

1                   A bill to be entitled  
2           An act relating to community safety and criminal  
3           justice; requiring a law enforcement officer to  
4           intervene when another officer is using or attempting  
5           to use excessive force under certain circumstances;  
6           providing criminal penalties; requiring a law  
7           enforcement officer to render aid to a victim of  
8           excessive force under certain circumstances; providing  
9           criminal penalties; requiring a law enforcement  
10          officer to report the use of excessive force by  
11          another officer; requiring a law enforcement officer  
12          to report the commission of a criminal offense by  
13          another officer while on duty; providing criminal  
14          penalties; amending ss. 111.07 and 111.071, F.S.;  
15          conforming provisions to changes made by the act;  
16          creating s. 112.1903, F.S.; providing definitions;  
17          requiring local law enforcement agencies, or local  
18          governmental units on behalf of local law enforcement  
19          agencies, to carry law enforcement liability insurance  
20          and pay for all premiums to protect the agencies and  
21          their officers; providing coverage requirements;  
22          authorizing law enforcement agencies and local  
23          governmental units to enter into contracts with  
24          specified entities for law enforcement liability  
25          insurance coverage; authorizing self-insurance under

26 | certain circumstances; requiring submittal of a plan  
27 | for self-insurance approval; providing requirements  
28 | for the plan; requiring a report; providing report  
29 | requirements; requiring the Office of Insurance  
30 | Regulation of the Financial Services Commission to  
31 | review the report; authorizing premium rates for law  
32 | enforcement liability insurance to decrease and  
33 | increase based on law enforcement agencies'  
34 | accreditation and rates of misconduct, respectively;  
35 | requiring that specified actuaries be given access to  
36 | law enforcement officers' personnel records under  
37 | certain circumstances; requiring law enforcement  
38 | agencies to delete personal identifying information  
39 | from such personnel records; authorizing the Financial  
40 | Services Commission to adopt rules; amending s.  
41 | 119.071, F.S.; providing that public records  
42 | exemptions do not apply to body camera recordings of  
43 | law enforcement officers following certain incidents;  
44 | requiring that such recordings be made available on  
45 | the Internet or information be provided on how to  
46 | access the recordings; providing an exception;  
47 | providing applicability; creating s. 284.3113, F.S.;;  
48 | providing definitions; authorizing the Division of  
49 | Risk Management of the Department of Financial  
50 | Services to decrease and increase premium rates for

51 law enforcement liability coverages by the State Risk  
52 Management Trust Fund based on the law enforcement  
53 agencies' accreditation and rates of misconduct,  
54 respectively; requiring that specified actuarial  
55 consultants be given access to law enforcement  
56 officers' personnel records under certain  
57 circumstances; requiring law enforcement agencies to  
58 delete personal identifying information from such  
59 personnel records; amending s. 447.3075, F.S.;  
60 prohibiting collective bargaining agreements that  
61 include certain provisions; providing applicability;  
62 creating s. 760.52, F.S.; providing for a civil action  
63 against an officer, employee, or agent acting under  
64 color of law of this state or its political  
65 subdivisions for the deprivation of rights secured  
66 under the United States and State Constitutions;  
67 providing that certain claims may not be used as a  
68 defense against liability; providing an affirmative  
69 defense to liability if certain conditions are met;  
70 specifying circumstances under which an officer,  
71 employee, or agent is immune from liability; providing  
72 for the award of attorney fees and costs to a  
73 prevailing plaintiff; prohibiting a plaintiff from  
74 recovering additional damages if he or she has  
75 recovered damages pursuant to a civil action brought

76 | by the Attorney General; specifying applicability of  
77 | laws governing the defense of civil actions, and the  
78 | payment of judgments or settlements, against specified  
79 | officers, employees, and agents; amending s. 776.012,  
80 | F.S.; excludes persons seeking to take the enforcement  
81 | of the law into their own hands from provisions  
82 | protecting the use of deadly force in certain  
83 | circumstances; creating s. 784.099, F.S.; providing  
84 | definitions; prohibiting the use of neck restraint by  
85 | law enforcement, correctional, or correctional  
86 | probation officers; providing criminal penalties;  
87 | providing that such a violation may also subject such  
88 | an officer to disciplinary action; amending s. 900.05,  
89 | F.S.; defining the term "law enforcement and  
90 | correctional agency"; requiring state attorneys to  
91 | collect and report certain data relating to a criminal  
92 | defendant asserting a defense under ch. 776. F.S.;  
93 | requiring law enforcement and correctional agencies to  
94 | provide specified information concerning use of force  
95 | incidents and other interactions with the public;  
96 | providing for suspension of funding for local law  
97 | enforcement agencies that fail to comply with data  
98 | requirements; requiring data collection to be compiled  
99 | in compliance with federal standards; creating s.  
100 | 901.001, F.S.; prohibiting the arrest of a person

101 younger than 10 years of age; creating s. 933.102,  
102 F.S.; providing a definition; requiring that no-knock  
103 search warrants only be issued as provided in statute;  
104 limiting the offenses for which such warrants may be  
105 issued; providing requirements for issuance of such  
106 warrants; amending s. 943.125, F.S.; revising  
107 legislative intent; requiring that a voluntary  
108 accreditation program be mandatory; requiring the  
109 Department of Law Enforcement to establish a review  
110 process to assist agencies that fail to obtain or  
111 maintain accreditation; creating s. 943.1361, F.S.;  
112 requiring the Department of Law Enforcement to create  
113 a program that standardizes definitions of, training  
114 related to, and consequences for misconduct by law  
115 enforcement officers; providing requirements for the  
116 program; requiring law enforcement agencies to report  
117 certain misconduct to the department; requiring the  
118 department to maintain a database of officers found to  
119 have committed major misconduct; requiring law  
120 enforcement agencies to verify applicants against such  
121 database; prohibiting the hiring of an applicant who  
122 has committed major misconduct; requiring the  
123 completion of misconduct investigations even if an  
124 officer is no longer employed; requiring law  
125 enforcement agencies to notify the Criminal Justice

126 Standards and Training Commission of certain  
127 circumstances involving misconduct by law enforcement  
128 officers; providing for decertification proceedings  
129 for certain officers; amending s. 943.1718, F.S.;  
130 mandating that law enforcement agencies require  
131 officers to wear and use body cameras in certain  
132 circumstances; conforming provisions; providing an  
133 exception; creating s. 943.17185, F.S.; mandating that  
134 law enforcement agencies require law enforcement  
135 vehicles to be equipped with and use dashboard cameras  
136 in certain circumstances; providing an exception;  
137 creating s. 943.1719, F.S.; requiring law enforcement  
138 officers to exhibit their badges in certain  
139 circumstances; providing exceptions; providing  
140 criminal penalties; creating s. 943.2555, F.S.;  
141 requiring the Department of Law Enforcement to adopt  
142 rules establishing minimum requirements for policies  
143 of law enforcement agencies; specifying areas that  
144 must be addressed by such policies; creating s.  
145 943.2556, F.S.; requiring the department to create a  
146 model procedures document for law enforcement  
147 agencies; specifying requirements for such document;  
148 creating s. 943.6872, F.S.; defining the term  
149 "discriminatory profiling"; requiring the Department  
150 of Law Enforcement to establish by a certain date and

151 maintain a statewide police misconduct registry;  
152 specifying information that the registry must contain  
153 on all state and local law enforcement officers;  
154 requiring the head of each state and local law  
155 enforcement agency to periodically submit specified  
156 information to the department beginning on a specified  
157 date; requiring the department to publish the  
158 information on its website by a specified date;  
159 providing requirements for contracts between the  
160 Department of Law Enforcement and information  
161 technology vendors; requiring law enforcement agencies  
162 to create and maintain databases of and reporting  
163 procedures for complaints; creating s. 944.3315, F.S.;  
164 providing definitions; requiring the Department of  
165 Corrections to establish a program that standardizes  
166 definitions of, training related to, and consequences  
167 for misconduct by correctional officers; providing  
168 requirements for the program; requiring correctional  
169 facilities to report certain misconduct to the  
170 department; requiring the department to maintain a  
171 database of officers found to have committed major  
172 misconduct; requiring correctional facilities to  
173 verify applicants against such a database; prohibiting  
174 the hiring of an applicant who has committed major  
175 misconduct; requiring the completion of misconduct

176 investigations even if an officer is no longer  
 177 employed; requiring correctional facilities to notify  
 178 the Criminal Justice Standards and Training Commission  
 179 of certain circumstances involving misconduct by  
 180 officers; providing for decertification proceedings  
 181 against certain officers; providing effective dates.  
 182

183 Be It Enacted by the Legislature of the State of Florida:  
 184

185 Section 1. Law enforcement officers; duties concerning  
 186 excessive force and offenses by other officers.-

187 (1) (a) A law enforcement officer who witnesses another law  
 188 enforcement officer, in the performance of his or her official  
 189 duties, using or attempting to use excessive force against  
 190 another person shall intervene when such intervention is  
 191 objectively reasonable and possible to end the use or attempted  
 192 use of excessive force or to prevent the further use or  
 193 attempted use of excessive force.

