

1 A bill to be entitled
2 An act relating to law enforcement and correctional
3 officer accreditation and standards; amending s.
4 943.10, F.S.; defining terms; amending s. 943.12,
5 F.S.; requiring the Criminal Justice Standards and
6 Training Commission to adopt rules prohibiting law
7 enforcement officers, correctional officers, or
8 correctional probation officers from using specified
9 techniques; providing an exception; requiring the
10 commission to adopt rules requiring employing agencies
11 to report information related to the use of such
12 techniques; requiring that the commission review
13 certain officers who use the prohibited techniques;
14 requiring the commission to provide specified data
15 regarding final commission orders to the National
16 Decertification Index; creating s. 943.121, F.S.;
17 requiring the commission to establish and maintain
18 standards for the instruction of officers in specified
19 subjects in order to build upon and improve police-
20 community relations; providing minimum required
21 standards for deescalation training; amending s.
22 943.125, F.S.; revising the minimum aspects of law
23 enforcement that the law enforcement accreditation
24 program must address; providing minimum required
25 standards for deescalation training; requiring that by

26 a specified date the Office of the Attorney General
 27 provide certain guidance to law enforcement agencies;
 28 requiring that by a specified date each law
 29 enforcement agency adopt a certain policy; requiring
 30 the commission to create and publish it on its website
 31 a model written policy; requiring the Office of the
 32 Attorney General to collect certain data and submit an
 33 annual report; amending s. 943.1715, F.S.; requiring
 34 every basic skills course required for officers to
 35 obtain initial certification to include a minimum
 36 number of hours of deescalation training; amending s.
 37 943.1716, F.S.; requiring the commission to adopt
 38 rules requiring that every officer receive a minimum
 39 number of hours of deescalation training; providing an
 40 effective date.

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 42 Be It Enacted by the Legislature of the State of Florida:

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 44 Section 1. Subsections (23) through (27) are added to
 45 section 943.10, Florida Statutes, to read:

46 943.10 Definitions; ss. 943.085-943.255.—The following
 47 words and phrases as used in ss. 943.085-943.255 are defined as
 48 follows:

49 (23) "Deescalation technique" means a method or methods
 50 for assessing and managing a situation in order to resolve it

51 with the least response to resistance which is safe and
52 practicable by a law enforcement officer.

53 (24) "Implicit bias training" means a program designed to
54 go beyond producing fair and impartial enforcement of the law by
55 bringing awareness to or increasing awareness of, and improving
56 response strategies to, unconscious bias towards diverse
57 communities. Such training should allow law enforcement to serve
58 the community with a deeper understanding of the diversities
59 within the community, thereby mitigating community tension and
60 improving police-community relations.

61 (25) "Intervene" means to stop the use of excessive or
62 unnecessary force.

63 (26) "Procedural justice training" means a system of law
64 enforcement that prioritizes obtaining citizen compliance with
65 law enforcement direction through fair and respectful two-way
66 communication and, where possible and safe, provides explanation
67 of the rationale behind directions given by law enforcement
68 officers to build trust. This training allows for both community
69 and police to be treated with respect and dignity, thereby
70 cultivating stronger police-community relations.

71 (27) "Reaction gap" means the minimum amount of distance
72 necessary to ensure that a law enforcement officer will have
73 time to be able to react appropriately to a potential threat.

74 Section 2. Present subsection (17) of section 943.12,
75 Florida Statutes, is redesignated as subsection (18), and a new

76 subsection (17) and subsection (19) are added to that section,
 77 to read:

78 943.12 Powers, duties, and functions of the commission.—
 79 The commission shall:

80 (17) Adopt rules prohibiting any law enforcement officer,
 81 correctional officer, or correctional probation officer from
 82 using any technique that requires the application of pressure to
 83 the neck, throat, esophagus, trachea, or carotid arteries
 84 alongside the trachea. The use of such a technique by a law
 85 enforcement officer, correctional officer, or correctional
 86 probation officer is prohibited unless deadly force is
 87 authorized under the law. The commission shall adopt rules
 88 requiring employing agencies to report to the commission any use
 89 of such technique by a law enforcement officer, correctional
 90 officer, or correctional probation officer employed by that
 91 agency. The commission shall review any law enforcement officer,
 92 correctional officer, or correctional probation officer who uses
 93 such a technique when deadly force is not authorized under the
 94 law.

95 (19) Provide data to the National Decertification Index on
 96 final commission orders regarding decertifications, criminal
 97 convictions for on-duty conduct, and disciplinary measures
 98 against law enforcement officers, correctional officers, or
 99 correctional probation officers.

