

1 A bill to be entitled
2 An act relating to criminal justice; amending s.
3 98.0751, F.S.; revising the definition of the term
4 "completion of all terms of sentence" to remove a
5 provision requiring full payment of certain fines and
6 fees; conforming provisions to changes made by the
7 act; amending s. 776.05, F.S.; revising provisions
8 concerning the use of force by an officer against a
9 fleeing suspect in certain circumstances; providing
10 additional criteria for the use of force by law
11 enforcement officers; amending s. 776.012, F.S.;
12 revising the standard for determining justifiable use
13 of force in defense of a person; amending s. 776.032,
14 F.S.; revising the standard of proof needed to
15 overcome a prima facie claim of self-defense; amending
16 s. 900.05, F.S.; requiring collection of data
17 concerning offenders eligible for alternative
18 sanctions under s. 948.06, F.S.; amending s. 901.151,
19 F.S.; requiring that a law enforcement officer have
20 probable cause to temporarily detain a person;
21 creating s. 943.17185, F.S.; providing a definition;
22 requiring law enforcement agencies to adopt certain
23 policies and procedures for the pursuit of different
24 types of fleeing suspects; providing requirements for
25 such policies and procedures; amending s. 948.06,

26 F.S.; requiring a judge who declines to impose an
 27 alternative sanction on an eligible violator of
 28 probation or community control to do so in a written
 29 order that includes specified information; providing
 30 an effective date.

31
 32 Be It Enacted by the Legislature of the State of Florida:

33
 34 Section 1. Paragraph (a) of subsection (2) of section
 35 98.0751, Florida Statutes, is amended to read:

36 98.0751 Restoration of voting rights; termination of
 37 ineligibility subsequent to a felony conviction.—

38 (2) For purposes of this section, the term:

39 (a) "Completion of all terms of sentence" means any
 40 portion of a sentence that is contained in the four corners of
 41 the sentencing document, including, but not limited to:

42 1. Release from any term of imprisonment ordered by the
 43 court as a part of the sentence;

44 2. Termination from any term of probation or community
 45 control ordered by the court as a part of the sentence;

46 3. Fulfillment of any term ordered by the court as a part
 47 of the sentence;

48 4. Termination from any term of any supervision, which is
 49 monitored by the Florida Commission on Offender Review,
 50 including, but not limited to, parole; and

51 5.a. Full payment of restitution ordered to a victim by
52 the court as a part of the sentence. A victim includes, but is
53 not limited to, a person or persons, the estate or estates
54 thereof, an entity, the state, or the Federal Government.

55 ~~b. Full payment of fines or fees ordered by the court as a~~
56 ~~part of the sentence or that are ordered by the court as a~~
57 ~~condition of any form of supervision, including, but not limited~~
58 ~~to, probation, community control, or parole.~~

59 b.e. The financial obligations required under sub-
60 subparagraph a. ~~or sub-subparagraph b.~~ include only the amount
61 specifically ordered by the court as part of the sentence and do
62 not include any fines, fees, or costs that accrue after the date
63 the obligation is ordered as a part of the sentence.

64 ~~c.d.~~ For the limited purpose of addressing a plea for
65 relief pursuant to sub-subparagraph d. ~~sub-subparagraph e.~~ and
66 notwithstanding any other statute, rule, or provision of law, a
67 court may not be prohibited from modifying the financial
68 obligations of an original sentence required under sub-
69 subparagraph a. ~~or sub-subparagraph b.~~ Such modification shall
70 not infringe on a defendant's or a victim's rights provided in
71 the United States Constitution or the State Constitution.

72 d.e. Financial obligations required under sub-subparagraph
73 a. ~~or sub-subparagraph b.~~ are considered completed in the
74 following manner or in any combination thereof:

75 (I) Actual payment of the obligation in full.

76 (II) Upon the payee's approval, either through appearance
 77 in open court or through the production of a notarized consent
 78 by the payee, the termination by the court of any financial
 79 obligation to a payee, including, but not limited to, a victim,
 80 or the court.

