

1 A bill to be entitled
2 An act relating to criminal justice; providing a short
3 title; creating ch. 952, F.S.; requiring each county
4 to establish an independent Office of Law Enforcement
5 and Correctional Officer Oversight; specifying the
6 powers and duties of the office; providing for
7 oversight commissioners for each such office;
8 providing for appointment and duties of the
9 commissioners; providing qualifications for
10 commissioners; providing for a public advocate;
11 providing for appointment and decisions of the public
12 advocate; providing for qualifications of the public
13 advocate; requiring that certain information be
14 reported to the Department of Law Enforcement;
15 requiring that copies of collective bargaining
16 agreements be made available; requiring a certain
17 number of assistants to be appointed for public
18 advocates; providing for qualifications of assistants;
19 providing for funding of each office; requiring that
20 each office hire a specified number of investigators;
21 providing requirements concerning collective
22 bargaining agreements for law enforcement or
23 correctional officers; providing duties for state
24 attorneys concerning alleged misconduct of law
25 enforcement or correctional officers; providing for

26 powers and duties of oversight commissions; specifying
27 a commission's powers for disciplining officers,
28 including the power to suspend or revoke an officer's
29 certification; requiring commissions to adopt policies
30 and procedures concerning specified subjects;
31 providing for the authority of commission policies and
32 procedures; providing for representation of law
33 enforcement and correctional officers in disciplinary
34 hearings; authorizing oversight commissions to make
35 rules for such hearings; providing requirements for
36 such rules; providing for funding for officers of law
37 enforcement and correctional officer oversight;
38 providing for application of provisions concerning
39 collective bargaining agreements; requiring each
40 county to establish an independent Office of Law
41 Enforcement and Correctional Officer Oversight;
42 providing for appointment and duties of commissioners;
43 providing requirements concerning collective
44 bargaining agreements for law enforcement and
45 correctional officers; providing duties for state
46 attorneys concerning alleged misconduct of law
47 enforcement and correctional officers; providing for
48 forfeiture of law enforcement or correctional
49 officer's pension for certain willful acts; repealing
50 provisions relating to law enforcement officers' and

51 correctional officers' rights; providing requirements
52 for contracts between unions representing officers and
53 employing agencies; amending s. 112.3173, F.S.;

54 providing for the forfeiture of a law enforcement or
55 correctional officer's retirement benefits for certain
56 willful acts; repealing s. 112.532, F.S., relating to
57 law enforcement and correctional officers' rights;
58 repealing s. 112.533, F.S., relating to receipt and
59 processing of complaints concerning law enforcement
60 officers; amending s. 768.28, F.S.; eliminating damage
61 caps for deaths or injuries caused by law enforcement
62 or correctional officers in certain circumstances;
63 providing requirements for payment of such awards;
64 amending s. 776.012, F.S.; providing that a person has
65 a duty to retreat and does not have the right to stand
66 his or her ground before using force; amending s.
67 776.032, F.S.; deleting provisions shifting the burden
68 of proof in a criminal prosecution once a prima facie
69 claim of self-defense immunity from criminal
70 prosecution has been raised in a pretrial proceeding;
71 creating s. 784.087, F.S.; providing definitions;
72 prohibiting the use of excessive force by law
73 enforcement, correctional, or correctional probation
74 officers; specifying circumstances when use of
75 excessive force may be conclusively presumed;

76 specifying that deadly force may only be used in
77 certain circumstances; creating s. 784.099, F.S.;
78 providing definitions; prohibiting the use of neck
79 restraint by law enforcement, correctional, or
80 correctional probation officers; providing criminal
81 penalties; providing that such a violation may also
82 subject such an officer to disciplinary action;
83 creating s. 870.07, F.S.; defining the term "riot
84 control agent"; prohibiting the use of such agents on
85 any person; amending s. 895.09, F.S.; revising the
86 disposition of funds obtained through forfeiture
87 proceedings under the Florida RICO Act; amending s.
88 932.7055, F.S.; revising the disposition of funds
89 obtained through forfeiture proceedings; creating s.
90 943.1301, F.S.; requiring anti-bias screening for
91 persons seeking employment as law enforcement
92 officers; amending s. 943.1395, F.S.; requiring
93 revocation of the certification of a law enforcement
94 or correctional officer in certain circumstances;
95 amending s. 943.1718, F.S.; requiring that law
96 enforcement officers wear body cameras while on duty;
97 requiring law enforcement oversight commissions to
98 establish policies and procedures for such cameras;
99 creating s. 943.69, F.S.; prohibiting law enforcement
100 agencies from receiving military property from the

101 federal government; providing that the act shall take
 102 precedence over any conflicting law to the extent of
 103 such conflict; providing an effective date.

104
 105 Be It Enacted by the Legislature of the State of Florida:

106
 107 Section 1. This act may be cited as the "Civilian
 108 Oversight of Law Enforcement and Correctional Officers Act."

109 Section 2. Chapter 952, Florida Statutes, consisting of
 110 ss. 952.011-952.019, is created to read:

111 CHAPTER 952

112 LAW ENFORCEMENT AND CORRECTIONAL OFFICER OVERSIGHT

113 952.011 Office of Law Enforcement and Correctional Officer
 114 Oversight.-

115 (1) In each county, there is hereby established a public
 116 body corporate and politic, to be known as the Office of Law
 117 Enforcement and Correctional Officer Oversight, which shall be
 118 an independent office, to investigate potential instances of law
 119 enforcement and correctional officer misconduct in that county
 120 for all law enforcement and correctional officers in that county
 121 employed by the state or one of its subdivisions, regardless of
 122 their employer.

123 (2) (a) The powers of each oversight office shall be vested
 124 in, and divided between, a board of commissioners, to be known
 125 as the Oversight Commission, and an executive officer and

126 advocate for the public interest, to be known as the Public
127 Advocate.

128 (b) Each oversight commission shall be composed of seven
129 members, to be known as Oversight Commissioners, and shall be
130 the governing and policy-making body of the oversight office,
131 and shall determine whether the disciplinary charges filed by
132 the public advocate against a law enforcement or correctional
133 officer are sustained by the evidence presented by the public
134 advocate and, in accordance with this chapter, take disciplinary
135 action against such an officer. The oversight commission shall
136 employ its own counsel and legal staff.

137 (c) Each public advocate shall be responsible for the
138 administrative affairs of the oversight office in which he or
139 she was appointed to serve. The public advocate shall also
140 receive, lodge, and investigate complaints against any law
141 enforcement or correctional officers within the county in which
142 the oversight office is located; investigate each use of force
143 incident within that county; file disciplinary charges with the
144 commission of the oversight office against any law enforcement
145 or correctional officer based on the evidence uncovered during
146 the course of any investigation into such an officer's conduct;
147 and present evidence of officer misconduct in a public
148 disciplinary hearing held by the oversight commission.

149 952.012 Oversight Commissioners; appointment;
150 qualifications, tenure; compensation.-

151 (1) The public defender of the judicial circuit in which
152 the oversight office is located shall, according to processes
153 specified in this subsection, appoint seven persons as
154 commissioners for the oversight office created for such county.

155 (a) The public defender shall appoint the initial seven
156 commissioners no later than noon on the third Tuesday in
157 December 2021.

158 1. The public defender shall, no later than October 1,
159 2021, publish notice of his legal obligation to appoint such
160 commissioners and begin immediately to solicit and accept
161 applications from candidates seeking to be appointed to serve as
162 commissioners of the oversight office.

163 2. The public defender must publish a short list of no
164 less 10 candidates as provided in chapter 50, no sooner than
165 October 31, 2021, and no later than November 15, 2021. Short-
166 listed candidates must be chosen from among the applicants.

