

By Senator Bracy

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1                   A bill to be entitled  
2           An act relating to the administration of justice;  
3           amending s. 40.24, F.S.; revising the rate of  
4           compensation for jurors; requiring clerks of the  
5           circuit court to provide quarterly estimates regarding  
6           juror compensation costs to the Justice Administrative  
7           Commission; requiring the commission to submit a  
8           request for payment to the Chief Financial Officer  
9           upon receipt and endorsement of the clerks' estimates;  
10          amending s. 900.05, F.S.; requiring each law  
11          enforcement agency to collect and report specified  
12          information to the Department of Law Enforcement on a  
13          monthly basis; creating s. 900.06, F.S.; requiring law  
14          enforcement agencies that employ law enforcement  
15          officers being investigated for use of force by a  
16          citizen review board to include a member of the  
17          citizen review board as part of the law enforcement  
18          agency's investigative team; creating s. 900.061,  
19          F.S.; providing legislative findings and intent;  
20          requiring the county commission or other governing  
21          body of each county to establish by a specified date a  
22          citizen review board with the authority and ability to  
23          independently investigate law enforcement agencies  
24          within that county; providing requirements for citizen  
25          review boards; creating s. 900.07, F.S.; requiring the  
26          state attorney of a judicial circuit in which a law  
27          enforcement officer use of force death occurs to  
28          request that a state attorney from another judicial  
29          circuit review the case and make a certain written and

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30 detailed recommendation; requiring a state attorney  
31 who receives such a request to provide a specified  
32 notice to the requesting state attorney within a  
33 certain timeframe; amending s. 913.08, F.S.;

34 prohibiting the use of peremptory challenges to strike  
35 prospective jurors in criminal jury trials that  
36 commence on or after a specified date; repealing Rule  
37 3.350, Florida Rules of Criminal Procedure, relating  
38 to peremptory challenges, to conform to changes made  
39 by the act; requesting the Florida Supreme Court to  
40 amend Rule 1.431(d), Florida Rules of Civil Procedure,  
41 to prohibit the use of peremptory challenges in jury  
42 selection for civil jury trials; creating s. 943.1714,  
43 F.S.; requiring the Criminal Justice Standards and  
44 Training Commission to establish and maintain  
45 standards for instruction of officers in the subjects  
46 of implicit bias and deescalation of conflict to  
47 minimize violence; requiring every basic skills course  
48 required for officers to obtain initial certification  
49 to include such training; amending s. 943.1718, F.S.;

50 providing legislative intent; defining the term  
51 "vehicle dash camera"; requiring every law enforcement  
52 agency to mandate that its law enforcement officers  
53 wear body cameras and use vehicle dash cameras;

54 requiring law enforcement agencies to establish  
55 specified policies and procedures; deleting a  
56 provision relating to applicability; providing a  
57 declaration of important state interest; creating s.  
58 943.6872, F.S.; defining terms; requiring that each

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59 law enforcement agency have a written policy regarding  
60 the investigation of officer-involved deaths;  
61 providing requirements for such policies; authorizing  
62 internal investigations under certain circumstances;  
63 authorizing compensation for certain investigations to  
64 be determined in a manner consistent with mutual aid  
65 agreements; requiring certain investigators to provide  
66 a complete report to the appropriate state attorney;  
67 requiring such investigators to publicly release the  
68 completed report, redacted as required by law, if the  
69 state attorney determines that there is no basis to  
70 prosecute the law enforcement officer involved;  
71 creating s. 943.6875, F.S.; providing legislative  
72 findings and intent; requiring every law enforcement  
73 agency to create an early intervention system to track  
74 and identify potentially damaging patterns of behavior  
75 by law enforcement officers; providing risk  
76 indicators; providing effective dates.

77

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

79

80 Section 1. Effective October 1, 2021, subsections (3) and  
81 (4) of section 40.24, Florida Statutes, are amended, and  
82 subsection (9) is added to that section, to read:

83 40.24 Compensation and reimbursement policy.—

84 (3) (a) Jurors who are regularly employed and who continue  
85 to receive regular wages while serving as a juror are not  
86 entitled to receive compensation from the clerk of the circuit  
87 court for the first 3 days of juror service.