194 (b) A law enforcement officer who knowingly fails to  
 195 intervene in the use or attempted use of nondeadly excessive  
 196 force commits a misdemeanor of the second degree, punishable as  
 197 provided in s. 775.082 or s. 775.083, Florida Statutes.

198 (c)1. Except as provided in subparagraph 2., a law  
 199 enforcement officer who knowingly fails to intervene in the use  
 200 or attempted use of deadly excessive force commits a felony of



201 the third degree, punishable as provided in s. 775.082, s.  
202 775.083, or s. 775.084, Florida Statutes.

203 2. A law enforcement officer who knowingly fails to  
204 intervene in the use or attempted use of deadly excessive force  
205 that leads to death or permanent and significant physical  
206 impairment of the victim commits a felony of the second degree,  
207 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
208 Florida Statutes.

209 (2) A law enforcement officer who fails to render aid, as  
210 circumstances objectively permit, to any person injured as the  
211 result of a use of excessive force prohibited under subsection  
212 (1) or report, in the manner required by department policy, such  
213 use of excessive force shall be subject to disciplinary action,  
214 including dismissal, demotion, suspension, or transfer.

215 (3) A law enforcement officer who has actual knowledge of  
216 the commission of a criminal offense by another law enforcement  
217 officer while such officer was on duty and who fails to report  
218 such offense commits a misdemeanor of the second degree,  
219 punishable as provided in s. 775.082 or s. 775.083, Florida  
220 Statutes.

221 (4) This section shall take effect October 1, 2021.

222 Section 2. Effective October 1, 2021, section 111.07,  
223 Florida Statutes, is amended to read:

224 111.07 Defense of civil actions against public officers,  
225 employees, or agents.—Any agency of the state, or any county,

226 | municipality, or political subdivision of the state, is  
 227 | authorized to provide an attorney to defend any civil action  
 228 | arising from a complaint for damages or injury suffered as a  
 229 | result of any act or omission of action of any of its officers,  
 230 | employees, or agents for an act or omission arising out of and  
 231 | in the scope of his or her employment or function, unless, in  
 232 | the case of a tort action, the officer, employee, or agent acted  
 233 | in bad faith, with malicious purpose, or in a manner exhibiting  
 234 | wanton and willful disregard of human rights, safety, or  
 235 | property. Defense of such civil action includes, but is not  
 236 | limited to, any civil rights lawsuit, including actions brought  
 237 | pursuant to s. 760.52, seeking relief personally against the  
 238 | officer, employee, or agent for an act or omission under color  
 239 | of state law, custom, or usage, wherein it is alleged that such  
 240 | officer, employee, or agent has deprived another person of  
 241 | rights secured under the United States ~~Federal~~ Constitution,  
 242 | federal ~~or~~ laws, or the State Constitution. Legal representation  
 243 | of an officer, employee, or agent of a state agency may be  
 244 | provided by the Department of Legal Affairs. However, any  
 245 | attorney ~~attorney's~~ fees paid from public funds for any officer,  
 246 | employee, or agent who is found to be personally liable by  
 247 | virtue of acting outside the scope of his or her employment, or  
 248 | was acting in bad faith, with malicious purpose, or in a manner  
 249 | exhibiting wanton and willful disregard of human rights, safety,  
 250 | or property, may be recovered by the state, county,

251 municipality, or political subdivision in a civil action against  
 252 such officer, employee, or agent. If any agency of the state or  
 253 any county, municipality, or political subdivision of the state  
 254 is authorized pursuant to this section to provide an attorney to  
 255 defend a civil action arising from a complaint for damages or  
 256 injury suffered as a result of any act or omission of action of  
 257 any of its officers, employees, or agents and fails to provide  
 258 such attorney, such agency, county, municipality, or political  
 259 subdivision must ~~shall~~ reimburse any such defendant who prevails  
 260 in the action for court costs and reasonable attorney ~~attorney's~~  
 261 fees.

262 Section 3. Effective October 1, 2021, subsection (1) of  
 263 section 111.071, Florida Statutes, is amended to read:

264 111.071 Payment of judgments or settlements against  
 265 certain public officers or employees.—

266 (1) Any county, municipality, political subdivision, or  
 267 agency of the state which has been excluded from participation  
 268 in the Insurance Risk Management Trust Fund is authorized to  
 269 expend available funds to pay:

270 (a) Any final judgment, including damages, costs, and  
 271 attorney ~~attorney's~~ fees, arising from a complaint for damages  
 272 or injury suffered as a result of any act or omission of action  
 273 of any officer, employee, or agent in a civil or civil rights  
 274 lawsuit described in s. 111.07, including any action rising  
 275 under s. 760.52. If the civil action arises under s. 768.28 as a

276 | tort claim, the limitations and provisions of s. 768.28  
277 | governing payment shall apply. If the action is a civil rights  
278 | action arising under 42 U.S.C. s. 1983, or similar federal  
279 | statutes, payments for the full amount of the judgment may be  
280 | made unless the officer, employee, or agent has been determined  
281 | in the final judgment to have caused the harm intentionally.

282 |       (b) Any compromise or settlement of any claim or  
283 | litigation as described in paragraph (a), subject to the  
284 | limitations set forth in that paragraph.

285 |       (c) Any reimbursement required under s. 111.07 for court  
286 | costs and reasonable attorney ~~attorney's~~ fees when the county,  
287 | municipality, political subdivision, or agency of the state has  
288 | failed to provide an attorney and the defendant prevails.

289 |       Section 4. Effective January 1, 2022, s. 112.1903, Florida  
290 | Statutes, is created to read:

291 |       112.1903 Law enforcement agencies and officers; liability  
292 | coverages.—

293 |       (1) As used in this section, the term:

294 |       (a) "Law enforcement agency" means a lawfully established  
295 | local public agency that is responsible for the prevention and  
296 | detection of crime and the enforcement of the penal, traffic, or  
297 | highway laws of this state and whose agents and officers are  
298 | empowered by law to conduct criminal investigations and to make  
299 | arrests.

300 |       (b) "Law enforcement liability insurance" means insurance

301 that provides coverage for a law enforcement agency for bodily  
302 injury, personal injury, or property damage caused by an act,  
303 error, or omission committed by a law enforcement officer during  
304 a law enforcement activity or operation. The coverage also  
305 extends to all law enforcement officers.

306 (c) "Law enforcement officer" includes all of the  
307 following:

308 1. A law enforcement officer as defined in s. 943.10(1).  
309 The term includes a chief of police and sheriff.

310 2. A part-time law enforcement officer as defined in s.  
311 943.10(6).

312 3. An auxiliary law enforcement officer as defined in s.  
313 943.10(8).

314 4. A person who is temporarily employed or appointed under  
315 s. 943.131 by a law enforcement agency.

316 (d) "Local governmental unit" has the same meaning as in  
317 s. 112.08(1).

318 (e) "Personal identifying information" means an  
319 individual's name, date of birth, home address or mailing  
320 address, e-mail address, telephone number, driver license  
321 number, identification card number, badge number, or any other  
322 agency identification card or number that helps identify the  
323 individual.

324 (f) "Personnel records" means all records, data, or  
325 materials of a law enforcement officer that are maintained in

326 one or more locations by a law enforcement agency, in any form  
327 or retrieval system, and that include evaluations of the  
328 officer's job performance and information reflecting the  
329 officer's moral character. The records, data, and materials  
330 include, but are not limited to:

331 1. A background screening report.

332 2. The employment application, references, and employment  
333 history.

334 3. A job description.

335 4. A copy of officer certification, documentation of an  
336 acceptable score on the officer certification examination, or  
337 documentation of an exemption from the officer certification  
338 examination.

339 5. Documentation of compliance with all training and  
340 education requirements and applicable rules, including  
341 continuing training and education requirements, and a copy of  
342 each job performance evaluation.

343 6. Misconduct and disciplinary records, which include, but  
344 are not limited to:

345 a. Any complaint against the officer.

346 b. All information obtained pursuant to an investigation,  
347 active or inactive, of a complaint and any conclusion to the  
348 investigation, such as a finding to proceed or not to proceed  
349 with disciplinary action.