167 3. When the public defender publishes the list of short-
168 listed applicants, he or she must also schedule and notice a
169 public meeting in which the members of the public shall be given
170 an opportunity to provide comment. The public meeting must be
171 held between 7 and 14 days after the date on which the list of
172 short-listed applicants is published.

173 4. After hearing all comments provided by the public in
174 the meeting, the public defender may appoint applicants from the
175 short list to serve on the oversight commission.

176 5. In making any appointments or reappointments to the
177 oversight commission, the public defender must ensure that at
178 least four of the commission's members are also members in good
179 standing of The Florida Bar.

180 6. Three of the commissioners who are first appointed
181 shall be designated to serve for terms of 1, 2, and 3 years,
182 respectively, and the remaining commissioners shall be
183 designated to serve for terms of 4 years each, from the date of
184 their appointment. The terms of all appointed commissioners
185 shall commence at noon on the third Tuesday in December 2021.
186 Thereafter, each appointed commissioner shall serve for a term
187 of office of 4 years, except that a vacancy shall be filled for
188 the unexpired term of the member being replaced by an
189 appointment by the public defender.

190 7. The public defender shall designate the first chair
191 from among the appointed commissioners, but when the office of
192 the chair of the oversight commission becomes vacant, the
193 commissioners shall select a chair from among themselves. The
194 commissioners shall also select from among themselves a vice
195 chair. A commissioner may not serve as chair or vice chair if he
196 or she is not a member in good standing of The Florida Bar.

197 (b) If there is a vacancy on the oversight commission, the
198 public defender shall fill the vacancy using the following
199 process:

200 1. Within 2 business days of a vacancy, the public

201 defender must publish notice of the vacancy as provided in
202 chapter 50 and solicit applications from candidates seeking to
203 fill the vacancy.

204 2. The public defender must then publish as provided in
205 chapter 50 a short list of no more than 10 candidates and no
206 fewer than seven candidates, and may do so only after allowing
207 no fewer than 30 days but no more than 45 days for candidates to
208 apply. Short-listed candidates must be chosen from among the
209 applicants.

210 3. When the public defender publishes the list of short-
211 listed applicants, the public defender must also schedule and
212 notice a public meeting in which the members of the public shall
213 be given an opportunity to provide comment on the applications.
214 The public meeting must be held between 7 and 14 days after the
215 date on which the list of short-listed applicants was published.

216 4. The public defender may then either appoint an
217 applicant from the short list, or based on public input, publish
218 a new short list of applicants, or solicit additional
219 applications.

220 a. If a new short list is created and published, the
221 public defender may appoint a candidate from the list after
222 following the process set out in subparagraph 3.

223 b. If additional applications are sought, the public
224 defender may appoint from among any applicant, old or new, after
225 following the process set out in subparagraphs 3. and 4.

226
227 The public defender may not make a new short list of candidates,
228 or solicit additional applications, unless there were fewer than
229 seven unrelated applicants meeting all qualifications for the
230 appointment.

231 (2) An oversight commissioner shall be considered a public
232 officer, and shall, at the commencement of his or her term, take
233 the oath as provided in s. 5, Art. II of the State Constitution.

234 (3) The public defender may reappoint any member of the
235 commission without following the requirements in paragraph
236 (1) (b). The public defender may not reappoint such a
237 commissioner until his or her term is within 30 days of
238 expiring.

239 (4) A commissioner may not be appointed to the oversight
240 commission more than three times consecutively; nor may a
241 commissioner serve on the oversight commission more than 12
242 years continuously, whichever results in fewer years of service
243 on the commission.

244 (5) A person may not serve as a commissioner for the
245 oversight office if:

246 (a) He or she does not reside in the county within which
247 the commission has jurisdiction at the time he or she applies to
248 serve.

249 (b) He or she is a former law enforcement or correctional
250 officer.

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251 (c) An immediate family member of the person is, or has
252 been, a law enforcement or correctional officer within 10 years
253 of the person applying to serve on the oversight commission. For
254 purposes of this subsection, the term "immediate family member"
255 means a spouse, parent, child, or sibling.

256 (6) Members of the oversight commission shall:

257 (a) Serve full-time.

258 (b) Not have outside employment.

259 (c) Not engage in the private practice of law.

260 (d) Be compensated at a rate of three-fourths of the
261 annual salary of a circuit court judge in the circuit in which
262 the county is located.

263 (7) Each commissioner for the oversight office shall
264 receive no fewer than 60 hours annual training on policing,
265 civil rights, and racial and economic inequity. A commissioner
266 who fails to complete required training hours by the end of the
267 year, may not continue in office.

268 952.013 Public advocates; appointment; qualifications;
269 tenure; compensation.-

270 (1) The public defender of the judicial circuit in which
271 the oversight office is located shall, according to the
272 requirements of this subsection, appoint one person who shall be
273 known as the public advocate for the oversight office.

274 (a) The public defender shall appoint the first public
275 advocate at noon on third Tuesday of December 2021.

276 1. The public defender shall no later than October 1,
277 2021, publish notice as provided in chapter 50 of his or her
278 legal obligation to appoint a public advocate and immediately
279 begin to solicit and accept applications from candidates seeking
280 to be appointed to serve as public advocate.

281 2. The public defender must publish a short list of no
282 more than 10 candidates and no less than five candidates no
283 sooner than October 31, 2021, and no later than November 15,
284 2021. Short-listed candidates must be chosen from among the
285 applicants.

286 3. When the public defender publishes the list of short-
287 listed applicants, the public defender must also schedule and
288 notice a public meeting in which the members of the public will
289 be given an opportunity to provide comment on the applications.
290 The public meeting must be held between 7 and 14 days after the
291 date on which the list of short-listed applicants was published.

292 4. After hearing all comments provided by the public in
293 the meeting, the public defender may appoint an applicant from
294 the short list to the serve as public advocate for the oversight
295 office. The term the first public advocate thus appointed shall
296 commence at noon on the third Tuesday in December 2021.

297 (b) In the event of a vacancy in the position of public
298 advocate, the public defender shall fill the vacancy using the
299 following process:

300 1. Within 2 business days of a vacancy, the public

301 defender must publish notice of the vacancy as provided in
302 chapter 50 and solicit applications from candidates seeking to
303 fill the vacancy.

304 2. The public defender must then publish as provided in
305 chapter 50 a short list of no more than 10 candidates and no
306 fewer than five candidates, and may do so only after allowing no
307 fewer than 30 days but no more than 45 days for candidates to
308 apply. Short-listed candidates must be chosen from among the
309 applicants.

310 3. When the public defender publishes the list of short-
311 listed applicants, the public defender must also schedule and
312 notice a public meeting in which the members of the public will
313 be given an opportunity to provide comment on the applications.
314 The public meeting must be held between 7 and 14 days after the
315 date on which the list of short-listed applicants was published.

316 4. The public defender may then either appoint an
317 applicant from the short list, or based on public input, publish
318 a new short list of applicants, or solicit additional
319 applications.

320 a. If a new short list is created and published, the
321 public defender may appoint a candidate from the list after
322 following the process set out in subparagraph 3.

323 b. If additional applications are sought, the public
324 defender may appoint from among any applicant, old or new, after
325 following the process set out in subparagraphs 3. and 4.

326
327 The public defender may not make a new short list of candidates,
328 or solicit additional applications, unless there were fewer than
329 five unrelated applicants meeting all qualifications for the
330 appointment.

331 5. Public advocates appointed to fill vacancies shall
332 complete the rest of their predecessor's term.