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88 (b) Jurors who are not regularly employed or who do not  
89 continue to receive regular wages while serving as a juror are  
90 entitled to receive \$30 ~~\$15~~ per day for the first 3 days of  
91 juror service.

92 (4) Each juror who serves more than 3 days is entitled to  
93 be paid by the clerk of the circuit court for the fourth day of  
94 service and each day thereafter at the rate of \$50 ~~\$30~~ per day  
95 of service.

96 (9) Beginning October 1, 2021, each clerk of the circuit  
97 court shall forward to the Justice Administrative Commission a  
98 quarterly estimate of funds necessary to pay compensation to  
99 jurors in accordance with subsections (3) and (4). Upon receipt  
100 of such estimates, the Justice Administrative Commission shall  
101 endorse the amount deemed necessary for payment to the clerks of  
102 the circuit court during the quarter and shall submit a request  
103 for payment to the Chief Financial Officer.

104 Section 2. Paragraph (h) is added to subsection (3) of  
105 section 900.05, Florida Statutes, to read:

106 900.05 Criminal justice data collection.—

107 (3) DATA COLLECTION AND REPORTING.—An entity required to  
108 collect data in accordance with this subsection shall collect  
109 the specified data and report them in accordance with this  
110 subsection to the Department of Law Enforcement on a monthly  
111 basis.

112 (h) Law enforcement agencies.—Each law enforcement agency  
113 shall collect all of the following data:

- 114 1. The number of full-time law enforcement officers.
- 115 2. The number of part-time law enforcement officers.
- 116 3. The number of law enforcement officer stops, including:

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117 a. The race or ethnicity of each law enforcement officer  
118 and individual involved in each stop; and

119 b. Whether the stop was a vehicle traffic stop or was made  
120 on foot or by other means, which must be specified.

121 4. The number of arrests by, or notices to appear in lieu  
122 of physical arrest issued by, law enforcement officers,  
123 including:

124 a. The race or ethnicity of each law enforcement officer  
125 and individual involved in the arrest or issuance of notice to  
126 appear; and

127 b. Whether the arrest or issuance of notice to appear arose  
128 out of a vehicle traffic stop or was made on foot or by other  
129 means, which must be specified.

130 Section 3. Section 900.06, Florida Statutes, is created to  
131 read:

132 900.06 Citizen review board member participation in use of  
133 force investigations.—Each law enforcement agency in this state  
134 that employs a law enforcement officer for whom an investigation  
135 is opened under s. 900.061(4)(b)1. by a citizen review board  
136 shall include a member of the citizen review board as part of  
137 the law enforcement agency's investigative team.

138 Section 4. Section 900.061, Florida Statutes, is created to  
139 read:

140 900.061 Citizen review boards.—

141 (1) The Legislature finds that an effective way for our  
142 communities and the law enforcement agencies that serve them to  
143 build mutual trust and positive relationships is through the  
144 establishment of citizen review boards.

145 (2) It is the intent of the Legislature to require the

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146 establishment of a citizen review board in each county of this  
147 state to provide civilian oversight of law enforcement agencies  
148 within that county through independent investigations.

149 (3) By July 1, 2022, the county commission or other  
150 governing body, as appropriate, of each county in this state  
151 shall establish a citizen review board with the authority and  
152 ability to independently investigate each law enforcement agency  
153 within that county.

154 (4) Each citizen review board shall comply with all of the  
155 following requirements:

156 (a) Be composed of at least 5 but not more than 15  
157 individuals appointed by the county commission or other  
158 governing body of the county, as appropriate. A member of the  
159 board may not be a current employee of the state or county, or  
160 of any subdivision of the county.

161 (b) Investigate all complaints relating to:

162 1. Use of force. This includes, but is not limited to, an  
163 investigation into whether excessive force was used or whether  
164 use of force was justified.

165 2. Abuse of authority. This includes, but is not limited  
166 to, investigations to determine whether unauthorized or illegal  
167 searches or seizures, inappropriate entry onto property, or  
168 refusal to provide name and badge number occurred.