81 (III) Conversion of ~~Completion of all community service~~
 82 ~~hours, if the court, unless otherwise prohibited by law or the~~
 83 ~~State Constitution, converts~~ the financial obligation to
 84 community service or a civil lien.

85
 86 A term required to be completed in accordance with this
 87 paragraph shall be deemed completed if the court modifies the
 88 original sentencing order to no longer require completion of
 89 such term. ~~The requirement to pay any financial obligation~~
 90 ~~specified in this paragraph is not deemed completed upon~~
 91 ~~conversion to a civil lien.~~

92 Section 2. Section 776.05, Florida Statutes, is amended to
 93 read:

94 776.05 Law enforcement officers; use of force in making an
 95 arrest.—

96 (1) A law enforcement officer, or any person whom the
 97 officer has summoned or directed to assist him or her, need not
 98 retreat or desist from efforts to make a lawful arrest because
 99 of resistance or threatened resistance to the arrest. The
 100 officer is justified in the use of any necessary force:

101 (a)-(1) That objectively is ~~which he or she~~ reasonably
102 believes ~~to be~~ necessary to defend himself or herself or another
103 from bodily harm while making the arrest;

104 (b)-(2) When necessarily committed in retaking felons who
105 have escaped; or

106 (c)-(3) When necessarily committed in arresting felons
107 fleeing from justice. However, this paragraph ~~subsection~~ shall
108 not constitute a defense in any civil action for damages brought
109 for the wrongful use of deadly force unless the use of deadly
110 force was necessary ~~to prevent the arrest from being defeated by~~
111 ~~such flight and, when feasible, some warning had been given,~~
112 and:

113 1.(a) The officer reasonably believes that the fleeing
114 felon poses a threat of death or serious physical harm to the
115 officer or others; or

116 2.(b) The officer reasonably believes that the fleeing
117 felon has committed a crime involving the infliction or
118 threatened infliction of serious physical harm to another
119 person.

120 (2) An officer may not shoot at a moving vehicle in a
121 manner intended to cause bodily injury to the occupants of the
122 vehicle and may only shoot to safely disable or slow down the
123 vehicle.

124 (3) De-escalation techniques, where possible given the
125 circumstance, shall be used before resorting to deadly force.

126 (4) For purposes of this section, the standard of force
 127 should be measured in an objective, not a subjective, context.

128 (5) The level of force that officers are permitted to use
 129 to detain or arrest a suspect must be proportional to:

130 (a) The suspect's level of force.

131 (b) Whether the suspect is known to be armed or the
 132 officers need to protect themselves against a suspect who is
 133 suspected to be armed, whichever is most objectively reasonable
 134 given the circumstance.

135 (c) The severity of the criminal activity involved.

136 (d) The actual level of danger that the suspect poses to
 137 the officers and the public at the time of flight and take down.

138 (e) The necessary force to effectuate the arrest safely.

139 Section 3. Subsection (1) of section 776.012, Florida
 140 Statutes, is amended to read:

141 776.012 Use or threatened use of force in defense of
 142 person.—

143 (1) A person is justified in using or threatening to use
 144 force, except deadly force, against another when and to the
 145 extent that a reasonably cautious and prudent person in the same
 146 circumstances would objectively believe ~~the person reasonably~~
 147 ~~believes~~ that such conduct is necessary to defend himself or
 148 herself or another against the other's imminent use of unlawful
 149 force. A person who uses or threatens to use force in accordance
 150 with this subsection does not have a duty to retreat before

151 using or threatening to use such force.

152 Section 4. Subsection (4) of section 776.032, Florida
153 Statutes, is amended to read:

154 776.032 Immunity from criminal prosecution and civil
155 action for justifiable use or threatened use of force.—

156 (4) In a criminal prosecution, once a prima facie claim of
157 self-defense immunity from criminal prosecution has been raised
158 by the defendant at a pretrial immunity hearing, the burden of
159 proof by a preponderance of the ~~clear and convincing~~ evidence is
160 on the party seeking to overcome the immunity from criminal
161 prosecution provided in subsection (1).