333 (2) A public advocate shall serve a 4-year term, and a
334 public advocate may not be appointed for more than three
335 consecutive terms or serve more than 12 years continuously,
336 whichever results in fewer years of service as public advocate.

337 (3) The public defender may reappoint a public advocate
338 without following the process in paragraph (1)(b), but cannot
339 reappoint him or her until his or her term is within 30 days of
340 expiring.

341 (4) Each public advocate shall be considered a public
342 officer, and shall, at the commencement of his or her term, take
343 the oath as provided in s. 5, Art. II of the State Constitution.

344 (5) A person may not serve as public advocate for the
345 oversight office if:

346 (a) He or she does not reside in the county within which
347 the oversight office has jurisdiction at the time he or she
348 applies to serve.

349 (b) He or she is a former law enforcement or correctional
350 officer.

351 (c) An immediate family member of the person is a law
 352 enforcement or correctional officer, or has been a law
 353 enforcement or correctional officer within 10 years of the
 354 person applying to serve on the oversight commission. For
 355 purposes of this subsection, the term "immediate family member"
 356 means a spouse, parent, child, or sibling.

357 (6) All public advocates shall:

358 (a) Serve full-time.

359 (b) Not have outside employment.

360 (c) Not engage in the private practice of law.

361 (d) Be compensated at a rate equal to the annual salary of
 362 a circuit court judge in the circuit in which the county is
 363 located.

364 952.014 Public advocates; powers and duties.—Each public
 365 advocate shall have the power and duty:

366 (1) In consultation with the oversight commission, to
 367 establish various means for members of the public and
 368 incarcerated individuals to file complaints against law
 369 enforcement or correctional officers, including via the
 370 Internet.

371 (2) (a) To receive, investigate, and resolve complaints
 372 against law enforcement and corrections officers for misconduct
 373 and investigate each use of force incident within the county in
 374 which the oversight office has jurisdiction.

375 (b) When an investigation into a complaint of misconduct,

376 or of a use of force incident, uncovers evidence that a law
377 enforcement or correctional officer violated state or federal
378 law, the public advocate shall resolve such complaint by
379 furnishing the State Attorney, the Attorney General, or the
380 United States Department of Justice with evidence uncovered in
381 its investigation.

382 (3) (a) Resolve all complaints of law enforcement and
383 corrections officer misconduct and use of force incidents within
384 180 days of receiving such complaints and beginning such
385 investigations.

386 (b) The time period in paragraph (a) shall be tolled:

387 1. If the officer waives the 180-day requirement;

388 2. During the pendency of a criminal investigation or
389 criminal prosecution pending in connection with the alleged
390 misconduct that led the oversight office to investigate;

391 3. During an declared emergency or natural disaster as
392 determined by oversight commission;

393 4. During the time an officer or an important witness is
394 incapacitated; or

395 5. During minimum time needed to coordinate proceedings if
396 there are proceedings in multiple governmental agencies.

397 (4) Gather evidence of alleged law enforcement or
398 correctional officer misconduct.

399 (a) In investigating potential misconduct or any use of
400 force incident, the public advocate may issue subpoenas for

401 witness testimony, documents, materials, or any other tangible
402 evidence needed to complete the investigation. The public
403 advocate may administer oaths to persons testifying.

404 (b) A person or entity that fails to comply with a
405 subpoena issued by the public advocate may be fined by the
406 advocate up to \$10,000 for each such failure. The oversight
407 office may seek collection of the fine, including by garnishing
408 the fined person's wages. The subpoena may be enforced in
409 circuit court.

410 (5) File disciplinary charges against such a law
411 enforcement or correctional officer upon completing an
412 investigation in alleged misconduct by such an officer, and,
413 upon finding that there is probable cause that such officer
414 committed misconduct, file such charges by preparing a report
415 summarizing the investigation into the alleged misconduct,
416 attesting to the accuracy of contents of the investigative
417 summary, and stating that the public advocate finds probable
418 cause that the officer engaged in misconduct.

419 (6) To appear before the oversight commission in public
420 hearings of the oversight commission to adjudicate the
421 disciplinary charges filed by the public advocate, to present
422 evidence of such officer's misconduct, and to advocate for such
423 disciplinary action to be taken against the officer as the
424 public advocate believes to be in the best interest in the
425 public.

426 (7) (a) To provide access via its website to all documents
427 for every investigation that the oversight office has completed,
428 unless such document is exempt from disclosure by law and issue
429 public, quarterly reports analyzing complaints, demographics of
430 complainants, status and findings of investigations and actions
431 taken as a result and provide to the Department of Law
432 Enforcement with the information described in this paragraph on
433 a quarterly basis.

434 (b) The Department of Law Enforcement shall, in accordance
435 with this subsection, create for county offices of law
436 enforcement officer oversight a standardized reporting form for
437 civilian complaints and the results of the investigations into
438 the complaints. The reporting form must include demographic data
439 such as the sex, gender, race, and age of the complainants and
440 the officers who are the subject of the complaints. The
441 department shall aggregate data submitted by each county's
442 office of law enforcement officer oversight and publish the data
443 on a website maintained by the department. The statewide data
444 must be updated quarterly and within 15 days of receipt by the
445 department of the data from a county office of law enforcement
446 officer oversight.

447 (c) A public advocate, in consultation with the
448 commissioners of the oversight office to which he or she was
449 appointed to serve, may choose to provide additional data to the
450 Department of Law Enforcement. The department may, if

451 practicable, publish such data on the statewide website. If the
452 department chooses not to publish the additional data on the
453 website, then it must note on the website that additional
454 information is available upon request. Upon such request, the
455 department must furnish the data to the requester free of
456 charge.

457 (8) Publish online and make available, upon request, a
458 printed copy of any collective bargaining agreement between a
459 labor union and a law enforcement agency subject to its
460 jurisdiction.

461 (9) (a) Appoint and employ at least one assistant public
462 advocate for every 70 law enforcement and correctional officers
463 employed at agencies located in the county of the oversight
464 office to which the public advocate was appointed to serve.
465 Assistant public advocates shall assist in investigating
466 complaints against law enforcement and correctional officers in
467 that county; investigating use of force incidents in that
468 county; gathering evidence in the course of such investigations;
469 filing disciplinary charges against law enforcement and
470 corrections officers in that county; and presenting evidence of
471 officer misconduct to the oversight commission. Assistant public
472 advocates may also perform other duties as assigned by the
473 public advocate.

474 (b) Each assistant public advocate shall:

475 1. Be a member in good standing of The Florida Bar.

- 476 2. Serve at the pleasure of the public advocate.
- 477 3. Take the same oath as the public advocate.
- 478 4. Have all of the powers and duties of the public
 479 advocate appointing him or her, to be exercised under the
 480 direction of that public advocate.
- 481 (10) Employ other personnel as needed, and adjust the
 482 salaries and wages of all employees as established by the
 483 oversight commission.
- 484 (11) Prepare a budget annually for the oversight office
 485 and submit it to the oversight commission for approval, and be
 486 responsible for its administration after adoption.
- 487 (12) Prepare and submit to the oversight commission,
 488 promptly after and as of the end of each fiscal year, a complete
 489 report on the finances of the oversight office for that year.
- 490 (13) Prepare the agenda for all meetings of the oversight
 491 commission.
- 492 (14) Provide ample opportunities for oversight
 493 commissioners to receive the training they need to remain
 494 qualified as oversight commissioners.
- 495 952.015 Law enforcement and correctional officer union
 496 contracts.—
- 497 (1) A collective bargaining agreement between a union
 498 representing law enforcement officers or correctional officers
 499 and an employing agency, whether state or local, may not:
- 500 (a) Contain provisions that pertain to the disciplining of

501 such officers. Matters related to officer discipline are not
502 subject to collective bargaining.