100 Section 3. Section 943.121, Florida Statutes, is created

101 to read:

102 943.121 Commission standards for instruction of officers
103 in certain subjects.-

104 (1) The commission shall establish and maintain standards
105 for instruction of officers in the subjects of deescalation
106 techniques, procedural justice training, implicit bias training,
107 and the duty to intervene if another officer uses excessive or
108 unnecessary force in order to build upon and improve police-
109 community relations.

110 (2) The minimum standards for deescalation training must
111 include all of the following:

112 (a) Training on verbal and physical tactics that would
113 help avoid a physical response to resistance with an emphasis on
114 communication, negotiation, deescalation techniques, creating
115 and maintaining a reaction gap, and obtaining the time needed to
116 resolve the incident safely for each individual involved.

117 (b) Training officers simultaneously and in teams on
118 deescalation and appropriate responses to resistance to improve
119 group dynamics and diminish excessive responses to resistance
120 while managing critical incidents.

121 (c) Training that intentional chokeholds must never be
122 used, except in deadly force situations.

123 (d) Training on the principles of using distance, cover,
124 and time when approaching and managing critical incidents, and
125 the elimination of other techniques in favor of using distance

126 and cover to create and sustain a reaction gap.

127 (e) Training on the use of the lowest response to
128 resistance which is a possible and safe response to an
129 identified threat.

130 (f) Training on the reevaluation of an identified threat
131 as the management of the critical incident progresses.

132 (g) Training on procedural justice training.

133 (h) Training on crisis intervention strategies to
134 appropriately identify and respond to individuals suffering from
135 physical or mental disabilities, mental health issues, or
136 substance abuse issues with an emphasis on deescalation
137 techniques and promoting effective communication with such
138 individuals.

139 (i) Training on techniques that provide all officers with
140 awareness and recognition of an individual's physical and mental
141 disabilities, mental health issues, and substance abuse issues
142 with an emphasis on communication strategies.

143 (j) Training on other evidence-based approaches found to
144 be appropriate by the commission which enhance deescalation
145 techniques and skills.

146 (k) Training on implicit bias.

147 Section 4. Section 943.125, Florida Statutes, is amended
148 to read:

149 943.125 Accreditation of state and local law enforcement
150 agencies, correctional facilities, public agency offices of

151 inspectors general, and certain pretrial diversion programs;
152 intent.—

153 (1) It is the intent of the Legislature that law
154 enforcement agencies, correctional facilities, public agency
155 offices of inspectors general, and those agencies offering
156 pretrial diversion programs within offices of the state
157 attorneys, county government, or sheriff's offices in the state
158 be upgraded and strengthened through the adoption of meaningful
159 standards of operation for those agencies and their functions.

160 (2) It is the further intent of the Legislature that these
161 agencies voluntarily adopt standards designed to promote
162 enhanced professionalism:

163 (a) For law enforcement, to maximize the capability of law
164 enforcement agencies to enforce the law and prevent and control
165 criminal activities.

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

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

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

174 (3) The Legislature also intends to encourage the
175 continuation of a voluntary state accreditation program to

176 facilitate the enhanced professionalism identified in subsection
177 (2). Other than the staff support by the department as
178 authorized in subsection (10) ~~(5)~~, the accreditation program
179 must be independent of any law enforcement agency, the
180 Department of Corrections, the Florida Sheriffs Association, or
181 the Florida Police Chiefs Association.

182 (4) The law enforcement accreditation program must
183 address, at a minimum, all of the following aspects of law
184 enforcement:

- 185 (a) Vehicle pursuits.
- 186 (b) Seizure and forfeiture of contraband articles.
- 187 (c) Recording and processing citizens' complaints.
- 188 (d) Response to resistance ~~Use of force~~.
- 189 (e) Traffic stops.
- 190 (f) Handling natural and manmade disasters.
- 191 (g) Special operations.
- 192 (h) Prisoner transfer.
- 193 (i) Collection and preservation of evidence.
- 194 (j) Recruitment and selection.
- 195 (k) Officer training.
- 196 (l) Performance evaluations.
- 197 (m) Law enforcement disciplinary procedures and rights.
- 198 (n) Use of criminal investigative funds.
- 199 (o) Deescalation techniques.
- 200 (p) Implicit bias training.

