

Committee on Rules

HB 7051 — Law Enforcement and Correctional Officer Practices

by Judiciary Committee and Reps. Byrd, Driskell, and others

The bill makes several changes to requirements for the operations and standards of law enforcement and correctional agencies and training for law enforcement officers, correctional officers, and correctional probation officers.

The bill provides legislative findings that promoting effective policing and correctional practices fulfills an important state interest in protecting the safety of both law enforcement and correctional officers and the public. Further, the bill provides legislative intent that the bill's requirements operate as minimum standards and that the bill does not prevent an employing agency from adopting policies that exceed the bill's requirements.

An applicant for employment as a law enforcement officer, correctional officer, or a correctional probation officer must disclose by affidavit if the applicant is the subject of any pending investigation by a local, state, or federal agency or entity for criminal, civil, or administrative wrongdoing and whether the applicant separated or resigned from previous criminal justice employment while under investigation.

As part of the pre-employment background investigation of the applicant, a law enforcement or correctional agency must include the facts and reasons for any of the applicant's previous separations from private or public employment or appointment, as the applicant understands them. Further, each employing agency must maintain an officer's employment information for a minimum of five years following the date of an officer's termination, resignation, or retirement.

The Criminal Justice Standards and Training Commission must establish standards for the instruction of officers in the subject of use of force and each employing agency must develop policies in the subject of use of force, including:

- Proportional use of force;
- Alternatives to use of force, including de-escalation techniques;
- If the agency authorizes use of chokeholds, limits on such use to circumstances where the officer perceives an immediate threat of serious bodily injury or death to the officer or another person;
- The duty of an on-duty officer who observes another officer engaging or attempting to engage in excessive use of force to intervene to end the excessive use of force or attempted excessive use of force when such intervention is reasonable based on the totality of the circumstances and the observing officer may intervene without jeopardizing the officer's own health or safety;
- The duty to render medical assistance following use of force when an officer knows, or when it is otherwise evident, that a person who is detained or in custody is injured or requires medical attention and the action is reasonable based on the totality of the circumstances and the officer may do so without jeopardizing the officer's safety; and

- Instruction on the recognition of the evident symptoms and characteristics of a person with a substance abuse disorder or mental illness and appropriate responses to such person.

Beginning July 1, 2023, these standards must be included in every basic skills course required in order for a law enforcement officer, correctional officer, or correctional probation officer to obtain the officer's initial certification.

The bill defines a "chokehold" as the intentional and prolonged application of force to the throat, windpipe, or airway of another person that prevents the intake of air. The term does not include any hold involving contact with another person's neck that is not intended to prevent the intake of air. The bill also defines "excessive use of force" as a use of force that exceeds the degree of force permitted by law, policy, or the observing officer's employing agency.

Each law enforcement agency must develop and maintain policies regarding use of force investigations conducted when a law enforcement officer's use of force results in the death of any person or the intentional discharge of a firearm that results in injury or death to any person. At a minimum, these policies must incorporate an independent review of the use of force by:

- A law enforcement agency that did not employ the law enforcement officer under investigation at the time of the use of force;
- A law enforcement officer who is not employed by the same employing agency as the law enforcement officer under investigation; or
- The state attorney of the judicial circuit in which the use of force occurred.

The agency, officer, or state attorney conducting the independent review must complete an independent report upon completion of the independent review. This report must be submitted to the state attorney of the judicial circuit in which the use of force occurred.

Beginning July 1, 2022, each law enforcement agency must report quarterly to the Florida Department of Law Enforcement data regarding use of force by the law enforcement officers employed by the agency that results in serious bodily injury, death, or discharge of a firearm at a person. This data must include all information collected by the Federal Bureau of Investigation's National Use-of-Force Data Collection, on use of force incidents that result in serious bodily injury, death, or discharge of a firearm at a person.

Finally, the bill prohibits a child younger than seven years of age from being arrested, charged, or adjudicated delinquent for a delinquent act or violation of law, unless the violation of law is a forcible felony as defined in s. 776.08, F.S.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 113-0