169 3. Discourtesy. This includes, but is not limited to, the  
170 use of foul language, acting in a rude or unprofessional manner,  
171 or the display of rude or offensive gestures.

172 4. Discriminatory language. This includes, but is not  
173 limited to, the use of slurs based on race, religion, ethnicity,  
174 sex, or gender.

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175 (c) Create a standard form and a uniform process for the  
176 submission of complaints.

177 (d) Create a uniform process or procedure for the  
178 processing of complaints.

179 (e) Meet with the individual who submitted the complaint.

180 (f) Meet with the law enforcement officer against whom the  
181 complaint was made.

182 (g) Meet with one or more witnesses, if any, to the event  
183 that prompted the complaint.

184 (h) Prepare a report on the findings of the investigation.

185 (i) Submit the report and any recommendations to the county  
186 commission or other governing body of the county, as  
187 appropriate, and to the head of the law enforcement agency that  
188 employs the law enforcement officer.

189 Section 5. Section 900.07, Florida Statutes, is created to  
190 read:

191 900.07 Requiring review and recommendation from another  
192 state attorney in cases of law enforcement officer use of force  
193 deaths.—

194 (1) In each case in which a death results from a law  
195 enforcement officer's use of force, the state attorney of the  
196 judicial circuit in which the use of force death occurred shall  
197 request a state attorney from another judicial circuit to review  
198 the case and the circumstances surrounding the use of force  
199 death and to make a written and detailed recommendation on  
200 whether he or she believes that charges should be brought  
201 against the law enforcement officer.

202 (2) A state attorney who receives a request under  
203 subsection (1) must notify the requesting state attorney within

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204 10 business days after receipt as to whether the state attorney  
205 receiving the request can review the case and, if so, must  
206 provide the written and detailed recommendation in an  
207 expeditious manner.

208 Section 6. Effective October 1, 2021, section 913.08,  
209 Florida Statutes, is amended to read:

210 913.08 ~~Number of~~ Peremptory challenges prohibited. For any  
211 trial that commences on or after October 1, 2021, any party to  
212 the proceeding may not use a peremptory challenge to strike a  
213 prospective juror from the venire.

214 ~~(1) The state and the defendant shall each be allowed the~~  
215 ~~following number of peremptory challenges:~~

216 ~~(a) Ten, if the offense charged is punishable by death or~~  
217 ~~imprisonment for life;~~

218 ~~(b) Six, if the offense charged is punishable by~~  
219 ~~imprisonment for more than 12 months but is not punishable by~~  
220 ~~death or imprisonment for life;~~

221 ~~(c) Three, for all other offenses.~~

222 ~~(2) If two or more defendants are tried jointly, each~~  
223 ~~defendant shall be allowed the number of peremptory challenges~~  
224 ~~specified in subsection (1), and the state shall be allowed as~~  
225 ~~many challenges as are allowed to all of the defendants.~~

226 Section 7. Effective October 1, 2021, Rule 3.350, Florida  
227 Rules of Criminal Procedure, is repealed.

228 Section 8. Effective October 1, 2021, the Supreme Court is  
229 requested to amend Rule 1.431(d), Florida Rules of Civil  
230 Procedure, relating to peremptory challenges, to prohibit the  
231 use of peremptory challenges in jury selection in a civil jury  
232 trial.



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233 Section 9. Section 943.1714, Florida Statutes, is created  
234 to read:

235 943.1714 Basic skills training relating to implicit bias  
236 and deescalation of conflict.—The commission shall establish and  
237 maintain standards for instruction of officers in the subjects  
238 of implicit bias and deescalation of conflict to minimize  
239 violence. Every basic skills course required in order for  
240 officers to obtain initial certification must include training  
241 on implicit bias and deescalation of conflict to minimize  
242 violence.

243 Section 10. Section 943.1718, Florida Statutes, is amended  
244 to read:

245 943.1718 Body cameras and vehicle dash cameras required;  
246 policies and procedures.—

247 (1) It is the intent of the Legislature to require that all  
248 law enforcement officers in this state wear body cameras and use  
249 vehicle dash cameras to ensure the safety of both the law  
250 enforcement officers and members of the public and for purposes  
251 of accountability and accuracy in instances when the  
252 circumstances surrounding a law-enforcement-related encounter or  
253 activity are in question.