- 201 (g) Procedural justice training.
- 202 (r) Mental health and wellness resources and support
203 available for law enforcement officers, including any peer-
204 support teams and sworn or unsworn chaplaincy programs.
- 205 (s) The duty to intervene if another officer uses
206 excessive or unnecessary force.
- 207 (5) The minimum standards for deescalation training must
208 include all of the following:
- 209 (a) Training on verbal and physical tactics that would
210 help avoid a physical response to resistance with an emphasis on
211 communication, negotiation, deescalation techniques, creating
212 and maintaining a reaction gap, and obtaining the time needed to
213 resolve the incident safely for each individual involved.
- 214 (b) Training officers simultaneously and in teams on
215 deescalation and appropriate responses to resistance to improve
216 group dynamics and diminish excessive responses to resistance
217 while managing critical incidents.
- 218 (c) Training that intentional chokeholds must never be
219 used, except in deadly force situations.
- 220 (d) Training on the principles of using distance, cover,
221 and time when approaching and managing critical incidents, and
222 the elimination of other techniques in favor of using distance
223 and cover to create and sustain a reaction gap.
- 224 (e) Training on the use of the lowest response to
225 resistance which is a possible and safe response to an

226 identified threat.

227 (f) Training on the reevaluation of an identified threat
228 as the management of the critical incident progresses.

229 (g) Training on crisis intervention strategies to
230 appropriately identify and respond to individuals suffering from
231 physical or mental disabilities, mental health issues, or
232 substance abuse issues with an emphasis on deescalation
233 techniques and promoting effective communication with such
234 individuals.

235 (h) Training on techniques that provide all officers with
236 awareness and recognition of an individual's physical and mental
237 disabilities, mental health issues, and substance abuse issues
238 with an emphasis on communication strategies.

239 (i) Training on other evidence-based approaches found to
240 be appropriate by the commission which enhance deescalation
241 techniques and skills.

242 (6) Not later than November 30, 2021, the Office of the
243 Attorney General shall provide written guidance to law
244 enforcement agencies in this state which employ law enforcement
245 officers with regard to compliance with minimum standards under
246 this section.

247 (7) Not later than January 1, 2022, each law enforcement
248 agency in this state shall adopt a written policy stating that
249 each of the law enforcement officers in its employ has an
250 affirmative duty to use deescalation techniques in his or her

251 interactions with citizens wherever possible.

252 (8) The commission shall create and publish it on its
253 website a model written policy in accordance with subsection
254 (7). A law enforcement agency may fulfill its duty under
255 subsection (5) by adopting the commission's model written
256 policy.

257 (9) The Office of the Attorney General shall collect data
258 regarding the implementation of training programs under this
259 section and shall provide by July 1 of each year an annual
260 report to the President of the Senate, the Senate Minority
261 Leader, the Speaker of the House of Representatives, and the
262 House Minority Leader describing that data.

263 (10)~~(5)~~ Subject to available funding, the department shall
264 employ and assign adequate support staff to the Commission for
265 Florida Law Enforcement Accreditation, Inc., and the Florida
266 Corrections Accreditation Commission, Inc., in support of the
267 accreditation programs established in this section.

268 (11)~~(6)~~ Accreditation standards related to law enforcement
269 and inspectors general used by the accreditation programs
270 established in this section shall be determined by the
271 Commission for Florida Law Enforcement Accreditation, Inc.
272 Accreditation standards related to corrections functions and
273 pretrial diversion programs shall be determined by the Florida
274 Corrections Accreditation Commission, Inc.

275 Section 5. Section 943.1715, Florida Statutes, is amended

HB 1513

2021

276 to read:

277 943.1715 Basic skills training relating to diverse
278 populations and deescalation training.—The commission shall
279 establish and maintain standards for instruction of officers in
280 the subject of interpersonal skills relating to diverse
281 populations, with an emphasis on the awareness of cultural
282 differences. Every basic skills course required in order for
283 officers to obtain initial certification must include training
284 in interpersonal skills with diverse populations. The commission
285 shall also require that every basic skills course include in the
286 curriculum at least 40 hours of deescalation training.

287 Section 6. Section 943.1716, Florida Statutes, is amended
288 to read:

289 943.1716 Continued employment training relating to diverse
290 populations and deescalation training.—The commission shall by
291 rule require that each officer receive, as part of the 40 hours
292 of required instruction for continued employment or appointment
293 as an officer, instruction in the subject of interpersonal
294 skills relating to diverse populations, with an emphasis on the
295 awareness of cultural differences. The commission shall also
296 require by rule that every officer receive at least 16 hours of
297 deescalation training, in addition to the 40 hours of required
298 instruction for continued employment or appointment as an
299 officer.

300 Section 7. This act shall take effect July 1, 2021.