

**By** the Committee on Criminal Justice; and Senators Pizzo and Rodriguez

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1                                   A bill to be entitled  
2       An act relating to law enforcement reform; providing a  
3       declaration of important state interest; amending s.  
4       943.10, F.S.; defining terms; amending s. 943.12,  
5       F.S.; requiring the Criminal Justice Standards and  
6       Training Commission to adopt rules prohibiting law  
7       enforcement officers, correctional officers, or  
8       correctional probation officers from using specified  
9       techniques; providing an exception; requiring the  
10      commission to adopt rules requiring employing agencies  
11      to report information related to the use of such  
12      techniques; requiring that the commission cause to be  
13      investigated certain officers who use the prohibited  
14      techniques; requiring the commission to provide  
15      specified data regarding final commission orders to  
16      the National Decertification Index; creating s.  
17      943.121, F.S.; requiring the commission to establish  
18      and maintain standards for the instruction of officers  
19      in specified subjects in order to build upon and  
20      improve police-community relations; providing minimum  
21      required standards for deescalation training;  
22      requiring that by a specified date the commission  
23      provide certain guidance to law enforcement agencies;  
24      requiring the commission to create and publish on its  
25      website a model written policy; requiring that by a  
26      specified date each law enforcement agency adopt a  
27      certain written policy; requiring the commission to  
28      collect certain data and annually, by a specified  
29      date, submit a report to the Legislature; amending s.

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30 943.125, F.S.; revising the minimum aspects of law  
31 enforcement that the law enforcement accreditation  
32 program must address; amending s. 943.1715, F.S.;  
33 requiring every basic skills course required for  
34 officers to obtain initial certification to include a  
35 minimum number of hours of deescalation training;  
36 amending s. 943.1716, F.S.; requiring the commission  
37 to adopt rules requiring that every officer receive a  
38 minimum number of hours of deescalation training;  
39 providing an effective date.

40  
41 Be It Enacted by the Legislature of the State of Florida:

42  
43 Section 1. The Legislature finds that effective policing  
44 requires that the use of chokeholds and neck restraints be  
45 limited; that law enforcement basic recruit training and  
46 retraining include deescalation training; that minimum standards  
47 of instruction be developed relating to deescalation techniques,  
48 procedural justice, implicit bias, and the duty of an officer to  
49 intervene if another officer uses excessive or unnecessary  
50 force; that the state law enforcement accreditation program  
51 address these matters as well as mental health and wellness  
52 resources and support available for law enforcement officers;  
53 and that written policies incorporate an affirmative duty to use  
54 deescalation techniques whenever possible. The Legislature  
55 further finds and declares that this act fulfills an important  
56 state interest in protecting the safety of both law enforcement  
57 officers and the public by ensuring law enforcement officers  
58 receive sufficient and similar training to prevent unnecessary

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59 or excessive use of force and to develop skills to enhance  
60 understanding of and communication with the communities they  
61 serve.

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

64 943.10 Definitions; ss. 943.085-943.255.—The following  
65 words and phrases as used in ss. 943.085-943.255 are defined as  
66 follows:

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

71 (24) "Implicit bias training" means a program designed to  
72 go beyond producing fair and impartial enforcement of the law by  
73 bringing awareness to or increasing awareness of, and improving  
74 response strategies to, unconscious bias towards diverse  
75 communities. Such training should allow law enforcement to serve  
76 the community with a deeper understanding of the diversities  
77 within the community, thereby mitigating community tension and  
78 improving police-community relations.

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

81 (26) "Procedural justice training" means a system of law  
82 enforcement that prioritizes obtaining citizen compliance with  
83 law enforcement direction through fair and respectful two-way  
84 communication and, where possible and safe, provides explanation  
85 of the rationale behind directions given by law enforcement  
86 officers to build trust. This training allows for both community  
87 and police to be treated with respect and dignity, thereby

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88 cultivating stronger police-community relations.