503 (b) Directly or indirectly require an employing agency
504 either to hire additional officers over time or maintain the
505 employment of any number of officers over time.

506 (c) Prevent duties that are performed by law enforcement
507 officers from being performed by other public employees.

508 (d) Entitle officers to paid suspension, leave, or time
509 off or paid desk duty during an investigation for misconduct.

510
511 For the purposes of this subsection, the term "officer
512 misconduct" includes any violation of an employing agency's
513 policies and procedures or any violation of state or federal
514 law.

515 (e) Prevent an employing agency from terminating an
516 officer for misconduct.

517 (f) Restrict the use of body cameras or dashboard cameras
518 by officers or the use of information obtained from such cameras
519 for disciplinary purposes

520 (2) Each public advocate shall participate directly in all
521 collective bargaining negotiations between county or municipal
522 law enforcement or correctional officer unions and their
523 respective employing agencies in that county and shall advocate
524 for the public interest in such negotiations.

525 (3) A collective bargaining agreement with the union

526 representing such officers may not take effect unless the
527 oversight commission for that county approves the agreement by
528 majority vote.

529 952.016 State attorneys; investigation of officer
530 misconduct.-

531 (1) If a public advocate uncovers evidence that a law
532 enforcement or correctional officer has violated state law and
533 furnishes such evidence to the state attorney for the judicial
534 circuit in which the oversight office is located, that state
535 attorney shall promptly appoint a special prosecutor to
536 determine whether there is probable cause to believe a violation
537 of law occurred and to prosecute that violation. The state
538 attorney must choose a special prosecutor from among candidates
539 furnished by the public advocate. Such candidates must be
540 members of The Florida Bar in good standing; they cannot be
541 employees of the oversight office, or the state attorney, or the
542 public defender; and they must be compensated at the same rate
543 of pay that assistant public advocates are compensated. The
544 costs of the prosecution shall be split equally between the
545 oversight office and the state attorney's office.

546 (2) If an investigation into a complaint of misconduct or
547 a use of force incident uncovers evidence that a law enforcement
548 or correctional officer engaged in noncriminal misconduct, a
549 public advocate shall resolve such complaint by issuing a
550 finding of probable cause, notifying the officer's employing

551 agency, and filing disciplinary charges against such officer
552 with the oversight commission.

553 (3) If an investigation into a complaint of misconduct or
554 a use of force incident uncovers no evidence that a law
555 enforcement or correctional officer engaged in either criminal
556 or noncriminal misconduct, the public advocate shall resolve
557 such a complaint by issuing a finding of no probable cause and
558 notifying the officer, the officer's employing agency, and the
559 complainant.

560 952.017 Powers and duties of the oversight commission.-

561 (1) An oversight commission may:

562 (a) Hold public hearings to determine whether disciplinary
563 charges filed by the public advocate, or his or her assistant,
564 are sustained by the evidence presented during the hearing.

565 (b) Discipline officers who have engaged in misconduct.

566 (2) The oversight commission may suspend an officer
567 without pay, demote an officer, terminate an officer, or require
568 an officer to obtain additional training as a condition of his
569 or her continued employment.

570 (3) The commission may temporarily or permanently revoke
571 an officer's certification under chapter 943, or to condition an
572 officer's continued certification under chapter 943 on the
573 completion of certain trainings. The Criminal Justice Standards
574 and Training Commission may not to certify an officer who has
575 been decertified by the oversight office.

576 (4) Disciplinary decisions by the oversight commission are
 577 final and are not reviewable.

578 (5) The oversight commission shall establish for all local
 579 law enforcement agencies policies and procedures, including, but
 580 not limited to, policies and procedures addressing the
 581 following:

- 582 (a) Vehicle pursuits.
- 583 (b) Seizure and forfeiture of contraband articles.
- 584 (c) Recording and processing citizen complaints.
- 585 (d) Use of force.
- 586 (e) Traffic stops.
- 587 (f) Handling natural and manmade disasters.
- 588 (g) Special operations.
- 589 (h) Prisoner transfer.
- 590 (i) Collection and preservation of evidence.
- 591 (j) Recruitment and selection.
- 592 (k) Officer training.
- 593 (l) Performance evaluations.
- 594 (m) Use of criminal investigative funds.
- 595 (n) Use of law enforcement technology, such as mobile
 596 video devices and license plate readers.

597 (6) The oversight commission shall establish all policies
 598 and procedures for corrections agencies or facilities in the
 599 county in which the oversight commission has jurisdiction,
 600 including policies and procedures addressing the following:

- 601 (a) The admission, classification, and release of
 602 detainees.
- 603 (b) Sanitation and hygiene.
- 604 (c) Inmate housing and space requirements.
- 605 (d) Food services.
- 606 (e) Medical care and the control of infectious diseases
 607 within detention facilities.
- 608 (f) Disciplinary actions for detainees.
- 609 (g) Sexual abuse.
- 610 (h) Security, order, and control within the correctional
 611 facility.
- 612 (i) Physical plant maintenance and safety.
- 613 (j) Training for corrections officers and other staff.
- 614 (k) Programs for detainees, including work and educational
 615 programs.
- 616 (l) Correspondence.
- 617 (7) Policies and procedures established by the oversight
 618 commission must be adopted and adhered to by all local law
 619 enforcement and corrections agencies and facilities in the
 620 county in which the oversight commission has jurisdiction,
 621 including the Sheriff's office within that county.
- 622 952.018 Disciplinary Hearings.-
- 623 (1) A law enforcement or correctional officer who is the
 624 subject of a disciplinary hearing before an oversight commission
 625 under this chapter may be represented by a representative of a

626 labor union to which the officer belongs or private counsel
627 retained by the officer, or both. The officers representative
628 may make a presentation to the oversight commission which should
629 be included to call witnesses.

630 (2) An oversight commission may make rules for the conduct
631 of disciplinary hearings under this chapter. These rules must
632 include provisions for:

633 (a) The opening presentation by the public advocate or
634 assistant public advocate.

635 (b) A presentation by the officer or his or her
636 representative.

637 (c) Testimony from the public advocate's witnesses.

638 (d) Testimony from the officer's witnesses.

639 (e) Public testimony and comment.

640 (f) Questions from the oversight commissioners to either
641 the public advocate or the officer or the officer's
642 representative.

643 (g) Closing comments by the public advocate or his or her
644 assistants.

645 (h) Closing comments by officer or the officer's
646 representative.

647 (i) Commission deliberation and then reaching a verdict by
648 majority vote.

649 (3) After the commission has acted, the chair shall sign a
650 final order that records whether the commission found that the

651 evidence did or did not support the public advocate's assertion
652 of probable cause, and that provides for disciplinary action
653 against the officer if the commission found that the evidence
654 supported a finding of probable cause.

655 952.019 Funding.-

656 (1) To fund office of law enforcement and correctional
657 officer oversight in each county:

658 (a) Each municipality in the county shall contribute to
659 the office an amount equal to 5 percent of it budgets for
660 municipal law enforcement.

661 (b) The county government shall contribute 5 percent of
662 the amount it budgets for the county sheriff's office.

663 (2) If corrections in a county is not funded by or through
664 the county's sheriff, or any other law enforcement agency within
665 the county, then 5 percent of the corrections expenditures for
666 the county, however funded by or through, shall be devoted to
667 funding the office of law enforcement officer oversight as well,
668 divided proportionally among law enforcement agencies in the
669 county based on the percentage of prisoners coming from each law
670 enforcement agency during the preceding fiscal year.

