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1
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

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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

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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

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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

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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

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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

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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

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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.-

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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

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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.—

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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

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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.

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