350 c. Disciplinary records, which include all disciplinary

351 matters, including any reason for termination of a previous job  
352 or the current job, any disciplinary proceeding, and any  
353 disciplinary action.

354 (2) A law enforcement agency, or a local governmental unit  
355 on behalf of a law enforcement agency, shall carry law  
356 enforcement liability insurance to protect the law enforcement  
357 agency and all its law enforcement officers and, notwithstanding  
358 any general law or special act to the contrary, shall pay out of  
359 its available funds for all the premiums for the law enforcement  
360 liability insurance coverage.

361 (3) The law enforcement liability insurance required under  
362 subsection (2) must, at a minimum, provide coverage for law  
363 enforcement misconduct, including, but not limited to, the  
364 following coverages:

365 (a) Violations of civil rights under any federal, state,  
366 or local law.

367 (b) Violations of the State Constitution or Federal  
368 Constitution.

369 (c) Intentional torts.

370 (4) (a) Notwithstanding any general law or special act to  
371 the contrary, a law enforcement agency, or a local governmental  
372 unit on behalf of a law enforcement agency, may enter into  
373 contracts with insurance companies or professional  
374 administrators to provide the law enforcement liability  
375 insurance required under subsection (2), or may enter into a

376 contract with a corporation not for profit whose membership  
377 consists entirely of local governmental units or law enforcement  
378 agencies authorized to enter into a risk management consortium.  
379 Before entering into any contract for insurance, the law  
380 enforcement agency or local governmental unit must advertise for  
381 competitive bids, and such contract must be let upon the basis  
382 of such bids. If a contracting liability insurance provider  
383 becomes financially impaired as determined by the Office of  
384 Insurance Regulation of the Financial Services Commission or  
385 otherwise fails or refuses to provide the contracted-for  
386 coverage or coverages, the law enforcement agency or local  
387 governmental unit may purchase insurance, enter into risk  
388 management programs, or contract with third-party administrators  
389 and may make such acquisitions by advertising for competitive  
390 bids or by direct negotiations and contract. The law enforcement  
391 agency or local governmental unit may undertake simultaneous  
392 negotiations with those companies that have submitted reasonable  
393 and timely bids and are found by the law enforcement agency or  
394 local governmental unit to be fully qualified and capable of  
395 meeting all requirements. The law enforcement agency or local  
396 governmental unit may self-insure any plan for the law  
397 enforcement liability insurance coverage or enter into a risk  
398 management consortium to provide such coverage, subject to  
399 approval based on actuarial soundness by the Office of Insurance  
400 Regulation, and the law enforcement agency or local governmental



401 unit shall contract with an insurance company or professional  
402 administrator qualified and approved by the office or with a  
403 corporation not for profit whose membership consists entirely of  
404 local governmental units or law enforcement agencies authorized  
405 to enter into a risk management consortium under this subsection  
406 to administer such a plan.

407 (b) In order to obtain approval from the Office of  
408 Insurance Regulation of any self-insured plan for law  
409 enforcement liability insurance coverage, each law enforcement  
410 agency, or each local governmental unit on behalf of a law  
411 enforcement agency, must submit its plan along with a  
412 certification as to the actuarial soundness of the plan, which  
413 certification is prepared by an actuary who is a member of the  
414 Society of Actuaries or the American Academy of Actuaries. The  
415 Office of Insurance Regulation may not approve the plan unless  
416 it determines that the plan is designed to provide sufficient  
417 revenues to pay current and future liabilities, as determined  
418 according to generally accepted actuarial principles. After  
419 implementation of an approved plan, each law enforcement agency,  
420 local governmental unit, or consortium shall annually submit to  
421 the Office of Insurance Regulation a report that includes a  
422 statement prepared by an actuary who is a member of the Society  
423 of Actuaries or the American Academy of Actuaries as to the  
424 actuarial soundness of the plan. The report is due 90 days after  
425 the close of the fiscal year of the plan. The report must

426 consist of, but is not limited to:

427 1. In the case of a consortium, the adequacy of  
 428 contribution rates in meeting the level of coverages provided  
 429 and the changes, if any, needed in the contribution rates to  
 430 achieve or preserve a level of funding deemed adequate to enable  
 431 payment of the coverage amounts provided under the plan.

432 2. A valuation of present assets, based on statement  
 433 value, and prospective assets and liabilities of the plan and  
 434 the extent of any unfunded accrued liabilities.

435 3. A plan to amortize any unfunded liabilities and a  
 436 description of actions taken to reduce unfunded liabilities.

437 4. A description and explanation of actuarial assumptions.

438 5. A schedule illustrating the amortization of any  
 439 unfunded liabilities.

440 6. A comparative review illustrating the level of funds  
 441 available to the plan from rates, investment income, and other  
 442 sources realized over the period covered by the report with the  
 443 assumptions used.

444 7. A statement by the actuary that the report is complete  
 445 and accurate and that in the actuary's opinion the techniques  
 446 and assumptions used are reasonable and meet the requirements  
 447 and intent of this subsection.

448 8. Other factors or statements as required by the office  
 449 in order to determine the actuarial soundness of the plan.

450

451 All assumptions used in the report shall be based on recognized  
452 actuarial principles acceptable to the Office of Insurance  
453 Regulation. The office shall review the report and shall notify  
454 the administrator of the plan and each entity participating in  
455 the plan, as identified by the administrator, of any actuarial  
456 deficiencies.

457 (5) An insurance company, professional administrator, or  
458 corporation not for profit that contracts with a law enforcement  
459 agency or local governmental unit to provide law enforcement  
460 liability insurance coverage may:

461 (a) Lower the premium rates if the law enforcement agency  
462 receives and maintains accreditation from a nationally  
463 recognized accreditation authority such as the Commission on  
464 Accreditation for Law Enforcement Agencies (CALEA).

465 (b) Increase the premium rates if the agency's law  
466 enforcement officers have a high rate of misconduct, including,  
467 but not limited to, civil rights violations, constitutional  
468 violations, and intentional torts.

469 (6) (a) An actuary who contracts with or is employed by an  
470 insurance company, professional administrator, or corporation  
471 not for profit and who is authorized by the insurance company,  
472 professional administrator, or corporation not for profit to  
473 calculate premiums, make actuarial assumptions, or otherwise  
474 prepare a contract with a law enforcement agency or local  
475 governmental unit or a competitive bid described under paragraph

476 (4) (a), or a self-insurance plan or a report described under  
477 paragraph (4) (b), relating to a law enforcement liability  
478 insurance coverage for a law enforcement agency shall have  
479 access to all the personnel records of the agency.

480 (b)1. In order to gain access to the personnel records  
481 under paragraph (a), the actuary must present to the law  
482 enforcement agency:

483 a. Credentials demonstrating the actuary's contract or  
484 employment with the authorizing insurance company, professional  
485 administrator, or corporation not for profit.

486 b. A form for release of personnel records which is  
487 designed and approved by the law enforcement agency.

488 2. The form for release of personnel records must:

489 a. Contain a statement that the authorization by the  
490 insurance company, professional administrator, or corporation  
491 not for profit has been furnished to the actuary presenting the  
492 form for release.

493 b. Be dated within 6 months before the request for access  
494 to the personnel records, and bear the signatures of the actuary  
495 and a representative of the insurance company, professional  
496 administrator, or corporation not for profit.

497 (c) The law enforcement agency shall delete all personal  
498 identifying information from the personnel records that it  
499 provides to an actuary under this subsection.

500 (7) The Financial Services Commission may adopt rules to

501 carry out the provisions of this section as they pertain to its  
502 duties.

503 Section 5. Paragraph (1) of subsection (2) of section  
504 119.071, Florida Statutes, is amended to read:

505 119.071 General exemptions from inspection or copying of  
506 public records.—

507 (2) AGENCY INVESTIGATIONS.—

508 (1)1. As used in this paragraph, the term:

509 a. "Body camera" means a portable electronic recording  
510 device that is worn on a law enforcement officer's body and that  
511 records audio and video data in the course of the officer  
512 performing his or her official duties and responsibilities.

513 b. "Law enforcement officer" has the same meaning as  
514 provided in s. 943.10.

515 c. "Personal representative" means a parent, a court-  
516 appointed guardian, an attorney, or an agent of, or a person  
517 holding a power of attorney for, a person recorded by a body  
518 camera. If a person depicted in the recording is deceased, the  
519 term also means the personal representative of the estate of the  
520 deceased person; the deceased person's surviving spouse, parent,  
521 or adult child; the deceased person's attorney or agent; or the  
522 parent or guardian of a surviving minor child of the deceased.  
523 An agent must possess written authorization of the recorded  
524 person to act on his or her behalf.

