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LEGISLATIVE ACTION

Senate

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House

The Committee on Criminal Justice (Pizzo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. The Legislature finds that effective policing requires that the use of chokeholds and neck restraints be limited; that law enforcement basic recruit training and retraining include deescalation training; that minimum standards of instruction be developed relating to deescalation techniques, procedural justice, implicit bias, and the duty of an officer to



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11 intervene if another officer uses excessive or unnecessary
12 force; that the state law enforcement accreditation program
13 address these matters as well as mental health and wellness
14 resources and support available for law enforcement officers;
15 and that written policies incorporate an affirmative duty to use
16 deescalation techniques whenever possible. The Legislature
17 further finds and declares that this act fulfills an important
18 state interest in protecting the safety of both law enforcement
19 officers and the public by ensuring law enforcement officers
20 receive sufficient and similar training to prevent unnecessary
21 or excessive use of force and to develop skills to enhance
22 understanding of and communication with the communities they
23 serve.

24 Section 2. Subsections (23) through (27) are added to
25 section 943.10, Florida Statutes, to read:

26 943.10 Definitions; ss. 943.085-943.255.—The following
27 words and phrases as used in ss. 943.085-943.255 are defined as
28 follows:

29 (23) "Deescalation technique" means a method or methods for
30 assessing and managing a situation in order to resolve it with
31 the least response to resistance which is safe and practicable
32 by a law enforcement officer.

33 (24) "Implicit bias training" means a program designed to
34 go beyond producing fair and impartial enforcement of the law by
35 bringing awareness to or increasing awareness of, and improving
36 response strategies to, unconscious bias towards diverse
37 communities. Such training should allow law enforcement to serve
38 the community with a deeper understanding of the diversities
39 within the community, thereby mitigating community tension and



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40 improving police-community relations.

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

43 (26) "Procedural justice training" means a system of law
44 enforcement that prioritizes obtaining citizen compliance with
45 law enforcement direction through fair and respectful two-way
46 communication and, where possible and safe, provides explanation
47 of the rationale behind directions given by law enforcement
48 officers to build trust. This training allows for both community
49 and police to be treated with respect and dignity, thereby
50 cultivating stronger police-community relations.

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

54 Section 3. Present subsection (17) of section 943.12,
55 Florida Statutes, is redesignated as subsection (18), and a new
56 subsection (17) and subsection (19) are added to that section,
57 to read:

58 943.12 Powers, duties, and functions of the commission.—The
59 commission shall:

60 (17) Adopt rules prohibiting any law enforcement officer,
61 correctional officer, or correctional probation officer from
62 using any technique that requires the application of pressure to
63 the neck, throat, esophagus, trachea, or carotid arteries
64 alongside the trachea. The use of such a technique by a law
65 enforcement officer, correctional officer, or correctional
66 probation officer is prohibited unless deadly force is
67 authorized under the law. The commission shall adopt rules
68 requiring employing agencies to report to the commission any use



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69 of such technique by a law enforcement officer, correctional
70 officer, or correctional probation officer employed by that
71 agency. The commission shall cause to be investigated any law
72 enforcement officer, correctional officer, or correctional
73 probation officer who uses such a technique in violation of this
74 subsection, and shall set disciplinary guidelines and penalties
75 prescribed in rules applicable to such violation.

76 (19) Provide data to the National Decertification Index on
77 final commission orders regarding revocation or relinquishment
78 of certification of law enforcement officers, correctional
79 officers, and correctional probation officers.

80 Section 4. Section 943.121, Florida Statutes, is created to
81 read:

82 943.121 Commission standards for instruction of officers in
83 certain subjects; guidance; written policies.—

84 (1) The commission shall establish and maintain standards
85 for instruction of officers in the subjects of deescalation
86 techniques, procedural justice training, implicit bias training,
87 and the duty to intervene if another officer uses excessive or
88 unnecessary force in order to build upon and improve police-
89 community relations.

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

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

97 (b) Training officers simultaneously and in teams on



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98 deescalation and appropriate responses to resistance to improve
99 group dynamics and diminish excessive responses to resistance
100 while managing critical incidents.

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

103 (d) Training on the principles of using distance, cover,
104 and time when approaching and managing critical incidents, and
105 the elimination of other techniques in favor of using distance
106 and cover to create and sustain a reaction gap.

107 (e) Training on the use of the lowest response to
108 resistance which is a possible and safe response to an
109 identified threat.

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

112 (g) Training on procedural justice training.

113 (h) Training on crisis intervention strategies to
114 appropriately identify and respond to individuals suffering from
115 physical or mental disabilities, mental health issues, or
116 substance abuse issues with an emphasis on deescalation
117 techniques and promoting effective communication with such
118 individuals.

119 (i) Training on techniques that provide all officers with
120 awareness and recognition of an individual's physical and mental
121 disabilities, mental health issues, and substance abuse issues
122 with an emphasis on communication strategies.

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

126 (k) Training on implicit bias.



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127 (3) Not later than November 30, 2022, the commission shall
128 provide written guidance to law enforcement agencies in this
129 state which employ law enforcement officers with regard to
130 compliance with minimum standards under subsection (2).

131 (4) The commission shall create and publish on its website
132 a model written policy in accordance with subsection (2).

133 (5) Not later than January 1, 2023, each law enforcement
134 agency in this state shall adopt a written policy stating that
135 each of the law enforcement officers in its employ has an
136 affirmative duty to use deescalation techniques in his or her
137 interactions with citizens wherever possible. A law enforcement
138 agency may fulfill its duty under this subsection by adopting
139 the commission's model written policy.