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

92 Section 3. Present subsection (17) of section 943.12,  
93 Florida Statutes, is redesignated as subsection (18), and a new  
94 subsection (17) and subsection (19) are added to that section,  
95 to read:

96 943.12 Powers, duties, and functions of the commission.—The  
97 commission shall:

98 (17) Adopt rules prohibiting any law enforcement officer,  
99 correctional officer, or correctional probation officer from  
100 using any technique that requires the application of pressure to  
101 the neck, throat, esophagus, trachea, or carotid arteries  
102 alongside the trachea. The use of such a technique by a law  
103 enforcement officer, correctional officer, or correctional  
104 probation officer is prohibited unless deadly force is  
105 authorized under the law. The commission shall adopt rules  
106 requiring employing agencies to report to the commission any use  
107 of such technique by a law enforcement officer, correctional  
108 officer, or correctional probation officer employed by that  
109 agency. The commission shall cause to be investigated any law  
110 enforcement officer, correctional officer, or correctional  
111 probation officer who uses such a technique in violation of this  
112 subsection, and shall set disciplinary guidelines and penalties  
113 prescribed in rules applicable to such violation.

114 (19) Provide data to the National Decertification Index on  
115 final commission orders regarding revocation or relinquishment  
116 of certification of law enforcement officers, correctional

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117 officers, and correctional probation officers.

118 Section 4. Section 943.121, Florida Statutes, is created to  
119 read:

120 943.121 Commission standards for instruction of officers in  
121 certain subjects; guidance; written policies.-

122 (1) The commission shall establish and maintain standards  
123 for instruction of officers in the subjects of deescalation  
124 techniques, procedural justice training, implicit bias training,  
125 and the duty to intervene if another officer uses excessive or  
126 unnecessary force in order to build upon and improve police-  
127 community relations.

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

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

135 (b) Training officers simultaneously and in teams on  
136 deescalation and appropriate responses to resistance to improve  
137 group dynamics and diminish excessive responses to resistance  
138 while managing critical incidents.

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

141 (d) Training on the principles of using distance, cover,  
142 and time when approaching and managing critical incidents, and  
143 the elimination of other techniques in favor of using distance  
144 and cover to create and sustain a reaction gap.

145 (e) Training on the use of the lowest response to

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146 resistance which is a possible and safe response to an  
147 identified threat.

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

150 (g) Training on procedural justice training.

151 (h) Training on crisis intervention strategies to  
152 appropriately identify and respond to individuals suffering from  
153 physical or mental disabilities, mental health issues, or  
154 substance abuse issues with an emphasis on deescalation  
155 techniques and promoting effective communication with such  
156 individuals.

157 (i) Training on techniques that provide all officers with  
158 awareness and recognition of an individual's physical and mental  
159 disabilities, mental health issues, and substance abuse issues  
160 with an emphasis on communication strategies.

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

164 (k) Training on implicit bias.

165 (3) Not later than November 30, 2022, the commission shall  
166 provide written guidance to law enforcement agencies in this  
167 state that employ law enforcement officers with regard to  
168 compliance with minimum standards under subsection (2).

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

171 (5) Not later than January 1, 2023, each law enforcement  
172 agency in this state shall adopt a written policy stating that  
173 each of the law enforcement officers in its employ has an  
174 affirmative duty to use deescalation techniques in his or her

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175 interactions with citizens wherever possible. A law enforcement  
176 agency may fulfill its duty under this subsection by adopting  
177 the commission's model written policy.

178 (6) The commission shall collect data regarding the  
179 implementation of training programs under this section and shall  
180 provide by July 1 of each year an annual report to the President  
181 of the Senate, the Senate Minority Leader, the Speaker of the  
182 House of Representatives, and the House Minority Leader  
183 describing that data.

184 Section 5. Section 943.125, Florida Statutes, is amended to  
185 read:

186 943.125 Accreditation of state and local law enforcement  
187 agencies, correctional facilities, public agency offices of  
188 inspectors general, and certain pretrial diversion programs;  
189 intent.—

190 (1) It is the intent of the Legislature that law  
191 enforcement agencies, correctional facilities, public agency  
192 offices of inspectors general, and those agencies offering  
193 pretrial diversion programs within offices of the state  
194 attorneys, county government, or sheriff's offices in the state  
195 be upgraded and strengthened through the adoption of meaningful  
196 standards of operation for those agencies and their functions.