525 2. A body camera recording, or a portion thereof, is

526 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
527 of the State Constitution if the recording:

- 528 a. Is taken within the interior of a private residence;  
529 b. Is taken within the interior of a facility that offers  
530 health care, mental health care, or social services; or  
531 c. Is taken in a place that a reasonable person would  
532 expect to be private.

533 3. Notwithstanding subparagraph 2., a body camera  
534 recording, or a portion thereof, may be disclosed by a law  
535 enforcement agency:

- 536 a. In furtherance of its official duties and  
537 responsibilities; or  
538 b. To another governmental agency in the furtherance of  
539 its official duties and responsibilities.

540 4. Notwithstanding subparagraph 2., a body camera  
541 recording, or a portion thereof, shall be disclosed by a law  
542 enforcement agency:

- 543 a. To a person recorded by a body camera; however, a law  
544 enforcement agency may disclose only those portions that are  
545 relevant to the person's presence in the recording;  
546 b. To the personal representative of a person recorded by  
547 a body camera; however, a law enforcement agency may disclose  
548 only those portions that are relevant to the represented  
549 person's presence in the recording;  
550 c. To a person not depicted in a body camera recording if

551 the recording depicts a place in which the person lawfully  
552 resided, dwelled, or lodged at the time of the recording;  
553 however, a law enforcement agency may disclose only those  
554 portions that record the interior of such a place.

555 d. Pursuant to a court order.

556 (I) In addition to any other grounds the court may  
557 consider in determining whether to order that a body camera  
558 recording be disclosed, the court shall consider whether:

559 (A) Disclosure is necessary to advance a compelling  
560 interest;

561 (B) The recording contains information that is otherwise  
562 exempt or confidential and exempt under the law;

563 (C) The person requesting disclosure is seeking to obtain  
564 evidence to determine legal issues in a case in which the person  
565 is a party;

566 (D) Disclosure would reveal information regarding a person  
567 that is of a highly sensitive personal nature;

568 (E) Disclosure may harm the reputation or jeopardize the  
569 safety of a person depicted in the recording;

570 (F) Confidentiality is necessary to prevent a serious and  
571 imminent threat to the fair, impartial, and orderly  
572 administration of justice;

573 (G) The recording could be redacted to protect privacy  
574 interests; and

575 (H) There is good cause to disclose all or portions of a

576 recording.

577 (II) In any proceeding regarding the disclosure of a body  
578 camera recording, the law enforcement agency that made the  
579 recording shall be given reasonable notice of hearings and shall  
580 be given an opportunity to participate.

581 5.a. Notwithstanding subparagraph 2. or any other  
582 exemption in this chapter, a body camera recording, or a portion  
583 thereof, shall be open to inspection and shall be disclosed as  
584 provided in sub-subparagraph b. whenever a law enforcement  
585 officer:

586 (I) Discharges a firearm; or

587 (II) Uses a stun gun or chemical irritant on a person  
588 resulting in death or serious bodily injury.

589 b. Within 15 days after the incident, any such recording,  
590 or a portion thereof, that relates to such incident shall be  
591 open to inspection and:

592 (I) Shall be posted by the law enforcement agency on its  
593 website or on such other website where the law enforcement  
594 agency generally posts information available to the public; or

595 (II) The department shall post information on a website  
596 described in sub-sub-subparagraph (I) clearly describing how the  
597 public may access the recording.

598 c. This subparagraph does not apply to the extent that  
599 such application would conflict with a right provided under s.  
600 16, Art. I of the State Constitution.



601 ~~6.5.~~ A law enforcement agency must retain a body camera  
602 recording for at least 90 days.

603 ~~7.6.~~ The exemption provided in subparagraph 2. applies  
604 retroactively.

605 ~~8.7.~~ This exemption does not supersede any other public  
606 records exemption that existed before or is created after the  
607 effective date of this exemption. Those portions of a recording  
608 which are protected from disclosure by another public records  
609 exemption shall continue to be exempt or confidential and  
610 exempt.

611 Section 6. Effective January 1, 2022, s. 284.3113, Florida  
612 Statutes, is created to read:

613 284.3113 Liability coverage for law enforcement agencies.-

614 (1) As used in this section, the term:

615 (a) "Law enforcement agency" means a lawfully established  
616 state agency that is responsible for the prevention and  
617 detection of crime and the enforcement of the penal, traffic, or  
618 highway laws of this state and whose agents and officers are  
619 empowered by law to conduct criminal investigations and to make  
620 arrests.

621 (b) "Law enforcement officer" has the same meaning as in  
622 s. 112.1903(1).

623 (c) "Personal identifying information" has the same  
624 meaning as in s. 112.1903(1).

625 (d) "Personnel records" has the same meanings as in s.

626 112.1903(1).

627 (2) In calculating the premiums that a law enforcement  
 628 agency must pay into the State Risk Management Trust Fund to  
 629 receive insurance coverage for the agency and its law  
 630 enforcement officers for general liability, federal civil rights  
 631 actions under 42 U.S.C. s. 1983 or similar federal statutes, and  
 632 court-awarded attorney fees, the Division of Risk Management of  
 633 the Department of Financial Services may:

634 (a) Lower the premium rates if the law enforcement agency  
 635 receives and maintains accreditation from a nationally  
 636 recognized accreditation authority such as the Commission on  
 637 Accreditation for Law Enforcement Agencies (CALEA).

638 (b) Increase the premium rates if the agency's law  
 639 enforcement officers have a high rate of misconduct, including,  
 640 but not limited to, civil rights violations, constitutional  
 641 violations, and intentional torts.

642 (3) An actuarial consultant authorized by the division to  
 643 calculate the premiums for the liability coverage described in  
 644 subsection (2) shall have access to all the personnel records of  
 645 a law enforcement agency. The law enforcement agency shall  
 646 delete all personal identifying information from the personnel  
 647 records that it provides to the actuarial consultant.

648 Section 7. Section 447.3075, Florida Statutes, is amended  
 649 to read:

650 447.3075 Law enforcement bargaining units; separate units

651 required; establishment; law enforcement collective bargaining  
652 prohibitions.—

653 (1) Notwithstanding any other provision of law,  
654 administrative rule, or administrative agency decision to the  
655 contrary, any state law enforcement agency that has 1,200 or  
656 more officers shall be in a bargaining unit that is separate  
657 from officers in other state law enforcement agencies. If the  
658 application of this section requires that a new state law  
659 enforcement bargaining unit be created, a question concerning  
660 representation is not deemed to have arisen regarding the new  
661 unit or the existing unit.

662 (2) (a) Notwithstanding any other provision of law,  
663 administrative rule, or administrative agency decision to the  
664 contrary, a collective bargaining agreement entered into on or  
665 after July 1, 2021, may not:

666 1. Prevent the Attorney General from seeking equitable  
667 relief against a law enforcement agency engaging in a pattern or  
668 practice of unconstitutional misconduct.

669 2. Include a stipulation that delays interviews or  
670 interrogations with a law enforcement officer after alleged  
671 unlawful activity for a specified length of time.

672 3. Provide a law enforcement officer with access to  
673 evidence before an interview or interrogation after alleged  
674 wrongdoing.

675 4. Mandate the destruction or purging of disciplinary

676 records from a law enforcement officer's personnel file after a  
677 specified length of time.

678 5. Limit the consideration of a law enforcement officer's  
679 disciplinary records in future employment actions.

680 6. Prohibit the interrogation, investigation, or  
681 punishment of a law enforcement officer on the basis of alleged  
682 wrongdoing if a specified length of time has passed after the  
683 occurrence of the alleged wrongdoing or the initiation of an  
684 investigation.

685 7. Prohibit supervisors from interrogating, investigating,  
686 or disciplining a law enforcement officer based on an anonymous  
687 civilian complaint.

688 8. Require arbitration of disputes related to disciplinary  
689 penalties or termination of a law enforcement officer.

690 9. Prohibit termination of a law enforcement officer when  
691 there is overwhelming evidence of unlawful activity by the  
692 officer that results in a fatality. For purposes of this  
693 subparagraph, "overwhelming evidence" includes indisputable body  
694 camera footage; indisputable private or public video footage;  
695 testimony of persons on the scene, including other law  
696 enforcement officers; or a confession.

697 10. Prohibit the release of body camera footage or the  
698 identity of a law enforcement officer being investigated.

699 11. Establish time limitations between when an incident  
700 occurs and when an interrogation or investigation must begin.

701 12. Prohibit the forfeiture of state contributions to any  
702 retirement pension or investment account for a law enforcement  
703 officer who is convicted of unlawful activity and such unlawful  
704 action led to a fatality.

705 (b) A collective bargaining agreement entered into before  
706 July 1, 2021, may not be renewed if the agreement has a term  
707 that conflicts with this subsection.