162 Section 5. Paragraph (a) of subsection (3) of section
163 900.05, Florida Statutes, is amended to read:

164 900.05 Criminal justice data collection.—

165 (3) DATA COLLECTION AND REPORTING.—An entity required to
166 collect data in accordance with this subsection shall collect
167 the specified data and report them in accordance with this
168 subsection to the Department of Law Enforcement on a monthly
169 basis.

170 (a) Clerk of the court.—Each clerk of court shall collect
171 the following data for each criminal case:

- 172 1. Case number.
- 173 2. Date that the alleged offense occurred.
- 174 3. Date the defendant is taken into physical custody by a
175 law enforcement agency or is issued a notice to appear on a

- 176 | criminal charge.
- 177 | 4. Whether the case originated by notice to appear.
- 178 | 5. Date that the criminal prosecution of a defendant is
- 179 | formally initiated.
- 180 | 6. Arraignment date.
- 181 | 7. Attorney appointment date.
- 182 | 8. Attorney withdrawal date.
- 183 | 9. Case status.
- 184 | 10. Charge disposition.
- 185 | 11. Disposition date and disposition type.
- 186 | 12. Information related to each defendant, including:
- 187 | a. Identifying information, including name, known aliases,
- 188 | date of birth, race, ethnicity, and gender.
- 189 | b. Zip code of last known address.
- 190 | c. Primary language.
- 191 | d. Citizenship.
- 192 | e. Immigration status, if applicable.
- 193 | f. Whether the defendant has been found to be indigent
- 194 | under s. 27.52.
- 195 | 13. Information related to the charges filed against the
- 196 | defendant, including:
- 197 | a. Charge description.
- 198 | b. Charge modifier description and statute, if applicable.
- 199 | c. Drug type for each drug charge, if known.
- 200 | d. Qualification for a flag designation as defined in this

201 section, including a domestic violence flag, gang affiliation
202 flag, sexual offender flag, habitual offender flag, habitual
203 violent felony offender flag, pretrial release violation flag,
204 prison releasee reoffender flag, three-time violent felony
205 offender flag, or violent career criminal flag.

206 14. Information related to bail or bond and pretrial
207 release determinations, including the dates of any such
208 determinations:

209 a. Pretrial release determination made at a first
210 appearance hearing that occurs within 24 hours of arrest,
211 including any monetary and nonmonetary conditions of release.

212 b. Modification of bail or bond conditions made by a court
213 having jurisdiction to try the defendant or, in the absence of
214 the judge of the trial court, by the circuit court, including
215 modifications to any monetary and nonmonetary conditions of
216 release.

217 c. Cash bail or bond payment, including whether the
218 defendant utilized a bond agent to post a surety bond.

219 d. Date defendant is released on bail, bond, or pretrial
220 release for the current case.

221 e. Bail or bond revocation due to a new offense, a failure
222 to appear, or a violation of the terms of bail or bond, if
223 applicable.

224 15. Information related to court dates and dates of
225 motions and appearances, including:

- 226 a. Date of any court appearance and the type of proceeding
- 227 scheduled for each date reported.
- 228 b. Date of any failure to appear in court, if applicable.
- 229 c. Deferred prosecution or pretrial diversion hearing, if
- 230 applicable.
- 231 d. Each scheduled trial date.
- 232 e. Date that a defendant files a notice to participate in
- 233 discovery.
- 234 f. Speedy trial motion date and each hearing date, if
- 235 applicable.
- 236 g. Dismissal motion date and each hearing date, if
- 237 applicable.
- 238 16. Defense attorney type.
- 239 17. Information related to sentencing, including:
- 240 a. Date that a court enters a sentence against a
- 241 defendant.
- 242 b. Charge sentenced to, including charge sequence number,
- 243 and charge description.
- 244 c. Sentence type and length imposed by the court in the
- 245 current case, reported in years, months, and days, including,
- 246 but not limited to, the total duration of incarceration in a
- 247 county detention facility or state correctional institution or
- 248 facility, and conditions of probation or community control
- 249 supervision.
- 250 d. Amount of time served in custody by the defendant

251 related to each charge that is credited at the time of
 252 disposition of the charge to reduce the imposed length of time
 253 the defendant will serve on the term of incarceration that is
 254 ordered by the court at disposition.