254 (2) As used in this section, the term:

255 (a) "Body camera" means a portable electronic recording  
256 device ~~that is~~ worn on a law enforcement officer's person which  
257 ~~that~~ records audio and video data of the officer's law-  
258 enforcement-related encounters and activities.

259 (b) "Law enforcement agency" means an agency that has a  
260 primary mission of preventing and detecting crime and enforcing  
261 the penal, criminal, traffic, and motor vehicle laws of the

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262 state and in furtherance of that primary mission employs law  
263 enforcement officers as defined in s. 943.10.

264 (c) "Law enforcement officer" has the same meaning as  
265 provided in s. 943.10.

266 (d) "Vehicle dash camera" means a nonportable electronic  
267 recording device used by a law enforcement officer in a law  
268 enforcement officer's vehicle which records audio or video data  
269 of the officer's law-enforcement-related encounters and  
270 activities.

271 (3)-(2) Every A law enforcement agency shall require that  
272 permits its law enforcement officers to wear body cameras and  
273 use vehicle dash cameras and shall establish policies and  
274 procedures addressing the proper use, maintenance, and storage  
275 of body cameras and vehicle dash cameras and the data recorded  
276 by the body cameras and vehicle dash cameras. The policies and  
277 procedures must include all of the following:

278 (a) General guidelines for the proper use, maintenance, and  
279 storage of body cameras and vehicle dash cameras.

280 (b) Any limitations on which law enforcement officers are  
281 required permitted to wear body cameras and use vehicle dash  
282 cameras.

283 (c) Any limitations on law-enforcement-related encounters  
284 and activities in which law enforcement officers are required  
285 permitted to wear body cameras and use vehicle dash cameras.

286 (d) A provision authorizing permitting a law enforcement  
287 officer using a body camera or vehicle dash camera to review the  
288 recorded footage from the body camera or vehicle dash camera,  
289 upon his or her own initiative or request, before writing a  
290 report or providing a statement regarding any event arising

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291 within the scope of his or her official duties. Any such  
292 provision may not apply to an officer's inherent duty to  
293 immediately disclose information necessary to secure an active  
294 crime scene or to identify suspects or witnesses.

295 (e) General guidelines for the proper storage, retention,  
296 and release of audio and video data recorded by body cameras and  
297 vehicle dash cameras.

298 ~~(4)(3)~~ Each ~~A~~ law enforcement agency under subsection (3)  
299 ~~that permits its law enforcement officers to wear body cameras~~  
300 shall:

301 (a) Ensure that all personnel who ~~wear~~, use, maintain, or  
302 store body cameras and vehicle dash cameras are trained in the  
303 law enforcement agency's policies and procedures concerning  
304 them.

305 (b) Ensure that all personnel who use, maintain, store, or  
306 release audio or video data recorded by body cameras and vehicle  
307 dash cameras are trained in the law enforcement agency's  
308 policies and procedures.

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

312 (d) Perform a periodic review of actual agency body camera  
313 and vehicle dash camera practices to ensure conformity with the  
314 agency's policies and procedures.

315 ~~(4) Chapter 934 does not apply to body camera recordings~~  
316 ~~made by law enforcement agencies that elect to use body cameras.~~

317 Section 11. The Legislature finds that a proper and  
318 legitimate state purpose is served by safeguarding law  
319 enforcement officers and the persons they interact with on a

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320 daily basis and by validating the accuracy of the circumstances  
321 surrounding such interactions. The Legislature determines and  
322 declares that this act fulfills an important state interest.

323 Section 12. Section 943.6872, Florida Statutes, is created  
324 to read:

325 943.6872 Investigations of officer-involved deaths.—

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

327 (a) "Law enforcement agency" means an agency that has as  
328 its primary mission the prevention and detection of crime and  
329 the enforcement of the penal, criminal, traffic, and motor  
330 vehicle laws of this state and, in furtherance of that primary  
331 mission, employs law enforcement officers.