708 Section 8. Effective October 1, 2021, section 760.52,  
709 Florida Statutes, is created to read:

710 760.52 Civil action for deprivation of constitutional  
711 rights.-

712 (1) Any officer, employee, or agent acting under color of  
713 law of this state or any of its political subdivisions who  
714 subjects, or causes to be subjected, any individual within the  
715 jurisdiction thereof to the deprivation of any rights,  
716 privileges, or immunities secured by the United States  
717 Constitution or the State Constitution is liable to the party  
718 injured for legal and equitable relief or any other proper  
719 redress. An individual who claims to have suffered a deprivation  
720 of any rights, privileges, or immunities secured by the United  
721 States Constitution or the State Constitution may file an action  
722 under this section in circuit court.

723 (2) Notwithstanding any other law, it is not a defense  
724 against, nor grounds to establish immunity from liability for,  
725 an action brought pursuant to this section that:

726        (a) The rights, privileges, or immunities secured by the  
727 United States Constitution or the State Constitution were not  
728 clearly established at the time that any such right, privilege,  
729 or immunity was deprived by the officer, employee, or agent.

730        (b) The officer, employee, or agent was acting without bad  
731 faith, malicious purpose, or wanton and willful disregard of  
732 human rights, safety, or property, or believed that his or her  
733 conduct was lawful at the time it was committed.

734        (3) It is an affirmative defense to liability under this  
735 section if a jury determines that the officer, employee, or  
736 agent was acting in good faith and believed his or her conduct  
737 was lawful.

738        (4) An officer, employee, or agent is immune from  
739 liability under this section if he or she can establish, by  
740 clear and convincing evidence, that his or her actions did not  
741 constitute a deprivation of constitutional rights as established  
742 or construed by binding legal precedent.

743        (5) In any action successfully brought under this section,  
744 the court shall award reasonable attorney fees and costs to the  
745 prevailing plaintiff. In any action brought under this section  
746 where injunctive relief is sought, the court shall deem the  
747 plaintiff to have prevailed if the plaintiff's action was a  
748 substantial factor in obtaining the results sought by the  
749 litigation.

750        (6) If a plaintiff has recovered damages through a civil

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751 action brought by the Attorney General pursuant to s. 760.51, he  
752 or she may not seek additional damages for the same violation of  
753 constitutional rights under this section.

754 (7) Except as otherwise provided, the provisions of ss.  
755 111.065-111.071 apply to any claim brought under this section.

756 Section 9. Subsection (2) of section 776.012, Florida  
757 Statutes, is amended to read:

758 776.012 Use or threatened use of force in defense of  
759 person.—

760 (2)(a) A person is justified in using or threatening to  
761 use deadly force if he or she reasonably believes that using or  
762 threatening to use such force is necessary to prevent imminent  
763 death or great bodily harm to himself or herself or another or  
764 to prevent the imminent commission of a forcible felony. A  
765 person who uses or threatens to use deadly force in accordance  
766 with this subsection does not have a duty to retreat and has the  
767 right to stand his or her ground if the person using or  
768 threatening to use the deadly force is not engaged in a criminal  
769 activity and is in a place where he or she has a right to be.

770 (b) This subsection does not apply to a person who takes  
771 law enforcement into his or her own hands and, while so doing,  
772 creates or discovers the situation involving imminent death or  
773 great bodily harm to himself or herself or another or imminent  
774 commission of a forcible felony for which he or she seeks to  
775 invoke paragraph (a).

776 Section 10. Section 784.099, Florida Statutes, is created  
777 to read:

778 784.099 Use of neck restraint by law enforcement,  
779 correctional, or correctional probation officers.-

780 (1) As used in this section, the term:

781 (a) "Law enforcement, correctional, or correctional  
782 probation officer" has the same meaning as provided in s.  
783 112.19(1)(b).

784 (b) "Neck restraint" means the use of any body part or  
785 object to attempt to control or disable a person by applying  
786 pressure against the neck, including the trachea or carotid  
787 artery, with the purpose, intent, or effect of controlling or  
788 restricting the person's movement or restricting the person's  
789 blood flow or breathing, including chokeholds, carotid  
790 restraints, and lateral vascular neck restraints.

791 (2) A law enforcement, correctional, or correctional  
792 probation officer who uses neck restraint on an individual  
793 commits a felony of the third degree, punishable as provided in  
794 s. 775.082, s. 775.083, or s. 775.084.

795 (3) In addition to any other penalty authorized by law, a  
796 violation of this section is grounds for disciplinary action  
797 against the law enforcement officer, which may include  
798 dismissal, demotion, suspension, or transfer of the officer.

799 Section 11. Paragraphs (y) through (ff) of subsection (2)  
800 of section 900.05, Florida Statutes, are redesignated as



801 paragraphs (z) through (gg), respectively, a new paragraph (y)  
 802 is added to that subsection, paragraph (b) of subsection (3) is  
 803 amended, paragraph (h) is added to that subsection, subsection  
 804 (5) is amended, and subsection (7) is added to that section, to  
 805 read:

806 900.05 Criminal justice data collection.—

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

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

811 (3) DATA COLLECTION AND REPORTING.—An entity required to  
 812 collect data in accordance with this subsection shall collect  
 813 the specified data and report them in accordance with this  
 814 subsection to the Department of Law Enforcement on a monthly  
 815 basis.

816 (b) State attorney.—Each state attorney shall collect the  
 817 following data:

818 1. Information related to a human victim of a criminal  
 819 offense, including:

820 a. Identifying information of the victim, including race,  
 821 ethnicity, gender, and age at the time of the offense.

822 b. Relationship to the offender, if any.

823 2. Number of full-time prosecutors.

824 3. Number of part-time prosecutors.

825 4. Annual felony caseload.

- 826 5. Annual misdemeanor caseload.
- 827 6. Disposition of each referred charge, such as filed,
- 828 declined, or diverted.
- 829 7. Number of cases in which a no-information was filed.
- 830 8. Information related to each defendant, including:
- 831 a. Each charge referred to the state attorney by a law
- 832 enforcement agency or sworn complainant related to an episode of
- 833 criminal activity.
- 834 b. Case number, name, and date of birth.
- 835 c. Drug type for each drug charge, if applicable.
- 836 d. Deferred prosecution or pretrial diversion agreement
- 837 date, if applicable.
- 838 9. Information related to a criminal defendant asserting a
- 839 defense under chapter 776, including:
- 840 a. Identifying information of the defendant and victim,
- 841 including race, ethnicity, gender, and age at the time of the
- 842 offense.
- 843 b. Relationship to the victim, if any.
- 844 (h) Law enforcement and correctional agency.—Each law
- 845 enforcement and correctional agency shall collect the following
- 846 data:
- 847 1. Each use of force incident by its officers that results
- 848 in death or serious bodily injury, including:
- 849 a. The date, time, and location of the use of force.
- 850 b. The perceived demographic information of the person

851 against whom use of force was used, provided that the  
852 identification of the characteristics is based on the  
853 observation and perception of the law enforcement officer making  
854 the contact and other available data.

855 c. The names of every officer at the scene at the time of  
856 the incident, identified by whether the officer was involved in  
857 the use of force or not; except that the identity of other  
858 officers at the scene not directly involved in the use of force  
859 shall be identified by the officer's identification number,  
860 unless the officer is charged criminally or is a defendant to a  
861 civil suit as a result arising from the use of force.

862 d. The type of force used, the severity and nature of the  
863 injury, whether the officer suffered physical injury, and the  
864 severity of the officer's injury.

865 e. Whether the officer was on duty at the time of the use  
866 of force incident.

867 f. Whether an officer unholstered a weapon during the  
868 incident.

869 g. Whether an officer discharged a firearm during the  
870 incident.

871 h. Whether the use of force resulted in an agency  
872 investigation and the result of the investigation.

873 i. Whether the use of force resulted in a complaint and  
874 the resolution of that complaint.

875 j. Whether a claim under chapter 776 was made by any

876 person involved in the incident.

877 2. Each instance when an officer resigned while under  
878 investigation for violating department policy.

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

881 a. The perceived demographic information of the person  
882 contacted, provided that the identification of the  
883 characteristics is based on the observation and perception of  
884 the officer making the contact and other available data.

885 b. Whether the contact was a traffic stop.

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

887 d. The duration of the contact.

888 e. The reason for the contact.

889 f. The suspected crime.

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

891 (I) No action, warning, citation, property seizure, or  
892 arrest.

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

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

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

898 h. The actions taken by the officer during the contact,  
899 including, but not limited to, whether:

900 (I) The officer asked for consent to search the person,

901 and, if so, whether consent was provided.