255 e. Total amount of court costs imposed by the court at the
 256 disposition of the case.

257 f. Total amount of fines imposed by the court at the
 258 disposition of the case.

259 g. Restitution amount ordered at sentencing.

260 18. The sentencing judge or magistrate, or their
 261 equivalent.

262 19. The information required by s. 948.06(9)(k) to be
 263 contained in an order declining to impose an alternative
 264 sanction for an offender eligible for alternative sanctions
 265 under s. 948.06.

266 Section 6. Subsection (2) of section 901.151, Florida
 267 Statutes, is amended to read:

268 901.151 Stop and Frisk Law.—

269 (2) Whenever any law enforcement officer of this state
 270 encounters any person under circumstances which lead the officer
 271 to have probable cause to believe ~~reasonably indicate~~ that such
 272 person has committed, is committing, or is about to commit a
 273 violation of the criminal laws of this state or the criminal
 274 ordinances of any municipality or county, the officer may
 275 temporarily detain such person for the purpose of ascertaining

276 the identity of the person temporarily detained and the
277 circumstances surrounding the person's presence abroad which led
278 the officer to have probable cause to believe that the person
279 had committed, was committing, or was about to commit a criminal
280 offense.

281 Section 7. Section 943.17185, Florida Statutes, is created
282 to read:

283 943.17185 Pursuit of fleeing suspects.-

284 (1) As used in this section, the term "law enforcement
285 agency" has the same meaning as provided in s. 943.1718(1)(b).

286 (2) A law enforcement agency shall establish policies and
287 procedures concerning the pursuit of fleeing suspects. The
288 policies and procedures must include:

289 (a) As they relate to motor vehicle pursuits:

290 1. Requiring compliance with the standards in s.
291 768.28(9)(d).

292 2. Prohibiting high-speed pursuits in densely populated
293 areas, unless the threat to the public safety is great and such
294 pursuit is in proportion to the offense or offenses involved.

295 3. Prohibiting shooting at moving vehicles.

296 4. Other standards consistent with the public policy that
297 protecting innocent persons is more important than punishing the
298 guilty.

299 5. The following factors, which agency employees must
300 necessarily take into consideration:

301 a. Affected third parties.

302 b. Existing road and weather conditions.

303 c. Area demographics and terrain.

304 d. Traffic conditions.

305 e. Severity of the known offense.

306 f. Pursuit speed.

307 g. Necessity of pursuit.

308 (b) Concerning pursuit of fleeing suspects, regardless of
309 manner of pursuit:

310 1. Requiring pursuit is justified only when the necessity
311 of immediate apprehension outweighs the level of danger created
312 by the pursuit, when the suspect has committed or is attempting
313 to commit a serious felony, or when the officer knows or has
314 reasonable grounds to believe the suspect presents a clear and
315 immediate threat to the safety of others.

316 2. Requiring that a pursuit end if significant property
317 damage or harm to persons seems probable, unless the threat to
318 the public safety is great and such pursuit is in proportion to
319 the offense or offenses involved.

320 3. Prohibiting shooting at a fleeing suspect who presents
321 no immediate harm to an officer or any other person.

322 (c) Requirements that fleeing suspects may only be pursued
323 if the pursuing officer is reasonably certain to apprehend the
324 suspect without damage to public property or harm to innocent
325 persons.

HB 1527

2021

326 Section 8. Paragraph (k) is added to subsection (9) of
327 section 948.06, Florida Statutes, to read:

328 948.06 Violation of probation or community control;
329 revocation; modification; continuance; failure to pay
330 restitution or cost of supervision.—

331 (9)

332 (k) If for any reason a judge declines to impose an
333 alternative sanction on an eligible defendant, the judge must do
334 so in a written order that states the reason for such decision
335 and that includes the race, ethnicity, and gender of the judge
336 and the race, ethnicity, and gender of the defendant.

337 Section 9. This act shall take effect July 1, 2021.