671 (3) Each local government shall make its payment required
672 under subsections (1) and (2) to the county office of law
673 enforcement and correctional officer oversight for the 2021-2022
674 fiscal year on October 1, 2021, and shall pay one-fourth of the
675 required payments under subsections (1) and (2) for the 2022-

676 2023 fiscal year on October 1, 2022, and at the start of each
677 quarter thereafter.

678 (4) Amounts required to be paid under this section are to
679 be provided for within the budgets of the respective law
680 enforcement and corrections agencies.

681 (5) The public defender shall hold funds paid to the
682 office of law enforcement and correctional officer oversight
683 from local governments under this section between October 1,
684 2021, in its operating account, until December 2021, when the
685 officers of the office of law enforcement and correctional
686 officer oversight's officers shall be appointed and the funds
687 shall be transferred to the office immediately thereafter.

688 Section 3. Section 952.015, Florida Statutes, as created
689 by this act, applies to any contract entered into or renewed on
690 or after the effective date of this act.

691 Section 4. Paragraph (e) of subsection (2) of section
692 112.3173, Florida Statutes, is amended to read:

693 112.3173 Felonies involving breach of public trust and
694 other specified offenses by public officers and employees;
695 forfeiture of retirement benefits.—

696 (2) DEFINITIONS.—As used in this section, unless the
697 context otherwise requires, the term:

698 (e) "Specified offense" means:

699 1. The committing, aiding, or abetting of an embezzlement
700 of public funds;

701 2. The committing, aiding, or abetting of any theft by a
702 public officer or employee from his or her employer;

703 3. Bribery in connection with the employment of a public
704 officer or employee;

705 4. Any felony specified in chapter 838, except ss. 838.15
706 and 838.16;

707 5. The committing of an impeachable offense;

708 6. The committing of any felony by a public officer or
709 employee who, willfully and with intent to defraud the public or
710 the public agency for which the public officer or employee acts
711 or in which he or she is employed of the right to receive the
712 faithful performance of his or her duty as a public officer or
713 employee, realizes or obtains, or attempts to realize or obtain,
714 a profit, gain, or advantage for himself or herself or for some
715 other person through the use or attempted use of the power,
716 rights, privileges, duties, or position of his or her public
717 office or employment position; or

718 7. The committing on or after October 1, 2008, of any
719 felony defined in s. 800.04 against a victim younger than 16
720 years of age, or any felony defined in chapter 794 against a
721 victim younger than 18 years of age, by a public officer or
722 employee through the use or attempted use of power, rights,
723 privileges, duties, or position of his or her public office or
724 employment position.

725 8. The committing of any willful act by a law enforcement

726 or correctional officer that violates the law or an applicable
 727 policy of the officer's employer and leads to the death of a
 728 person or an award of damages against the officer or the
 729 officers employer for having violated the civil rights of an
 730 individual under state or federal law.

731 Section 5. Section 112.532, Florida Statutes, is repealed.

732 Section 6. Section 112.533, Florida Statutes, is repealed.

733 Section 7. Subsection (21) is added to section 768.28,
 734 Florida Statutes, to read:

735 768.28 Waiver of sovereign immunity in tort actions;
 736 recovery limits; limitation on attorney fees; statute of
 737 limitations; exclusions; indemnification; risk management
 738 programs.—

739 (21) The limits on the amount of damages in subsection (5)
 740 do not apply to the employer of a law enforcement or
 741 correctional officer for damages arising out of actions by an
 742 officer acting within the scope of his or her employment that
 743 cause death or injury to a person if such acts are in violation
 744 of the applicable policies and procedures of the employing
 745 agency. Any such awards shall be paid from the employing
 746 agency's budget, not general funds of a governmental agency
 747 overseeing the employing agency.

748 Section 8. Section 776.012, Florida Statutes, is amended
 749 to read:

750 776.012 Use or threatened use of force in defense of

751 person.—

752 (1) A person is justified in using or threatening to use
 753 force, except deadly force, against another when and to the
 754 extent that the person reasonably believes that such conduct is
 755 necessary to defend himself or herself or another against the
 756 other's imminent use of unlawful force. A person who uses or
 757 threatens to use force in accordance with this subsection has
 758 ~~does not have~~ a duty to retreat before using or threatening to
 759 use such force.

760 (2) A person is justified in using or threatening to use
 761 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 has ~~does not have~~ a duty to retreat and
 767 does not have ~~has~~ the right to stand his or her ground if the
 768 person using or threatening to use the deadly force is not
 769 engaged in a criminal activity and is in a place where he or she
 770 has a right to be.

771 Section 9. Subsection (4) of section 776.032, Florida
 772 Statutes, is amended to read:

773 776.032 Immunity from criminal prosecution and civil
 774 action for justifiable use or threatened use of force.—

775 ~~(4) In a criminal prosecution, once a prima facie claim of~~

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776 ~~self-defense immunity from criminal prosecution has been raised~~
777 ~~by the defendant at a pretrial immunity hearing, the burden of~~
778 ~~proof by clear and convincing evidence is on the party seeking~~
779 ~~to overcome the immunity from criminal prosecution provided in~~
780 ~~subsection (1).~~

781 Section 10. Section 784.087, Florida Statutes, is created
782 to read:

783 784.087 Use of excessive force by law enforcement,
784 correctional, or correctional probation officers; use of deadly
785 force.-

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

787 (a) "Excessive force" means any force that is objectively,
788 given the totality of the circumstances:

789 1. More than what is necessary to accomplish a legitimate
790 law enforcement function; or

791 2. In a prison, jail, or other criminal detention
792 facility, more than what is reasonably necessary to accomplish a
793 legitimate penological function.

794 (b) "Law enforcement, correctional, or correctional
795 probation officer" has the same meaning as provided in s.
796 112.19(1)(b).

797 (2) The use of excessive force by an officer shall be
798 conclusively presumed when physical force continues to be
799 applied in excess of the force authorized by law or the
800 applicable use of force guidelines to a person who has been

801 rendered incapable of resisting.

802 (3) Excessive force shall be conclusively presumed to have
803 been used when any of the following occur:

804 (a) Deadly force is used on a person who is fleeing and
805 poses no apparent danger.

806 (b) Force is used on a person whose actions are purely
807 verbal and nondisruptive.

808 (c) The force used on a person is any action that
809 restricts the flow of oxygen to the brain, including a chokehold
810 or placement of a knee on the person's neck.

811 (d) Body, dashboard, or other surveillance camera
812 recording of an incident which should have been created or
813 retained pursuant to an applicable policy at the time of the use
814 of force but the recording was not created, is corrupted, or is
815 otherwise unavailable.

816 (e) A police canine is used to intimidate or harass a
817 person who is already subdued or in custody.

818 (4) (a) Except as provided in paragraph (b), a law
819 enforcement, correctional, or correctional probation officer who
820 uses excessive force on a person in the course of his or her
821 duties commits a felony of the third degree, punishable as
822 provided in s. 775.082, s. 775.083, or s. 775.084.

823 (b) When an officer's use of excessive force results in
824 death or serious bodily injury to the victim, the officer
825 commits felony of the second degree, punishable as provided in

826 s. 775.082, s. 775.083, or s. 775.084.

827 Section 11. Section 784.099, Florida Statutes, is created
828 to read:

829 784.099 Use of neck restraint by law enforcement,
830 correctional, or correctional probation officers.—

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

832 (a) "Law enforcement, correctional, or correctional
833 probation officer" has the same meaning as provided in s.
834 112.19(1)(b).

835 (b) "Neck restraint" means the use of any body part or
836 object to attempt to control or disable a person by applying
837 pressure against the neck, including the trachea or carotid
838 artery, with the purpose, intent, or effect of controlling or
839 restricting the movement, blood flow, or breathing of a person,
840 including chokeholds, carotid restraints, and lateral vascular
841 neck restraints.