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

905 (III) The officer seized any property and, if so, the type  
 906 of property that was seized and the basis for seizing the  
 907 property.

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

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

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

912 (I) The date, time, and location of the use of unannounced  
 913 entry.

914 (II) The perceived demographic information of the subject  
 915 of the unannounced entry, provided that the identification of  
 916 the characteristics is based on the observation and perception  
 917 of the officer making the entry and other available data.

918 (III) Whether an officer unholstered a weapon during the  
 919 unannounced entry.

920 (IV) Whether an officer discharged a firearm during the  
 921 unannounced entry.

922 (5) NONCOMPLIANCE.—Notwithstanding any other law, an  
 923 entity required to collect and transmit data under subsection  
 924 (3) which does not comply with the requirements of this section  
 925 is ineligible to receive funding from the General Appropriations

926 Act, any state grant program administered by the Department of  
927 Law Enforcement, or any other state agency for 5 years after the  
928 date of noncompliance. In addition, any law enforcement agency,  
929 other than a state law enforcement agency, is subject to the  
930 suspension of the law enforcement agency's funding by its  
931 appropriating authority until such failure is remedied.

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

936 Section 12. Section 901.001, Florida Statutes, is created  
937 to read:

938 901.001 Minimum age for an arrest.—A person younger than  
939 10 years of age may not be arrested.

940 Section 13. Section 933.102, Florida Statutes, is created  
941 to read:

942 933.102 No-knock warrants.—

943 (1) For the purposes of this section, the term "no-knock  
944 search warrant" means a search warrant served by entry without  
945 prior identification.

946 (2) A search warrant may not be served by entry without  
947 prior identification unless a no-knock search warrant has been  
948 issued in compliance with this section. Such a warrant may not  
949 be issued for investigation of a misdemeanor offense.

950 (3) A no-knock search warrant may be issued only if the

951 affidavit for such warrant:

952 (a) Complies with the requirements of this chapter.

953 (b) Specifically requests the issuance of a no-knock  
954 search warrant.

955 (c)1. Has been reviewed and approved personally by the  
956 head of the law enforcement agency requesting the warrant, who  
957 certifies that:

958 a. Such a warrant is the only way to get the items sought  
959 in the warrant.

960 b. It is the safest course of action for officers serving  
961 the warrant.

962 c. There is an extremely limited likelihood that innocent  
963 individuals may be harmed.

964 2. Such review and approval may take place as allowed by  
965 statute or court rule or by means of facsimile transmission,  
966 telephonic transmission, or other electronic transfer.

967 (4) If the grounds for the issuance of a no-knock search  
968 warrant are established by a confidential informant, the  
969 affidavit for such warrant shall contain a statement by the  
970 affiant concerning when such grounds became known or were  
971 verified by the affiant. The statement shall not identify the  
972 confidential informant.

973 Section 14. Subsections (1) through (5) of section  
974 943.125, Florida Statutes, are amended to read:

975 943.125 Accreditation of state and local law enforcement

976 agencies, correctional facilities, public agency offices of  
 977 inspectors general, and certain pretrial diversion programs;  
 978 intent.-

979 (1) It is the intent of the legislature that law  
 980 enforcement agencies, correctional facilities, public agency  
 981 offices of inspectors general, and those agencies offering  
 982 pretrial diversion programs within offices of the state  
 983 attorneys, county government, or sheriff's offices in the state  
 984 must be upgraded and strengthened through the adoption of  
 985 meaningful standards of operation for those agencies and their  
 986 functions.

987 (2) ~~It is the further intent of the Legislature that~~ These  
 988 agencies shall ~~voluntarily~~ adopt standards designed to promote  
 989 enhanced professionalism:

990 (a) For law enforcement, to maximize the capability of law  
 991 enforcement agencies to enforce the law and prevent and control  
 992 criminal activities.

993 (b) For correctional facilities, to maintain best  
 994 practices for the care, custody, and control of inmates.

995 (c) Within public agency offices of inspector general, to  
 996 promote more effective scrutiny of public agency operations and  
 997 greater accountability of those serving in those agencies.

998 (d) In the operation and management of pretrial diversion  
 999 programs offered by and through the state attorney's offices,  
 1000 county government, or sheriff's offices.



1001           (3) The ~~Legislature also intends to encourage the~~  
 1002 ~~continuation of a voluntary~~ state accreditation program shall ~~to~~  
 1003 facilitate the enhanced professionalism identified in subsection  
 1004 (2). Other than the staff support by the department as  
 1005 authorized in subsection (5), the accreditation program must be  
 1006 independent of any law enforcement agency, the Department of  
 1007 Corrections, the Florida Sheriffs Association, or the Florida  
 1008 Police Chiefs Association.

1009           (4) The law enforcement accreditation program must  
 1010 address, at a minimum, the following aspects of law enforcement:

- 1011           (a) Vehicle pursuits.
- 1012           (b) Seizure and forfeiture of contraband articles.
- 1013           (c) Recording and processing citizens' complaints.
- 1014           (d) Use of force.
- 1015           (e) Traffic stops.
- 1016           (f) Handling natural and manmade disasters.
- 1017           (g) Special operations.
- 1018           (h) Prisoner transfer.
- 1019           (i) Collection and preservation of evidence.
- 1020           (j) Recruitment and selection.
- 1021           (k) Officer training.
- 1022           (l) Performance evaluations.
- 1023           (m) Law enforcement disciplinary procedures and rights.
- 1024           (n) Use of criminal investigative funds.
- 1025           (5) (a) Subject to available funding, the department shall

1026 employ and assign adequate support staff to the Commission for  
 1027 Florida Law Enforcement Accreditation, Inc., and the Florida  
 1028 Corrections Accreditation Commission, Inc., in support of the  
 1029 accreditation programs established in this section.

1030 (b) The department shall establish a review process to  
 1031 assist an agency that has failed to obtain or maintain  
 1032 accreditation as required under this section. The process shall  
 1033 require such an agency to submit an accreditation action plan  
 1034 and any agency that fails to demonstrate progress in developing  
 1035 or implementing any such accreditation action plan to enter into  
 1036 a memorandum of understanding with the department.

1037 Section 15. Section 943.1361, Florida Statutes, is created  
 1038 to read:

1039 943.1361 Officer misconduct.—

1040 (1) The department shall create a program that, for all  
 1041 law enforcement agencies in this state:

1042 (a) Standardizes definitions of, training related to, and  
 1043 consequences for misconduct by law enforcement officers.

1044 (b) Classifies misconduct as major or minor and requires  
 1045 that a complaint alleging potential major misconduct be  
 1046 immediately referred to external review by a civilian review  
 1047 board, if one exists, or another external entity designated by  
 1048 the law enforcement agency.

1049 (c) Flags officers found to have committed misconduct for  
 1050 appropriate intervention such as:

- 1051        1. Retraining.
- 1052        2. Penalties short of termination.
- 1053        3. Termination.
- 1054        4. Potential criminal and civil sanctions.
- 1055        (2) Officers who have been terminated more than twice for  
 1056 misconduct may not be hired by a law enforcement agency.
- 1057        (3) A law enforcement agency shall immediately notify the  
 1058 department of an investigation that results in a determination  
 1059 of major misconduct or minor misconduct. The department shall  
 1060 create and maintain a database where a law enforcement agency  
 1061 must verify whether an applicant for a position as a law  
 1062 enforcement officer has had a major misconduct violation. An  
 1063 applicant with a major misconduct violation may not be hired for  
 1064 such a position.
- 1065        (4) An investigation of officer misconduct must be  
 1066 completed and the results reported, if required by this section,  
 1067 regardless of whether the officer remains employed by the  
 1068 agency.
- 1069        (5) A law enforcement agency shall notify the Criminal  
 1070 Justice Standards and Training Commission in writing within 48  
 1071 hours after:
- 1072        (a) Terminating a certified law enforcement officer  
 1073 employed by the agency for engaging in misconduct. The  
 1074 commission shall initiate decertification proceedings against  
 1075 such an officer.

1076        (b) A law enforcement officer currently employed by the  
 1077 agency is the subject of a third complaint of excessive use of  
 1078 force within the preceding 5 years. The agency shall also submit  
 1079 the results of its investigation of each such complaint, any  
 1080 disciplinary measures taken, and any recommendations made by a  
 1081 civilian review board, if any, concerning such complaints. The  
 1082 commission may initiate decertification proceedings against such  
 1083 an officer.

