

1                   A bill to be entitled  
2           An act relating to law enforcement and correctional  
3           officer practices; providing legislative intent;  
4           amending s. 943.13, F.S.; requiring an affidavit-of-  
5           applicant form for employment or appointment as a law  
6           enforcement or correctional officer to contain  
7           specified disclosures; amending s. 943.133, F.S.;  
8           requiring a background investigation of an applicant  
9           to include specified information; amending s. 943.134,  
10          F.S.; requiring employing agencies to maintain  
11          employment information for a minimum time period;  
12          creating s. 943.1735, F.S.; providing definitions;  
13          requiring the Criminal Justice Standards and Training  
14          Commission and employing agencies to establish  
15          standards for officer training and adopt policies  
16          concerning use of force, respectively; providing  
17          requirements for such standards and policies;  
18          requiring such training to be included in a specified  
19          course by a certain date; creating s. 943.1740, F.S.;  
20          providing applicability; requiring law enforcement  
21          agencies to develop and maintain policies for  
22          specified use of force investigations; specifying such  
23          policies must include an independent review by a  
24          specified law enforcement agency, law enforcement  
25          officer, or state attorney; requiring the

26 investigation to include an independent report;  
27 requiring such report to be submitted to the state  
28 attorney of the judicial circuit; creating s.  
29 943.6872, F.S.; requiring law enforcement agencies to  
30 submit specified data to the Department of Law  
31 Enforcement; requiring data to be compliant with a  
32 specified federal program; creating s. 985.031, F.S.;  
33 providing a short title; prohibiting a child younger  
34 than a certain age from being arrested, charged, or  
35 adjudicated delinquent for a delinquent act or  
36 violation of law; providing an exception; reenacting  
37 ss. 943.131(1)(a), 943.1395(6), and 943.19(1), F.S.,  
38 relating to temporary employment or appointment and  
39 minimum basic recruit training, certification for  
40 employment or appointment, and a saving clause,  
41 respectively, for the purpose of incorporating the  
42 amendment made by the act; providing an effective  
43 date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. The Legislature finds that promoting effective  
48 policing and correctional practices fulfills an important state  
49 interest in protecting the safety of both law enforcement and  
50 correctional officers and the public. The Legislature intends

51 that the requirements of this act operate as minimum standards  
52 and that nothing in this act prevents an employing agency from  
53 adopting policies that exceed the requirements of this act.

54 Section 2. Subsection (8) of section 943.13, Florida  
55 Statutes, is amended to read:

56 943.13 Officers' minimum qualifications for employment or  
57 appointment.—On or after October 1, 1984, any person employed or  
58 appointed as a full-time, part-time, or auxiliary law  
59 enforcement officer or correctional officer; on or after October  
60 1, 1986, any person employed as a full-time, part-time, or  
61 auxiliary correctional probation officer; and on or after  
62 October 1, 1986, any person employed as a full-time, part-time,  
63 or auxiliary correctional officer by a private entity under  
64 contract to the Department of Corrections, to a county  
65 commission, or to the Department of Management Services shall:

66 (8) Execute and submit to the employing agency or, if a  
67 private correctional officer, submit to the appropriate  
68 governmental entity an affidavit-of-applicant form, adopted by  
69 the commission, attesting to his or her compliance with  
70 subsections (1)-(7). The affidavit shall require the applicant  
71 to disclose any pending investigation by a local, state, or  
72 federal agency or entity for criminal, civil, or administrative  
73 wrongdoing and whether the applicant separated or resigned from  
74 previous criminal justice employment while he or she was under  
75 investigation. The affidavit shall be executed under oath and

76 | constitutes an official statement within the purview of s.  
77 | 837.06. The affidavit shall include conspicuous language that  
78 | the intentional false execution of the affidavit constitutes a  
79 | misdemeanor of the second degree. The affidavit shall be  
80 | retained by the employing agency.

81 | Section 3. Subsection (3) of section 943.133, Florida  
82 | Statutes, is amended to read:

83 | 943.133 Responsibilities of employing agency, commission,  
84 | and program with respect to compliance with employment  
85 | qualifications and the conduct of background investigations;  
86 | injunctive relief.—

87 | (3) The commission shall adopt rules that establish  
88 | procedures for conducting background investigations. The rules  
89 | must specify a form for employing agencies to use to document  
90 | the findings of the background investigation. Before employing  
91 | or appointing any officer, the employing agency must conduct a  
92 | thorough background investigation in accordance with the rules.  
93 | The background information shall ~~should~~ include information  
94 | setting forth the facts and reasons for any of the applicant's  
95 | previous separations from private or public employment or  
96 | appointment, as the applicant understands them. For the purposes  
97 | of this subsection, the term "separation from employment or  
98 | appointment" includes any firing, termination, resignation,  
99 | retirement, or voluntary or involuntary extended leave of  
100 | absence from any salaried or nonsalaried position. The employing

101 agency must maintain the original background investigation form,  
 102 which must be signed by the administrator of the employing  
 103 agency or his or her designee.