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

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

850 Section 12. Section 870.07, Florida Statutes, is created

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851 to read:

852 870.07 Riot control agents; use by law enforcement
853 agencies.-

854 (1) As used in this section, the term "riot control agent"
855 means any compound that temporarily makes a person unable to
856 function by causing irritation to the eyes, mouth, throat,
857 lungs, or skin. The term includes, but is not limited to,
858 chloroacetophenone (CN), chlorobenzylidenemalononitrile (CS),
859 chloropicrin (PS), bromobenzyl cyanide (CA), dibenzoxazepine
860 (CR), or any combination thereof.

861 (2) A law enforcement agency, as defined in s. 934.50, may
862 not use a riot control agent on any person for any purpose.

863 Section 13. Subsections (2) and (3) of section 895.09,
864 Florida Statutes, are amended to read:

865 895.09 Disposition of funds obtained through forfeiture
866 proceedings.-

867 (2) (a) Following satisfaction of all valid claims under
868 subsection (1), ~~all remaining 25 percent of the remainder of the~~
869 funds obtained in the forfeiture proceedings pursuant to s.
870 895.05 shall be deposited in the general fund of the school
871 district in which they were seized, to be used for early
872 childhood education. ~~as provided in paragraph (b) into the~~
873 ~~appropriate trust fund of the Department of Legal Affairs or~~
874 ~~state attorney's office which filed the civil forfeiture action;~~
875 ~~25 percent shall be deposited as provided in paragraph (c) into~~

876 ~~the applicable law enforcement trust fund of the investigating~~
877 ~~law enforcement agency conducting the investigation which~~
878 ~~resulted in or significantly contributed to the forfeiture of~~
879 ~~the property; 25 percent shall be deposited in the general~~
880 ~~revenue fund; and the remaining 25 percent shall be deposited in~~
881 ~~the Internal Improvement Trust Fund of the Department of~~
882 ~~Environmental Protection. If a forfeiture action is filed by the~~
883 ~~Department of Legal Affairs or a state attorney, the court~~
884 ~~entering the judgment of forfeiture shall, taking into account~~
885 ~~the overall effort and contribution to the investigation and~~
886 ~~forfeiture action by the agencies that filed the action, make a~~
887 ~~pro rata apportionment among such agencies of the funds~~
888 ~~available for distribution to the agencies filing the action as~~
889 ~~provided in this section. If multiple investigating law~~
890 ~~enforcement agencies have contributed to the forfeiture of the~~
891 ~~property, the court which entered the judgment of forfeiture~~
892 ~~shall, taking into account the overall effort and contribution~~
893 ~~of the agencies to the investigation and forfeiture action, make~~
894 ~~a pro rata apportionment among such investigating law~~
895 ~~enforcement agencies of the funds available for distribution to~~
896 ~~the investigating agencies as provided in this section.~~

897 ~~(b) If a forfeiture action is filed by the Attorney~~
898 ~~General, any funds obtained by the Department of Legal Affairs~~
899 ~~by reason of paragraph (a) shall be deposited in the Legal~~
900 ~~Affairs Revolving Trust Fund as established by s. 16.53 and may~~

901 ~~be expended for the purposes and in the manner authorized in~~
902 ~~that section. If a forfeiture action is filed by a state~~
903 ~~attorney, any funds obtained by the state attorney's office by~~
904 ~~reason of paragraph (a) shall be deposited in the State Attorney~~
905 ~~RICO Trust Fund as established by s. 27.345 and may be expended~~
906 ~~for the purposes and in the manner authorized in that section.~~
907 ~~In addition, any funds that are distributed pursuant to this~~
908 ~~section to an agency filing a forfeiture action may be used to~~
909 ~~pay the costs of investigations of violations of this chapter~~
910 ~~and the criminal prosecutions and civil actions related thereto.~~
911 ~~Such costs may include all taxable costs; costs of protecting,~~
912 ~~maintaining, and forfeiting the property; employees' base~~
913 ~~salaries and compensation for overtime; and such other costs as~~
914 ~~are directly attributable to the investigation, prosecution, or~~
915 ~~civil action.~~

916 ~~(c) Any funds distributed to an investigating law~~
917 ~~enforcement agency under paragraph (a) shall be deposited in the~~
918 ~~applicable law enforcement trust fund established for that~~
919 ~~agency pursuant to s. 932.7055 and expended for the purposes and~~
920 ~~in the manner authorized in that section. In addition, any funds~~
921 ~~distributed to an investigating law enforcement agency pursuant~~
922 ~~to this section may be used to pay the costs of investigations~~
923 ~~of violations of this chapter and the criminal prosecutions and~~
924 ~~civil actions related thereto, pursuant to s. 932.7055. Such~~
925 ~~costs may include all taxable costs; costs of protecting,~~

926 ~~maintaining, and forfeiting the property; employees' base~~
 927 ~~salaries and compensation for overtime; and such other costs~~
 928 ~~directly attributable to the investigation, prosecution, or~~
 929 ~~civil action.~~

930 (b)~~(d)~~ On a quarterly basis, any excess funds from
 931 forfeited property receipts, including interest, over \$1 million
 932 deposited in the Internal Improvement Trust Fund of the
 933 Department of Environmental Protection in accordance with
 934 paragraph (a) shall be deposited in the General Revenue Fund.

935 (3) ~~Nothing in This section~~ does not ~~shall be construed to~~
 936 limit the authority of an entity that files a forfeiture action
 937 to compromise a claim for forfeiture; however, any proceeds
 938 arising from a compromise or from the sale of property obtained
 939 in a compromise shall be distributed as ~~in the manner~~ provided
 940 in subsections (1) and (2).

941 Section 14. Subsections (1), (5), (6), (7), (8), and (9)
 942 of section 932.7055, Florida Statutes, are amended to read:

943 932.7055 Disposition of liens and forfeited property.—

944 (1) When a seizing agency obtains a final judgment
 945 granting forfeiture of real property or personal property, it
 946 shall ~~may elect to:~~

947 ~~(a) Retain the property for the agency's use;~~

948 ~~(b)~~ sell the property at public auction or by sealed bid
 949 to the highest bidder, except for real property which should be
 950 sold in a commercially reasonable manner after appraisal by

951 listing on the market; ~~or~~

952 ~~(c) Salvage, trade, or transfer the property to any public~~
953 ~~or nonprofit organization.~~

954 ~~(5)(a) If the seizing agency is a county or municipal~~
955 ~~agency,~~ The remaining proceeds shall be deposited in the general
956 revenue fund of the school district in the in the county in
957 which the property was seized, to be used for early childhood
958 education, a special law enforcement trust fund established by
959 ~~the board of county commissioners or the governing body of the~~
960 ~~municipality. Such proceeds and interest earned therefrom shall~~
961 ~~be used for school resource officer, crime prevention, safe~~
962 ~~neighborhood, drug abuse education and prevention programs, or~~
963 ~~for other law enforcement purposes, which include defraying the~~
964 ~~cost of protracted or complex investigations, providing~~
965 ~~additional equipment or expertise, purchasing automated external~~
966 ~~defibrillators for use in law enforcement vehicles, and~~
967 ~~providing matching funds to obtain federal grants. The proceeds~~
968 ~~and interest may not be used to meet normal operating expenses~~
969 ~~of the law enforcement agency.~~

970 ~~(b) These funds may be expended upon request by the~~
971 ~~sheriff to the board of county commissioners or by the chief of~~
972 ~~police to the governing body of the municipality, accompanied by~~
973 ~~a written certification that the request complies with the~~
974 ~~provisions of this subsection, and only upon appropriation to~~
975 ~~the sheriff's office or police department by the board of county~~