1084        Section 16. Section 943.1718, Florida Statutes, is amended  
 1085 to read:

1086        943.1718 Body cameras; policies and procedures.—

1087        (1) As used in this section, the term:

1088        (a) "Body camera" means a portable electronic recording  
 1089 device that is worn on a law enforcement officer's person that  
 1090 records audio and video data of the officer's law-enforcement-  
 1091 related encounters and activities.

1092        (b) "Law enforcement agency" means an agency that has a  
 1093 primary mission of preventing and detecting crime and enforcing  
 1094 the penal, criminal, traffic, and motor vehicle laws of the  
 1095 state and in furtherance of that primary mission employs law  
 1096 enforcement officers as defined in s. 943.10.

1097        (c) "Law enforcement officer" has the same meaning as  
 1098 provided in s. 943.10.

1099        (2) A law enforcement agency must require ~~that permits~~ its  
 1100 law enforcement officers to wear body cameras while on duty and

1101 shall establish policies and procedures addressing the proper  
1102 use, maintenance, and storage of body cameras and the data  
1103 recorded by body cameras. The policies and procedures must  
1104 include:

1105 (a) General guidelines for the proper use, maintenance,  
1106 and storage of body cameras.

1107 (b) Any exceptions for limitations on which law  
1108 enforcement officers engaged in bona fide authorized undercover  
1109 law activity as provided in subsection (4) are permitted to wear  
1110 body cameras.

1111 (c) Specifications as to when officers must activate body  
1112 cameras, which shall include all ~~Any limitations on law-~~  
1113 ~~enforcement-related encounters and activities in which law~~  
1114 ~~enforcement officers interact with the public are permitted to~~  
1115 ~~wear body cameras.~~

1116 (d) A provision permitting a law enforcement officer using  
1117 a body camera to review the recorded footage from the body  
1118 camera, upon his or her own initiative or request, before  
1119 writing a report or providing a statement regarding any event  
1120 arising within the scope of his or her official duties. Any such  
1121 provision may not apply to an officer's inherent duty to  
1122 immediately disclose information necessary to secure an active  
1123 crime scene or to identify suspects or witnesses.

1124 (e) General guidelines for the proper storage, retention,  
1125 and release of audio and video data recorded by body cameras.

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1126 (3) A law enforcement agency ~~that permits its law~~  
1127 ~~enforcement officers to wear body cameras~~ shall:

1128 (a) Ensure that all personnel who wear, use, maintain, or  
1129 store body cameras are trained in the law enforcement agency's  
1130 policies and procedures concerning them.

1131 (b) Ensure that all personnel who use, maintain, store, or  
1132 release audio or video data recorded by body cameras are trained  
1133 in the law enforcement agency's policies and procedures.

1134 (c) Retain audio and video data recorded by body cameras  
1135 in accordance with the requirements of s. 119.021, except as  
1136 otherwise provided by law.

1137 (d) Perform a periodic review of actual agency body camera  
1138 practices to ensure conformity with the agency's policies and  
1139 procedures.

1140 (4) The requirement in subsection (2) to wear a body  
1141 camera while on duty does not apply to a law enforcement officer  
1142 while he or she is acting undercover in the course of or in  
1143 relation to an active criminal investigation, active criminal  
1144 intelligence gathering, or active prosecution.

1145 (5)~~(4)~~ Chapter 934 does not apply to body camera  
1146 recordings made by law enforcement agencies ~~that elect to use~~  
1147 ~~body cameras.~~

1148 Section 17. Section 943.17185, Florida Statutes, is  
1149 created to read:

1150 943.17185 Dashboard cameras; policies and procedures.—

1151 (1) As used in this section, the term "dashboard camera"  
1152 means a camera that affixes to a dashboard or windshield of a  
1153 police vehicle that electronically records video of the view  
1154 through the vehicle's windshield and has an electronic audio  
1155 recorder that may be operated remotely.

1156 (2) A law enforcement agency must equip its law  
1157 enforcement vehicles with dashboard cameras and shall establish  
1158 policies and procedures addressing the proper use, maintenance,  
1159 and storage of dashboard cameras and the data recorded by the  
1160 dashboard cameras. The policies and procedures must include:

1161 (a) General guidelines for the proper use, maintenance,  
1162 and storage of dashboard cameras.

1163 (b) Any exceptions for law enforcement officers engaged in  
1164 bona fide authorized undercover law activity as provided in  
1165 subsection (4).

1166 (c) Specifications as to when officers must activate  
1167 dashboard cameras, which shall include all law-enforcement-  
1168 related encounters and activities in which law enforcement  
1169 officers interact with the public.

1170 (d) A provision permitting a law enforcement officer using  
1171 a dashboard camera to review the recorded footage from the  
1172 dashboard camera, upon his or her own initiative or request,  
1173 before writing a report or providing a statement regarding any  
1174 event arising within the scope of his or her official duties.  
1175 Any such provision may not apply to an officer's inherent duty

1176 to immediately disclose information necessary to secure an  
1177 active crime scene or to identify suspects or witnesses.

1178 (e) General guidelines for the proper storage, retention,  
1179 and release of audio and video data recorded by dashboard  
1180 cameras.

1181 (3) A law enforcement agency shall:

1182 (a) Ensure that all personnel who use, maintain, or store  
1183 dashboard cameras are trained in the law enforcement agency's  
1184 policies and procedures concerning them.

1185 (b) Ensure that all personnel who use, maintain, store, or  
1186 release audio or video data recorded by dashboard cameras are  
1187 trained in the law enforcement agency's policies and procedures.

1188 (c) Retain audio and video data recorded by dashboard  
1189 cameras in accordance with the requirements of s. 119.021,  
1190 except as otherwise provided by law.

1191 (d) Perform a periodic review of actual agency dashboard  
1192 camera practices to ensure conformity with the agency's policies  
1193 and procedures.

1194 (4) The requirement in subsection (2) to have and use a  
1195 dashboard camera while on duty does not apply to a law  
1196 enforcement officer while he or she is acting undercover in the  
1197 course of or in relation to an active criminal investigation,  
1198 active criminal intelligence gathering, or active prosecution.

1199 (5) Chapter 934 does not apply to dashboard camera  
1200 recordings made by law enforcement agencies.



1201 Section 18. Effective October 1, 2021, section 943.1719,  
 1202 Florida Statutes, is created to read:

1203 943.1719 Officers required to exhibit badges; exceptions.-

1204 (1) A law enforcement officer may not, while on duty,  
 1205 refuse to exhibit his or her badge to a member of the public  
 1206 when requested to do so. The officer may delay displaying his or  
 1207 her badge until he or she may do so safely if, at the time of  
 1208 the request, the officer may not do so safely.

1209 (2) This section does not apply to a law enforcement  
 1210 officer engaged in bona fide authorized undercover law  
 1211 enforcement activity in the course of or in relation to an  
 1212 active criminal investigation, active criminal intelligence  
 1213 gathering, or active prosecution.

1214 (3) An officer who violates this section commits a  
 1215 misdemeanor of the second degree, punishable as provided in s.  
 1216 775.082 or s. 775.083.

1217 Section 19. Section 943.2555, Florida Statutes, is created  
 1218 to read:

1219 943.2555 Adoption of minimum requirements for law  
 1220 enforcement agency policies.-The department shall adopt rules  
 1221 establishing minimum requirements for the policies of law  
 1222 enforcement agencies employing law enforcement officers, as  
 1223 defined in s. 943.10(1), which are applicable to at least all of  
 1224 the following areas:

1225 (1) Demilitarization.

- 1226        (2) Use of force.
- 1227        (3) Intelligence-led policing. As used in this subsection,  
 1228 the term "intelligence-led policing" means the cultivation and  
 1229 dissemination of strategic, operational, and tactical  
 1230 intelligence assessments to identify, quantify, and target key  
 1231 criminals for investigation and prosecution.
- 1232        (4) Officer qualifications, compensation, and hiring and  
 1233 termination proceedings.
- 1234        (5) Police canine unit operations, including:
- 1235        (a) Ensuring that use of a police canine to intimidate or  
 1236 harass a person who is already subdued or in custody is  
 1237 considered an excessive use of force.
- 1238        (b) Minimum standards for the creation, use, and  
 1239 maintenance of a police canine unit.
- 1240        (6) Minimum officer training standards addressing:
- 1241        (a) Use of force.
- 1242        (b) Duty to intervene.
- 1243        (c) Use of neck restraints.
- 1244        (7) Revocation of an officer's certification or placing a  
 1245 limitation on his or her authority as a consequence of an  
 1246 unauthorized use-of-force incident. Such limitation may include:
- 1247        (a) Mandating the suspension or revocation of an officer's  
 1248 certification if certain criteria are met, such as his or her  
 1249 involvement in a specified number of unlawful use-of-force  
 1250 incidents within a certain timeframe or an unlawful use-of-force

1251 incident that resulted in a fatality; or

1252 (b) Mandating a specified timeframe during which an  
1253 officer with a specified number of unlawful use-of-force  
1254 incidents is prohibited from the performance of duties that  
1255 involve interaction with the public and is required to attend  
1256 anger management counseling.