104 Section 4. Subsection (3) of section 943.134, Florida  
 105 Statutes, is amended to read:

106 943.134 Release of employee information by employers.—

107 (3) Each employing agency shall ~~This section does not~~  
 108 ~~require an employer to~~ maintain employment information for a  
 109 minimum of 5 years after the date of the officer's termination,  
 110 resignation, or retirement from the employing agency, unless the  
 111 employing agency is otherwise required to retain such  
 112 information for a longer time period ~~other than that kept in the~~  
 113 ~~ordinary course of business.~~

114 Section 5. Section 943.1735, Florida Statutes, is created  
 115 to read:

116 943.1735 Basic skills training related to use of force;  
 117 use of force policies; contents.

118 (1) For the purposes of this section, the term:

119 (a) "Chokehold" means the intentional and prolonged  
 120 application of force to the throat, windpipe, or airway of  
 121 another person that prevents the intake of air. The term does  
 122 not include any hold involving contact with another person's  
 123 neck that is not intended to prevent the intake of air.

124 (b) "Excessive use of force" means use of force that  
 125 exceeds the degree of force permitted by law, policy, or the

126 observing officer's employing agency.

127 (2) The commission shall establish standards for the  
128 instruction of officers in the subject of use of force and each  
129 employing agency in the state shall adopt policies in the  
130 subject of use of force. The standards and policies must  
131 include:

132 (a) Instruction on the proportional use of force.

133 (b) Alternatives to use of force, including de-escalation  
134 techniques.

135 (c) Limiting the use of a chokehold, if the employing  
136 agency authorizes the use of a chokehold, to circumstances where  
137 the officer perceives an immediate threat of serious bodily  
138 injury or death to himself, herself, or another person.

139 (d) The duty to intervene in another officer's excessive  
140 use of force, which must require an on-duty officer who observes  
141 another officer engaging or attempting to engage in excessive  
142 use of force to intervene to end the excessive use of force or  
143 attempted excessive use of force when such intervention is  
144 reasonable based on the totality of the circumstances and the  
145 observing officer may intervene without jeopardizing his or her  
146 own health or safety.

147 (e) The duty to render medical assistance following use of  
148 force, which must require an officer who knows, or when it is  
149 otherwise evident, that a person who is detained or in custody  
150 is injured or requires medical attention to provide first aid or

151 seek medical assistance when such action is reasonable based on  
152 the totality of the circumstances and the officer may do so  
153 without jeopardizing his or her own health or safety.

154 (f) Instruction on the recognition of the evident symptoms  
155 and characteristics of an individual with a substance abuse  
156 disorder or a mental illness and appropriate responses to an  
157 individual exhibiting such symptoms or characteristics.

158 (3) Beginning July 1, 2023, every basic skills course  
159 required in order for officers to obtain initial certification  
160 must include the standards for instruction required under this  
161 section.

162 Section 6. Section 943.1740, Florida Statutes, is created  
163 to read:

164 943.1740 Standards for use of force investigations.-

165 (1) This section shall apply to use of force  
166 investigations conducted when a law enforcement officer's use of  
167 force results in the death of any person or the intentional  
168 discharge of a firearm that results in injury or death to any  
169 person.

170 (2) Each law enforcement agency shall develop and maintain  
171 policies regarding use of force investigations concerning a law  
172 enforcement officer employed by the agency at the time of the  
173 use of force. At a minimum, such policies must incorporate an  
174 independent review of the use of force by:

175 (a) A law enforcement agency that did not employ the law

176 enforcement officer under investigation at the time of the use  
177 of force;

178 (b) A law enforcement officer who is not employed by the  
179 same employing agency as the law enforcement officer under  
180 investigation; or

181 (c) The state attorney of the judicial circuit in which  
182 the use of force occurred.

183 (3) The policies must incorporate a requirement for the  
184 reviewing agency or officer to complete an independent report  
185 upon completion of the independent review. The independent  
186 report shall be submitted to the state attorney of the judicial  
187 circuit in which the use of force occurred.

188 Section 7. Section 943.6872, Florida Statutes, is created  
189 to read:

190 943.6872 Use of force data collection.-Beginning July 1,  
191 2022, each law enforcement agency in the state shall report  
192 quarterly to the department data regarding use of force by the  
193 law enforcement officers employed by the agency that results in  
194 serious bodily injury, death, or discharge of a firearm at a  
195 person. The data shall include all information collected by the  
196 Federal Bureau of Investigation's National Use-of-Force Data  
197 Collection.

198 Section 8. Section 985.031, Florida Statutes, is created  
199 to read:

200 985.031 Age limitation; exception.-



201           (1) This section may be cited as the "Kaia Rolle Act."

202           (2) A child younger than 7 years of age may not be  
 203 arrested, charged, or adjudicated delinquent for a delinquent  
 204 act or violation of law based on an act occurring before he or  
 205 she reaches 7 years of age, unless the violation of law is a  
 206 forcible felony as defined in s. 776.08.