976 ~~commissioners or the governing body of the municipality.~~

977 ~~(c) An agency or organization, other than the seizing~~
978 ~~agency, that wishes to receive such funds shall apply to the~~
979 ~~sheriff or chief of police for an appropriation and its~~
980 ~~application shall be accompanied by a written certification that~~
981 ~~the moneys will be used for an authorized purpose. Such requests~~
982 ~~for expenditures shall include a statement describing~~
983 ~~anticipated recurring costs for the agency for subsequent fiscal~~
984 ~~years. An agency or organization that receives money pursuant to~~
985 ~~this subsection shall provide an accounting for such moneys and~~
986 ~~shall furnish the same reports as an agency of the county or~~
987 ~~municipality that receives public funds. Such funds may be~~
988 ~~expended in accordance with the following procedures:~~

989 ~~1. Such funds may be used only for school resource~~
990 ~~officer, crime prevention, safe neighborhood, drug abuse~~
991 ~~education, or drug prevention programs or such other law~~
992 ~~enforcement purposes as the board of county commissioners or~~
993 ~~governing body of the municipality deems appropriate.~~

994 ~~2. Such funds shall not be a source of revenue to meet~~
995 ~~normal operating needs of the law enforcement agency.~~

996 ~~3. Any local law enforcement agency that acquires at least~~
997 ~~\$15,000 pursuant to the Florida Contraband Forfeiture Act within~~
998 ~~a fiscal year must expend or donate no less than 25 percent of~~
999 ~~such proceeds for the support or operation of any drug~~
1000 ~~treatment, drug abuse education, drug prevention, crime~~

1001 ~~prevention, safe neighborhood, or school resource officer~~
1002 ~~program or programs. The local law enforcement agency has the~~
1003 ~~discretion to determine which program or programs will receive~~
1004 ~~the designated proceeds.~~

1005
1006 ~~Notwithstanding the drug abuse education, drug treatment, drug~~
1007 ~~prevention, crime prevention, safe neighborhood, or school~~
1008 ~~resource officer minimum expenditures or donations, the sheriff~~
1009 ~~and the board of county commissioners or the chief of police and~~
1010 ~~the governing body of the municipality may agree to expend or~~
1011 ~~donate such funds over a period of years if the expenditure or~~
1012 ~~donation of such minimum amount in any given fiscal year would~~
1013 ~~exceed the needs of the county or municipality for such program~~
1014 ~~or programs. The minimum requirement for expenditure or donation~~
1015 ~~of forfeiture proceeds established in subparagraph 3. does not~~
1016 ~~preclude expenditures or donations in excess of that amount.~~

1017 ~~(6) If the seizing agency is a state agency, all remaining~~
1018 ~~proceeds shall be deposited into the General Revenue Fund.~~
1019 ~~However, if the seizing agency is:~~

1020 ~~(a) The Department of Law Enforcement, the proceeds~~
1021 ~~accrued pursuant to the provisions of the Florida Contraband~~
1022 ~~Forfeiture Act shall be deposited into the Forfeiture and~~
1023 ~~Investigative Support Trust Fund as provided in s. 943.362 or~~
1024 ~~into the department's Federal Law Enforcement Trust Fund as~~
1025 ~~provided in s. 943.365, as applicable.~~

1026 ~~(b) The Department of Environmental Protection, the~~
 1027 ~~proceeds accrued pursuant to the Florida Contraband Forfeiture~~
 1028 ~~Act shall be deposited in the Internal Improvement Trust Fund,~~
 1029 ~~the Water Quality Assurance Trust Fund, the Inland Protection~~
 1030 ~~Trust Fund, the Coastal Protection Trust Fund, or the Solid~~
 1031 ~~Waste Management Trust Fund, as specified by the statute under~~
 1032 ~~which the violation occurs.~~

1033 ~~(c) The Division of Alcoholic Beverages and Tobacco, the~~
 1034 ~~proceeds accrued pursuant to the Florida Contraband Forfeiture~~
 1035 ~~Act shall be deposited into the Alcoholic Beverage and Tobacco~~
 1036 ~~Trust Fund or into the department's Federal Law Enforcement~~
 1037 ~~Trust Fund as provided in s. 561.027, as applicable.~~

1038 ~~(d) The Department of Highway Safety and Motor Vehicles,~~
 1039 ~~the proceeds accrued pursuant to the Florida Contraband~~
 1040 ~~Forfeiture Act shall be deposited into the Department of Highway~~
 1041 ~~Safety and Motor Vehicles Law Enforcement Trust Fund as provided~~
 1042 ~~in s. 932.705(1)(a) or into the department's Federal Law~~
 1043 ~~Enforcement Trust Fund as provided in s. 932.705(1)(b), as~~
 1044 ~~applicable.~~

1045 ~~(e) The Fish and Wildlife Conservation Commission, the~~
 1046 ~~proceeds accrued pursuant to the provisions of the Florida~~
 1047 ~~Contraband Forfeiture Act shall be deposited into the State Game~~
 1048 ~~Trust Fund as provided in ss. 379.338, 379.339, and 379.3395 or~~
 1049 ~~into the Marine Resources Conservation Trust Fund as provided in~~
 1050 ~~s. 379.337.~~

1051 ~~(f) A state attorney's office acting within its judicial~~
1052 ~~circuit, the proceeds accrued pursuant to the provisions of the~~
1053 ~~Florida Contraband Forfeiture Act shall be deposited into the~~
1054 ~~State Attorney's Forfeiture and Investigative Support Trust Fund~~
1055 ~~to be used for the investigation of crime and prosecution of~~
1056 ~~criminals within the judicial circuit.~~

1057 ~~(g) A school board security agency employing law~~
1058 ~~enforcement officers, the proceeds accrued pursuant to the~~
1059 ~~provisions of the Florida Contraband Forfeiture Act shall be~~
1060 ~~deposited into the School Board Law Enforcement Trust Fund.~~

1061 ~~(h) One of the State University System police departments~~
1062 ~~acting within the jurisdiction of its employing state~~
1063 ~~university, the proceeds accrued pursuant to the provisions of~~
1064 ~~the Florida Contraband Forfeiture Act shall be deposited into~~
1065 ~~that state university's appropriate local account.~~

1066 ~~(i) The Department of Agriculture and Consumer Services,~~
1067 ~~the proceeds accrued pursuant to the Florida Contraband~~
1068 ~~Forfeiture Act shall be deposited into the General Inspection~~
1069 ~~Trust Fund or into the department's Federal Law Enforcement~~
1070 ~~Trust Fund as provided in s. 570.205, as applicable.~~

1071 ~~(j) The Department of Military Affairs, the proceeds~~
1072 ~~accrued from federal forfeiture sharing pursuant to 21 U.S.C.~~
1073 ~~ss. 881(e) (1) (A) and (3), 18 U.S.C. s. 981(e) (2), and 19 U.S.C.~~
1074 ~~s. 1616a shall be deposited into the Armory Board Trust Fund and~~
1075 ~~used for purposes authorized by such federal provisions based on~~

1076 ~~the department's budgetary authority or into the department's~~
1077 ~~Federal Law Enforcement Trust Fund as provided in s. 250.175, as~~
1078 ~~applicable.~~

1079 ~~(k) The Medicaid Fraud Control Unit of the Department of~~
1080 ~~Legal Affairs, the proceeds accrued pursuant to the provisions~~
1081 ~~of the Florida Contraband Forfeiture Act shall be deposited into~~
1082 ~~the Department of Legal Affairs Grants and Donations Trust Fund~~
1083 ~~to be used for investigation and prosecution of Medicaid fraud,~~
1084 ~~abuse, neglect, and other related cases by the Medicaid Fraud~~
1085 ~~Control Unit.~~