140 (6) The commission shall collect data regarding the
141 implementation of training programs under this section and shall
142 provide by July 1 of each year an annual report to the President
143 of the Senate, the Senate Minority Leader, the Speaker of the
144 House of Representatives, and the House Minority Leader
145 describing that data.

146 Section 5. Section 943.125, Florida Statutes, is amended to
147 read:

148 943.125 Accreditation of state and local law enforcement
149 agencies, correctional facilities, public agency offices of
150 inspectors general, and certain pretrial diversion programs;
151 intent.-

152 (1) It is the intent of the Legislature that law
153 enforcement agencies, correctional facilities, public agency
154 offices of inspectors general, and those agencies offering
155 pretrial diversion programs within offices of the state



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156 attorneys, county government, or sheriff's offices in the state
157 be upgraded and strengthened through the adoption of meaningful
158 standards of operation for those agencies and their functions.

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

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

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

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

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

173 (3) The Legislature also intends to encourage the
174 continuation of a voluntary state accreditation program to
175 facilitate the enhanced professionalism identified in subsection
176 (2). Other than the staff support by the department as
177 authorized in subsection (5), the accreditation program must be
178 independent of any law enforcement agency, the Department of
179 Corrections, the Florida Sheriffs Association, or the Florida
180 Police Chiefs Association.

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

183 (a) Vehicle pursuits.

184 (b) Seizure and forfeiture of contraband articles.



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- 185 (c) Recording and processing citizens' complaints.
186 (d) Response to resistance ~~Use of force~~.
187 (e) Traffic stops.
188 (f) Handling natural and manmade disasters.
189 (g) Special operations.
190 (h) Prisoner transfer.
191 (i) Collection and preservation of evidence.
192 (j) Recruitment and selection.
193 (k) Officer training.
194 (l) Performance evaluations.
195 (m) Law enforcement disciplinary procedures and rights.
196 (n) Use of criminal investigative funds.
197 (o) Deescalation techniques.
198 (p) Implicit bias training.
199 (q) Procedural justice training.
200 (r) Mental health and wellness resources and support
201 available for law enforcement officers, including any peer-
202 support teams and sworn or unsworn chaplaincy programs.
203 (s) The duty to intervene if another officer uses excessive
204 or unnecessary force.
205 (5) Subject to available funding, the department shall
206 employ and assign adequate support staff to the Commission for
207 Florida Law Enforcement Accreditation, Inc., and the Florida
208 Corrections Accreditation Commission, Inc., in support of the
209 accreditation programs established in this section.
210 (6) Accreditation standards related to law enforcement and
211 inspectors general used by the accreditation programs
212 established in this section shall be determined by the
213 Commission for Florida Law Enforcement Accreditation, Inc.



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214 Accreditation standards related to corrections functions and
215 pretrial diversion programs shall be determined by the Florida
216 Corrections Accreditation Commission, Inc.

217 Section 6. Section 943.1715, Florida Statutes, is amended
218 to read:

219 943.1715 Basic skills training relating to diverse
220 populations and deescalation training.—The commission shall
221 establish and maintain standards for instruction of officers in
222 the subject of interpersonal skills relating to diverse
223 populations, with an emphasis on the awareness of cultural
224 differences. Every basic skills course required in order for
225 officers to obtain initial certification must include training
226 in interpersonal skills with diverse populations. The commission
227 shall also require that every basic skills course include in the
228 curriculum at least 40 hours of deescalation training.

229 Section 7. Section 943.1716, Florida Statutes, is amended
230 to read:

231 943.1716 Continued employment training relating to diverse
232 populations and deescalation training.—The commission shall by
233 rule require that each officer receive, as part of the 40 hours
234 of required instruction for continued employment or appointment
235 as an officer, instruction in the subject of interpersonal
236 skills relating to diverse populations, with an emphasis on the
237 awareness of cultural differences. The commission shall also
238 require by rule that every officer receive at least 16 hours of
239 deescalation training, in addition to the 40 hours of required
240 instruction for continued employment or appointment as an
241 officer.

242 Section 8. This act shall take effect July 1, 2022.



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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to law enforcement reform; providing a
declaration of important state interest; amending s.
943.10, F.S.; defining terms; amending s. 943.12,
F.S.; requiring the Criminal Justice Standards and
Training Commission to adopt rules prohibiting law
enforcement officers, correctional officers, or
correctional probation officers from using specified
techniques; providing an exception; requiring the
commission to adopt rules requiring employing agencies
to report information related to the use of such
techniques; requiring that the commission review
certain officers who use the prohibited techniques;
requiring the commission to provide specified data
regarding final commission orders to the National
Decertification Index; creating s. 943.121, F.S.;
requiring the commission to establish and maintain
standards for the instruction of officers in specified
subjects in order to build upon and improve police-
community relations; providing minimum required
standards for deescalation training; requiring that by
a specified date the commission provide certain
guidance to law enforcement agencies; requiring the



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272 commission to create and publish on its website a
273 model written policy; requiring that by a specified
274 date each law enforcement agency adopt a certain
275 policy; requiring the commission to collect certain
276 data and submit an annual report; amending s. 943.125,
277 F.S.; revising the minimum aspects of law enforcement
278 that the law enforcement accreditation program must
279 address; amending s. 943.1715, F.S.; requiring every
280 basic skills course required for officers to obtain
281 initial certification to include a minimum number of
282 hours of deescalation training; amending s. 943.1716,
283 F.S.; requiring the commission to adopt rules
284 requiring that every officer receive a minimum number
285 of hours of deescalation training; providing an
286 effective date.