

Senate Bill No. 1866

An act relating to the use of force by law enforcement officers or correctional officers; amending s. 776.06, F.S.; providing that the term "deadly force" does not include the discharge of a firearm during and within the scope of his or her official duties which is loaded with a less-lethal munition; defining the term "less-lethal munition"; providing that a law enforcement officer or correctional officer is not civilly or criminally liable for the good-faith use of any less-lethal munition; providing an effective date.

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

Section 1. Section 776.06, Florida Statutes, is amended to read:

776.06 Deadly force.—

(1) The term "deadly force" means force that which is likely to cause death or great bodily harm and includes, but is not limited to:

(a)(1) The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and

(b)(2) The firing of a firearm at a vehicle in which the person to be arrested is riding.

(2)(a) The term "deadly force" does not include the discharge of a firearm by a law enforcement officer or correctional officer during and within the scope of his or her official duties which is loaded with a less-lethal munition. As used in this subsection the term "less-lethal munition" means a projectile that is designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person's body.

(b) A law enforcement officer or a correctional officer is not liable in any civil or criminal action arising out of the use of any less-lethal munition in good faith during and within the scope of his or her official duties.

Section 2. This act shall take effect July 1, 1999.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.