1257 Section 20. Section 943.2556, Florida Statutes, is created  
1258 to read:

1259 943.2556 Model procedures.—The department shall create a  
1260 model procedures document for law enforcement agencies that  
1261 includes all of the following:

1262 (1) The use of neck restraints, including:

1263 (a) Prohibiting the use of chokeholds by a law enforcement  
1264 officer.

1265 (b) Prohibiting the placement of a knee on the neck of a  
1266 suspect by a law enforcement officer.

1267 (c) Authorizing the use of lateral vascular neck  
1268 restraints by a law enforcement officer who has received annual  
1269 retraining and semiannual demonstration of proper technique.

1270 (2) (a) A prohibition on the use of no-knock warrants by  
1271 law enforcement agencies and officers for misdemeanor offenses  
1272 or minor drug offenses.

1273 (b) A requirement that the head of a law enforcement  
1274 agency personally attest in writing that the use of a no-knock  
1275 warrant is the only way to refine a suspect to get needed

1276 information, is the safest course of action for law enforcement  
1277 officers, and is extremely unlikely to cause harm to an innocent  
1278 or unsought person.

1279 (c) A requirement that a no-knock warrant be executed  
1280 under the personal supervision of the head of the law  
1281 enforcement agency.

1282 (3) Requirements for the use or elimination of jump-out  
1283 tactics and squads.

1284 (4) A standardized use-of-force policy with a statewide  
1285 matrix of circumstances in which use of force is authorized.

1286 (5) Policies concerning the pursuit of fleeing suspects,  
1287 which must include:

1288 (a) Specifying circumstances that authorize an officer to  
1289 pursue a fleeing driver.

1290 (b) Minimizing risk in densely populated communities.

1291 (c) Authorizing pursuit of a felon only when the pursuing  
1292 officer is reasonably certain that apprehension of the felon  
1293 will prevent further physical harm to other persons or himself  
1294 or herself, and requiring a pursuing officer to end pursuit if  
1295 significant property damage or harm to other persons seems  
1296 probable.

1297 (d) Authorizing pursuit of a misdemeanor only if the  
1298 pursuing officer is reasonably certain to apprehend the  
1299 misdemeanant without significant property damage or harm to  
1300 other persons.

1301  
 1302 The inclusion of policies in the document must be guided by the  
 1303 principle that protecting an innocent person is more important  
 1304 than punishing a guilty person.

1305 (6) Procedures for notification of next of kin.

1306 (7) A requirement that an officer make a statement  
 1307 concerning a use-of-force incident within 24 hours after the  
 1308 conclusion of the use-of-force incident.

1309 Section 21. Section 943.6872, Florida Statutes, is created  
 1310 to read:

1311 943.6872 Statewide police misconduct registry.-

1312 (1) As used in this section, the term "discriminatory  
 1313 profiling" means the practice of a law enforcement officer or a  
 1314 law enforcement agency relying, to any degree, on actual or  
 1315 perceived race, ethnicity, national origin, religion, gender,  
 1316 gender identity, or sexual orientation in selecting which  
 1317 individual to subject to a routine or spontaneous investigatory  
 1318 procedure or in deciding upon the scope and substance of law  
 1319 enforcement activity following the initial investigatory  
 1320 procedure, except when there is reliable information relevant to  
 1321 the locality and timeframe which links a person having such  
 1322 actual or perceived characteristic to an identified criminal  
 1323 incident or scheme.

1324 (2) Notwithstanding any provision of law to the contrary,  
 1325 the data reported pursuant to s. 900.05(3)(h)1. shall be made

1326 available to the public as provided in this section.

1327 (3) The department shall establish by June 30, 2022, and  
1328 maintain a statewide police misconduct registry.

1329 (4) The registry shall contain all of the following  
1330 information with respect to all state and local law enforcement  
1331 officers:

1332 (a) Each complaint filed against a law enforcement  
1333 officer, aggregated by all of the following and disaggregated by  
1334 whether the complaint involved a use of force or discriminatory  
1335 profiling:

1336 1. Complaints that were found to be credible or that  
1337 resulted in disciplinary action against the law enforcement  
1338 officer; and

1339 2. Complaints for which the law enforcement officer was  
1340 exonerated or which were determined to be unfounded or not  
1341 sustained.

1342 (b) Disciplinary records, disaggregated by whether the  
1343 complaint involved a use of force or discriminatory profiling.

1344 (c) Termination records and the reason for each  
1345 termination, disaggregated by whether a complaint involved a use  
1346 of force or discriminatory profiling.

1347 (d) Records of lawsuits against law enforcement officers  
1348 and settlements of such lawsuits.

1349 (e) Instances in which a law enforcement officer resigned  
1350 or retired while under active investigation related to a use of

1351 force.

1352 (5) Beginning January 2, 2023, and every 3 months  
1353 thereafter:

1354 (a) The head of each state and local law enforcement  
1355 agency, including the executive director of the department,  
1356 shall submit to the department for inclusion in the registry the  
1357 information described in subsection (3); and

1358 (b) The department shall publish the information on its  
1359 website in a modern, open, electronic format which is machine-  
1360 readable and readily accessible by the public. The published  
1361 data must be searchable by data elements.

1362 Section 22. The Department of Law Enforcement may not make  
1363 any agreement with a vendor for a database project which:

1364 (1) Precludes the public from learning of the existence of  
1365 a database if the database project remains incomplete or does  
1366 not become operational.

1367 (2) Leaves ownership of the source code for the project in  
1368 the private sector.

1369 Section 23. Each law enforcement agency as defined in s.  
1370 943.1718(1), Florida Statutes, shall create and maintain a  
1371 database of and reporting procedure for complaints in order to  
1372 track officers who have performance issues.

1373 Section 24. Section 944.3315, Florida Statutes, is created  
1374 to read:

1375 944.3315 Officer misconduct.—

- 1376 (1) As used in this section, the term:
- 1377 (a) "Correctional facility" has the same meaning as
- 1378 provided in s. 944.242(1).
- 1379 (b) "Correctional officer" has the same meaning as
- 1380 provided in s. 943.10(2).
- 1381 (2) The department shall create a program that, for all
- 1382 correctional facilities, in this state:
- 1383 (a) Standardizes definitions of, training related to, and
- 1384 consequences for misconduct by correctional officers.
- 1385 (b) Classifies misconduct issues as major or minor and
- 1386 requires that a complaint alleging potential major misconduct is
- 1387 immediately referred for external review.
- 1388 (c) Flags officers found to have committed misconduct for
- 1389 appropriate intervention such as:
- 1390 1. Retraining.
- 1391 2. Penalties short of termination.
- 1392 3. Termination.
- 1393 4. Potential criminal and civil sanctions.
- 1394 (3) Officers who have been terminated more than twice for
- 1395 misconduct may not be hired by a correctional facility.
- 1396 (4) An operator of a correctional facility shall
- 1397 immediately notify the department of an investigation that
- 1398 results in a determination of major misconduct and minor
- 1399 misconduct. The department shall create and maintain a database
- 1400 where a correctional facility must verify whether an applicant



1401 for a position as a correctional officer has had a major  
1402 misconduct violation. An applicant with a major misconduct  
1403 violation may not be hired for such a position.

1404 (5) An investigation of officer misconduct must be  
1405 completed and the results reported under subsection (4)  
1406 regardless of whether the officer remains employed by the  
1407 operator of the correctional facility.

1408 (6) An operator of a correctional facility shall notify  
1409 the Criminal Justice Standards and Training Commission in  
1410 writing within 48 hours after:

1411 (a) Terminating a correctional officer employed by the  
1412 operator of the correctional facility for engaging in  
1413 misconduct. The commission shall initiate decertification  
1414 proceedings against such an officer.

1415 (b) A correctional officer currently employed by the  
1416 operator of the correctional facility is the subject of a third  
1417 complaint of excessive use of force within the preceding 5  
1418 years. The operator of the correctional facility shall also  
1419 submit the results of its investigation of each such complaint,  
1420 any disciplinary measures taken, and any recommendations made by  
1421 a civilian review board, if any, concerning such complaints. The  
1422 commission may initiate decertification proceedings against such  
1423 an officer.

1424 Section 25. Except as otherwise expressly provided in this  
1425 act and except for this section, which shall take effect upon

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1426 | this act becoming a law, this act shall take effect July 1,  
1427 | 2021.