that resulted in a fatality; or

49 (b) Mandating a period of time during which an officer with  
50 a specified number of unlawful use-of-force incidents occurring  
51 during a specified timeframe must perform only duties that do  
52 not involve interaction with the public and receive anger  
53 management counseling.

54 Section 2. Section 943.2556, Florida Statutes, is created  
55 to read:

56 943.2556 Model procedures.—The department shall create a  
57 model procedures document for law enforcement agencies which  
58 include all of the following:

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- 59       (1) Addresses use of neck restraints, including:  
60       (a) Prohibiting the use of chokeholds by any law  
61 enforcement officer;  
62       (b) Prohibiting the placement of a knee on the neck of a  
63 suspect by any law enforcement officer; and  
64       (c) Authorizing the use of lateral vascular neck restraints  
65 by a law enforcement officer who has received annual retraining  
66 and semiannual demonstration of proper technique.  
67       (2) (a) Prohibits the use of no-knock warrants by law  
68 enforcement agencies and officers for misdemeanor offenses or  
69 minor drug offenses;  
70       (b) Requires that the head of a law enforcement agency  
71 personally attest in writing that the use of a no-knock warrant  
72 is the only way to refine a suspect to get needed information,  
73 is the safest course of action for law enforcement officers, is  
74 extremely unlikely to result in harm to an innocent person, and  
75 is unlikely to cause harm to an unsought individual; and  
76       (c) Requires that a no-knock warrant be executed under the  
77 personal supervision of the head of the law enforcement agency.  
78       (3) Provides requirements for the use of or requires the  
79 elimination of jump-out tactics and squads.  
80       (4) Includes a standardized use-of-force policy with a  
81 statewide matrix of circumstances in which use of force is  
82 authorized.  
83       (5) Includes policies concerning pursuit of fleeing  
84 suspects, which must include:  
85       (a) Specifying circumstances that allow an officer to  
86 pursue a fleeing driver;  
87       (b) Minimizing risk in densely populated communities;

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88       (c) Authorizing pursuit of a felon only when the pursuing  
89 officer is reasonably certain that apprehension of the felon  
90 will prevent further physical harm to other persons or himself  
91 or herself, and requiring a pursuing officer to end pursuit if  
92 significant property damage or harm to persons seems probable;  
93 and

94       (d) Authorizing pursuit of a misdemeanor only if the  
95 officer is reasonably certain to apprehend the misdemeanor  
96 without damage to property or harm to other persons.

97  
98 The inclusion of policies in the document must be guided by the  
99 principle that protecting an innocent person is more important  
100 than punishing a guilty person.

101       (6) Provides for notification of next of kin.

102       (7) Requires a law enforcement officer to make a statement  
103 concerning a use-of-force incident within 24 hours after the  
104 conclusion of the use-of-force incident.

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