197 (2) It is the further intent of the Legislature that these  
198 agencies voluntarily adopt standards designed to promote  
199 enhanced professionalism:

200 (a) For law enforcement, to maximize the capability of law  
201 enforcement agencies to enforce the law and prevent and control  
202 criminal activities.

203 (b) For correctional facilities, to maintain best practices

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204 for the care, custody, and control of inmates.

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

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

211 (3) The Legislature also intends to encourage the  
212 continuation of a voluntary state accreditation program to  
213 facilitate the enhanced professionalism identified in subsection  
214 (2). Other than the staff support by the department as  
215 authorized in subsection (5), the accreditation program must be  
216 independent of any law enforcement agency, the Department of  
217 Corrections, the Florida Sheriffs Association, or the Florida  
218 Police Chiefs Association.

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

221 (a) Vehicle pursuits.

222 (b) Seizure and forfeiture of contraband articles.

223 (c) Recording and processing citizens' complaints.

224 (d) Response to resistance ~~Use of force~~.

225 (e) Traffic stops.

226 (f) Handling natural and manmade disasters.

227 (g) Special operations.

228 (h) Prisoner transfer.

229 (i) Collection and preservation of evidence.

230 (j) Recruitment and selection.

231 (k) Officer training.

232 (l) Performance evaluations.



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- 233 (m) Law enforcement disciplinary procedures and rights.
- 234 (n) Use of criminal investigative funds.
- 235 (o) Deescalation techniques.
- 236 (p) Implicit bias training.
- 237 (q) Procedural justice training.
- 238 (r) Mental health and wellness resources and support
- 239 available for law enforcement officers, including any peer-
- 240 support teams and sworn or unsworn chaplaincy programs.
- 241 (s) The duty to intervene if another officer uses excessive
- 242 or unnecessary force.
- 243 (5) Subject to available funding, the department shall
- 244 employ and assign adequate support staff to the Commission for
- 245 Florida Law Enforcement Accreditation, Inc., and the Florida
- 246 Corrections Accreditation Commission, Inc., in support of the
- 247 accreditation programs established in this section.
- 248 (6) Accreditation standards related to law enforcement and
- 249 inspectors general used by the accreditation programs
- 250 established in this section shall be determined by the
- 251 Commission for Florida Law Enforcement Accreditation, Inc.
- 252 Accreditation standards related to corrections functions and
- 253 pretrial diversion programs shall be determined by the Florida
- 254 Corrections Accreditation Commission, Inc.
- 255 Section 6. Section 943.1715, Florida Statutes, is amended
- 256 to read:
- 257 943.1715 Basic skills training relating to diverse
- 258 populations and deescalation training.—The commission shall
- 259 establish and maintain standards for instruction of officers in
- 260 the subject of interpersonal skills relating to diverse
- 261 populations, with an emphasis on the awareness of cultural

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262 differences. Every basic skills course required in order for  
263 officers to obtain initial certification must include training  
264 in interpersonal skills with diverse populations. The commission  
265 shall also require that every basic skills course include in the  
266 curriculum at least 40 hours of deescalation training.

267 Section 7. Section 943.1716, Florida Statutes, is amended  
268 to read:

269 943.1716 Continued employment training relating to diverse  
270 populations and deescalation training.—The commission shall by  
271 rule require that each officer receive, as part of the 40 hours  
272 of required instruction for continued employment or appointment  
273 as an officer, instruction in the subject of interpersonal  
274 skills relating to diverse populations, with an emphasis on the  
275 awareness of cultural differences. The commission shall also  
276 require by rule that every officer receive at least 16 hours of  
277 deescalation training, in addition to the 40 hours of required  
278 instruction for continued employment or appointment as an  
279 officer.

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