

By Senator Thurston

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1 A bill to be entitled
2 An act relating to standards for pursuit and arrest of
3 suspects; amending s. 776.05, F.S.; providing
4 additional criteria for use of force by law
5 enforcement officers; creating s. 943.17185, F.S.;
6 providing a definition; requiring law enforcement
7 agencies to adopt standards for the pursuit of
8 different types of fleeing suspects; providing
9 requirements for such standards; providing an
10 effective date.

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

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14 Section 1. Section 776.05, Florida Statutes, is amended to
15 read:

16 776.05 Law enforcement officers; use of force in making an
17 arrest.—A law enforcement officer, or any person whom the
18 officer has summoned or directed to assist him or her, need not
19 retreat or desist from efforts to make a lawful arrest because
20 of resistance or threatened resistance to the arrest.

21 (1) The officer is justified in the use of any necessary
22 force:

23 (a) ~~(1)~~ Which he or she reasonably believes to be reasonable
24 and necessary to defend himself or herself or another from
25 bodily harm while making the arrest;

26 (b) ~~(2)~~ When necessarily committed in retaking felons who
27 have escaped; or

28 (c) ~~(3)~~ When necessarily committed in arresting felons
29 fleeing from justice. However, this subsection shall not

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30 constitute a defense in any civil action for damages brought for
31 the wrongful use of deadly force unless the use of deadly force
32 was necessary to prevent the arrest from being defeated by such
33 flight and, when feasible, some warning had been given, and:

34 1. ~~(a)~~ The officer reasonably believes that the fleeing
35 felon poses a threat of death or serious physical harm to the
36 officer or others; and the officer may not shoot at a moving
37 vehicle in a manner intended to cause bodily injury to the
38 occupants of the vehicle and may only shoot to safely disable or
39 slow down the vehicle; or

40 2. ~~(b)~~ The officer reasonably believes that the fleeing
41 felon has committed a crime involving the infliction or
42 threatened infliction of serious physical harm to another
43 person.

44 (2) Deescalation techniques shall be used before resorting
45 to deadly force.

46 (3) For purposes of this section, the standard of force
47 should be measured in an objective context, not a subjective
48 one.

49 (4) The level of force that officers are permitted to use
50 to detain or arrest a suspect must be proportional to:

51 (a) The suspect's level of force.

52 (b) Whether the subject is known to be armed and merely not
53 suspected.

54 (c) The severity of the criminal activity involved.

55 (d) The actual level of danger that the subject poses to
56 the officers and the public at the time of flight and takedown.

57 (e) The necessary force to effectuate the arrest safely.

58 Section 2. Section 943.17185, Florida Statutes, is created

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59 to read:

60 943.17185 Pursuit of fleeing suspects.-

61 (1) As used in this section, the term "law enforcement
62 agency" has the same meaning as provided in s. 943.1718(1).

63 (2) A law enforcement agency shall establish policies and
64 procedures concerning the pursuit of fleeing suspects. The
65 policies and procedures must include:

66 (a) As it relates to motor vehicle pursuits:

67 1. Requiring compliance with the standards in s.
68 768.28(9)(d).

69 2. Prohibiting high-speed pursuits in densely populated
70 areas.

71 3. Prohibiting shooting at moving vehicles.

72 4. Other standards consistent with the public policy that
73 protecting innocent persons is more important than punishing the
74 guilty.

75 (b) Concerning pursuit of alleged felons, regardless of
76 manner of pursuit:

77 1. Requiring that law enforcement officers pursue a person
78 only when there is a reasonable certainty that apprehension of
79 the person will prevent further physical harm to other
80 individuals or the officer.

81 2. Requiring that a pursuit end if significant property
82 damage or harm to individuals seems probable.

83 3. Prohibiting shooting at a fleeing individual who
84 presents no immediate harm to an officer or any other person.

85 (c) Alleged misdemeanants may only be pursued if the
86 pursuing officer is reasonably certain to apprehend the person
87 without damage to public property or harm to innocent persons.

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