207           Section 9. For the purpose of incorporating the amendment  
 208 made by this act to section 943.13, Florida Statutes, in  
 209 references thereto, paragraph (a) of subsection (1) of section  
 210 943.131, Florida Statutes, is reenacted to read:

211           943.131 Temporary employment or appointment; minimum basic  
 212 recruit training exemptions.—

213           (1) (a) An employing agency may temporarily employ or  
 214 appoint a person who complies with the qualifications for  
 215 employment in s. 943.13(1)-(8), but has not fulfilled the  
 216 requirements of s. 943.13(9) and (10), if a critical need exists  
 217 to employ or appoint the person and such person is or will be  
 218 enrolled in the next approved basic recruit training program  
 219 available in the geographic area or that no assigned state  
 220 training program for state officers is available within a  
 221 reasonable time. The employing agency must maintain  
 222 documentation which demonstrates that a critical need exists to  
 223 employ a person pursuant to this section. Prior to the  
 224 employment or appointment of any person other than a  
 225 correctional probation officer under this subsection, the person

226 shall comply with the firearms provisions established pursuant  
227 to s. 943.17(1)(a). Any person temporarily employed or appointed  
228 as an officer under this subsection must attend the first  
229 training program offered in the geographic area, or the first  
230 assigned state training program for a state officer, subsequent  
231 to his or her employment or appointment. A person temporarily  
232 employed or appointed as an officer under this subsection must  
233 begin basic recruit training within 180 consecutive days after  
234 employment. Such person must fulfill the requirements of s.  
235 943.13(9) within 18 months after beginning basic recruit  
236 training and must fulfill the certification examination  
237 requirements of s. 943.13(10) within 180 consecutive days after  
238 completing basic recruit training. A person hired after he or  
239 she has commenced basic recruit training or after completion of  
240 basic recruit training must fulfill the certification  
241 examination requirements of s. 943.13(10) within 180 consecutive  
242 days after completion of basic recruit training or the  
243 commencement of employment, whichever occurs later.

244 Section 10. For the purpose of incorporating the amendment  
245 made by this act to section 943.13, Florida Statutes, in a  
246 reference thereto, subsection (6) of section 943.1395, Florida  
247 Statutes, is reenacted to read:

248 943.1395 Certification for employment or appointment;  
249 concurrent certification; reemployment or reappointment;  
250 inactive status; revocation; suspension; investigation.—

251 (6) The commission shall revoke the certification of any  
252 officer who is not in compliance with the provisions of s.  
253 943.13(4) or who intentionally executes a false affidavit  
254 established in s. 943.13(8), s. 943.133(2), or s. 943.139(2).

255 (a) The commission shall cause to be investigated any  
256 ground for revocation from the employing agency pursuant to s.  
257 943.139 or from the Governor, and the commission may cause  
258 verifiable complaints to be investigated. Any investigation  
259 initiated by the commission pursuant to this section must be  
260 completed within 6 months after receipt of the completed report  
261 of the disciplinary or internal affairs investigation from the  
262 employing agency or Governor's office. A verifiable complaint  
263 shall be completed within 1 year after receipt of the complaint.  
264 An investigation shall be considered completed upon a finding by  
265 a probable cause panel of the commission. These time periods  
266 shall be tolled during the appeal of a termination or other  
267 disciplinary action through the administrative or judicial  
268 process or during the period of any criminal prosecution of the  
269 officer.

270 (b)1. The report of misconduct and all records or  
271 information provided to or developed by the commission during  
272 the course of an investigation conducted by the commission are  
273 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I  
274 of the State Constitution and, except as otherwise provided by  
275 law, such information shall be subject to public disclosure only

276 | after a determination as to probable cause has been made or  
277 | until the investigation becomes inactive.

278 |         2. However, not more than 30 days before the results of an  
279 | investigation are to be presented to a probable cause panel, an  
280 | officer who is being investigated, or the officer's attorney,  
281 | may review any documents or other information regarding the  
282 | investigation which was developed by or provided to the  
283 | commission.

284 |         (c) When an officer's certification is revoked in any  
285 | discipline, his or her certification in any other discipline  
286 | shall simultaneously be revoked.

287 |         Section 11. For the purpose of incorporating the amendment  
288 | made by this act to section 943.13, Florida Statutes, in a  
289 | reference thereto, subsection (1) of section 943.19, Florida  
290 | Statutes, is reenacted to read:

291 |         943.19 Saving clause.—

292 |         (1) Any full-time, part-time, or auxiliary law enforcement  
293 | or correctional officer duly certified by the commission and  
294 | employed or appointed as of September 30, 1984, and any  
295 | correctional probation officer employed or appointed as of  
296 | September 30, 1986, and any correctional probation officer  
297 | employed in an institution as of September 30, 1989, is not  
298 | required to comply with s. 943.13(5) and (8) as a condition of  
299 | continued employment or appointment with his or her current  
300 | employing agency.

301 | Section 12. This act shall take effect July 1, 2021. |