332 (b) "Law enforcement officer" has the same meaning as in s.  
333 943.10.

334 (c) "Officer-involved death" means the death of an  
335 individual which results directly from an action or an omission  
336 by a law enforcement officer while the law enforcement officer  
337 is on duty or while he or she is off duty but performing  
338 activities that are within the scope of his or her law  
339 enforcement duties.

340 (2) Each law enforcement agency in this state shall have a  
341 written policy regarding the investigation of officer-involved  
342 deaths that involve a law enforcement officer employed by that  
343 law enforcement agency. Each policy adopted under this  
344 subsection:

345 (a) Must require that any such investigation be conducted  
346 by at least two investigators, one of whom must be designated  
347 the lead investigator. An investigator may not be employed by  
348 the law enforcement agency that employs a law enforcement

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349 officer involved in the officer-involved death.

350 (b) Must require that, if the officer-involved death being  
351 investigated is traffic-related, the investigators use a crash  
352 reconstruction unit from a law enforcement agency that does not  
353 employ a law enforcement officer involved in the officer-  
354 involved death; however, the policy may provide that, if the law  
355 enforcement agency is a state law enforcement agency, the state  
356 law enforcement agency may use a crash reconstruction unit from  
357 the same state law enforcement agency.

358 (c) May allow an internal investigation of the officer-  
359 involved death if the internal investigation does not interfere  
360 with the investigation conducted under paragraph (a).

361 (3) Compensation for investigations conducted under  
362 paragraph (2) (a) or paragraph (2) (b) may be determined in a  
363 manner consistent with mutual aid agreements.

364 (4) (a) The investigators who conduct an investigation under  
365 paragraph (2) (a) or paragraph (2) (b) shall provide, in an  
366 expeditious manner, a complete report to the state attorney of  
367 the judicial circuit in which the officer-involved death  
368 occurred.

369 (b) If the state attorney determines that there is no basis  
370 for prosecuting the law enforcement officer involved in the  
371 officer-involved death, the investigators who provided the  
372 report to the state attorney must publicly release the completed  
373 report, after redacting any information as required by law.

374 Section 13. Section 943.6875, Florida Statutes, is created  
375 to read:

376 943.6875 Early intervention systems for law enforcement  
377 officers.-

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378       (1) The Legislature finds that a small percentage of law  
379 enforcement officers is responsible for a disproportionate  
380 number of excessive force complaints received by law enforcement  
381 agencies. The Legislature also finds that proactive and early  
382 identification of that small percentage of law enforcement  
383 officers and intervention through mentorship, counseling, and  
384 additional training may lead to positive outcomes in the careers  
385 of such officers and in their encounters with the public.

386       (2) The Legislature intends for all law enforcement  
387 agencies in this state to create early intervention systems to  
388 proactively identify law enforcement officers who are likely to  
389 engage in potentially damaging behaviors, such as excessive  
390 force, before such behaviors occur in order to protect such  
391 officers, other law enforcement officers, and the members of the  
392 public with whom they interact and to offer intervention through  
393 mentorship, counseling, and additional training.

394       (3) Every law enforcement agency in this state shall create  
395 an early intervention system to track and identify potentially  
396 damaging patterns of behavior by law enforcement officers.

397       (4) Risk indicators to track which may identify potentially  
398 damaging patterns of behavior by law enforcement officers  
399 include, but need not be limited to:

400       (a) Complaints against an individual law enforcement  
401 officer or a group of law enforcement officers.

402       (b) Frequency and severity of disciplinary incidents.

403       (c) Incidents involving use of force.

404       (d) Incidents involving use of deadly force.

405       (e) Arrests made by a law enforcement officer of  
406 individuals for resisting arrest.

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407       (f) Reports of injuries suffered by a law enforcement  
408 officer.

409       (g) Vehicle accidents involving a law enforcement officer.

410       (h) Civil litigation filed against a law enforcement  
411 officer.

412       Section 14. Except as otherwise expressly provided in this  
413 act, this act shall take effect July 1, 2021.