1086 ~~(l) The Division of Investigative and Forensic Services in~~
1087 ~~the Department of Financial Services, the proceeds accrued under~~
1088 ~~the Florida Contraband Forfeiture Act shall be deposited into~~
1089 ~~the Insurance Regulatory Trust Fund to be used for the purposes~~
1090 ~~of arson suppression, arson investigation, and the funding of~~
1091 ~~anti-arson rewards.~~

1092 ~~(m) The Division of Investigative and Forensic Services of~~
1093 ~~the Department of Financial Services, the proceeds accrued~~
1094 ~~pursuant to the Florida Contraband Forfeiture Act shall be~~
1095 ~~deposited into the Insurance Regulatory Trust Fund as provided~~
1096 ~~in s. 626.9893 or into the Department of Financial Services'~~
1097 ~~Federal Law Enforcement Trust Fund as provided in s. 17.43, as~~
1098 ~~applicable.~~

1099 ~~(7) If more than one law enforcement agency is acting~~
1100 ~~substantially to effect the forfeiture, the court having~~

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1101 ~~jurisdiction over the forfeiture proceedings shall, upon motion,~~
1102 ~~equitably distribute all proceeds and other property among the~~
1103 ~~seizing agencies.~~

1104 ~~(6)-(8)~~ Upon the sale of any motor vehicle, vessel,
1105 aircraft, real property, or other property requiring a title,
1106 the appropriate agency shall issue a title certificate to the
1107 purchaser. ~~Upon the request of any law enforcement agency which~~
1108 ~~elects to retain titled property after forfeiture, the~~
1109 ~~appropriate state agency shall issue a title certificate for~~
1110 ~~such property to said law enforcement agency.~~

1111 ~~(9)~~ ~~Neither the law enforcement agency nor the entity~~
1112 ~~having budgetary control over the law enforcement agency shall~~
1113 ~~anticipate future forfeitures or proceeds therefrom in the~~
1114 ~~adoption and approval of the budget for the law enforcement~~
1115 ~~agency.~~

1116 Section 15. Section 943.1301, Florida Statutes, is created
1117 to read:

1118 943.1301 Anti-bias screening.—On or after July 1, 2022,
1119 any person employed or appointed as a full-time, part-time, or
1120 auxiliary law enforcement officer must successfully pass a
1121 screening protocol approved by the commission to determine that
1122 the person is free of bias against any class of persons that
1123 would preclude the person performing properly as a law
1124 enforcement officer.

1125 Section 16. Subsection (6) of section 943.1395, Florida

1126 Statutes, is amended to read:

1127 943.1395 Certification for employment or appointment;
 1128 concurrent certification; reemployment or reappointment;
 1129 inactive status; revocation; suspension; investigation.—

1130 (6) The commission shall revoke the certification of any
 1131 officer who is not in compliance with the provisions of s.
 1132 943.13(4); ~~or~~ who intentionally executes a false affidavit
 1133 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2);
 1134 who fails to follow his or her employing agency's policies and
 1135 procedures and that failure results in a death; or whose conduct
 1136 results in a judgment against the officer or the officer's
 1137 employer under state or federal civil rights laws.

1138 (a) The commission shall cause to be investigated any
 1139 ground for revocation from the employing agency pursuant to s.
 1140 943.139 or from the Governor, and the commission may cause
 1141 verifiable complaints to be investigated. Any investigation
 1142 initiated by the commission pursuant to this section must be
 1143 completed within 6 months after receipt of the completed report
 1144 of the disciplinary or internal affairs investigation from the
 1145 employing agency or Governor's office. A verifiable complaint
 1146 shall be completed within 1 year after receipt of the complaint.
 1147 An investigation shall be considered completed upon a finding by
 1148 a probable cause panel of the commission. These time periods
 1149 shall be tolled during the appeal of a termination or other
 1150 disciplinary action through the administrative or judicial

1151 process or during the period of any criminal prosecution of the
 1152 officer.

1153 (b)1. The report of misconduct and all records or
 1154 information provided to or developed by the commission during
 1155 the course of an investigation conducted by the commission are
 1156 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 1157 of the State Constitution and, except as otherwise provided by
 1158 law, such information shall be subject to public disclosure only
 1159 after a determination as to probable cause has been made or
 1160 until the investigation becomes inactive.

1161 2. However, not more than 30 days before the results of an
 1162 investigation are to be presented to a probable cause panel, an
 1163 officer who is being investigated, or the officer's attorney,
 1164 may review any documents or other information regarding the
 1165 investigation which was developed by or provided to the
 1166 commission.

1167 (c) When an officer's certification is revoked in any
 1168 discipline, his or her certification in any other discipline
 1169 shall simultaneously be revoked.

1170 Section 17. Subsections (2) and (3) of section 943.1718,
 1171 Florida Statutes, are amended to read:

1172 943.1718 Body cameras; policies and procedures.—

1173 (2) Each ~~A~~ law enforcement agency shall require that
 1174 ~~permits~~ its law enforcement officers to wear body cameras while
 1175 on duty. The applicable law enforcement oversight commission

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1176 created under chapter 952 shall establish policies and
1177 procedures addressing the proper use, maintenance, and storage
1178 of body cameras and the data recorded by body cameras for the
1179 agencies under its jurisdiction. The policies and procedures
1180 must include:

1181 (a) General guidelines for the proper use, maintenance,
1182 and storage of body cameras.

1183 (b) Any limitations on which law enforcement officers ~~are~~
1184 ~~permitted~~ to wear body cameras.

1185 (c) Any limitations on law-enforcement-related encounters
1186 and activities in which law enforcement officers ~~are permitted~~
1187 to wear body cameras.

1188 (d) A provision permitting a law enforcement officer using
1189 a body camera to review the recorded footage from the body
1190 camera, upon his or her own initiative or request, before
1191 writing a report or providing a statement regarding any event
1192 arising within the scope of his or her official duties. Any such
1193 provision may not apply to an officer's inherent duty to
1194 immediately disclose information necessary to secure an active
1195 crime scene or to identify suspects or witnesses.

1196 (e) General guidelines for the proper storage, retention,
1197 and release of audio and video data recorded by body cameras.

1198 (3) Each ~~A~~ law enforcement agency ~~that permits its law~~
1199 ~~enforcement officers to wear body cameras~~ shall:

1200 (a) Ensure that all personnel who wear, use, maintain, or

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1201 store body cameras are trained in the law enforcement agency's
1202 policies and procedures concerning them.

1203 (b) Ensure that all personnel who use, maintain, store, or
1204 release audio or video data recorded by body cameras are trained
1205 in the law enforcement agency's policies and procedures.

1206 (c) Retain audio and video data recorded by body cameras
1207 in accordance with the requirements of s. 119.021, except as
1208 otherwise provided by law.

1209 (d) Perform a periodic review of actual agency body camera
1210 practices to ensure conformity with the applicable ~~agency's~~
1211 policies and procedures.

1212 Section 18. Section 943.69, Florida Statutes, is created
1213 to read:

1214 943.69 Federal surplus property donated for law
1215 enforcement purposes.—A law enforcement agency may not acquire
1216 any property through a United States Department of Defense
1217 program pursuant to 10 U.S.C. s. 2576a or any similar federal
1218 program.

1219 Section 19. In the event of a conflict between any
1220 provision of this act and the provisions of any other act, the
1221 provisions of this act shall control to the extent of such
1222 conflict.

1223 Section 20. This act shall take effect July 1, 2021.