

CHAPTER 2024-86

House Bill No. 601

An act relating to law enforcement and correctional officers; creating s. 30.61, F.S.; authorizing county sheriffs to establish civilian oversight boards to review the policies and procedures of the sheriff's office and its subdivisions; providing for membership of such boards; amending s. 112.533, F.S.; providing legislative intent; revising the definition of "political subdivision"; prohibiting a political subdivision from adopting or attempting to enforce certain ordinances relating to the receipt, processing, or investigation of complaints against law enforcement officers or correctional officers, or relating to civilian oversight of law enforcement agency investigations of complaints of misconduct by such officers; making technical changes; amending s. 112.532, F.S.; conforming a cross-reference; making technical changes; amending s. 145.071, F.S.; revising the base salary for sheriffs; providing a declaration of important state interest; creating s. 166.0486, F.S.; authorizing the chief of a municipal police department to establish a civilian oversight board to review the policies and procedures of the chief's department and its subdivisions; providing for membership of such boards; providing an effective date.

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

Section 1. Section 30.61, Florida Statutes, is created to read:

30.61 Establishment of civilian oversight boards.—

(1) A county sheriff may establish a civilian oversight board to review the policies and procedures of his or her office and its subdivisions.

(2) The board must be composed of at least three and up to seven members appointed by the sheriff, one of which shall be a retired law enforcement officer.

Section 2. Section 112.533, Florida Statutes, is amended to read:

112.533 Receipt and processing of complaints.—

(1) It is the intent of the Legislature to make the process for receiving, processing, and investigation of complaints against law enforcement or correctional officers, and the rights and privileges provided in this part while under investigation, apply uniformly throughout this state and its political subdivisions.

(2) As used in this section, the term "political subdivision" means a separate agency or unit of local government created or established by law or ordinance and the officers thereof and includes, but is not limited to, an authority, a board, a branch, a bureau, a city, a commission, a consolidated government, a county, a department, a district, an institution, a

metropolitan government, a municipality, an office, an officer, a public corporation, a town, or a village.

(3) A political subdivision may not adopt or attempt to enforce any ordinance relating to either of the following:

(a) The receipt, processing, or investigation by any political subdivision of this state of complaints of misconduct by law enforcement or correctional officers, except as expressly provided in this section.

(b) Civilian oversight of law enforcement agencies' investigations of complaints of misconduct by law enforcement or correctional officers.

(4)(a) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person, which ~~must~~ shall be the procedure for investigating a complaint against a law enforcement or ~~and~~ correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary. When law enforcement or correctional agency personnel assigned the responsibility of investigating the complaint prepare an investigative report or summary, regardless of form, the person preparing the report shall, at the time the report is completed:

1. Verify pursuant to s. 92.525 that the contents of the report are true and accurate based upon the person's personal knowledge, information, and belief.

2. Include the following statement, sworn and subscribed to pursuant to s. 92.525:

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."

The requirements of subparagraphs 1. and 2. ~~must~~ shall be completed before ~~prior to~~ the determination as to whether to proceed with disciplinary action or to file disciplinary charges. This subsection does not preclude the Criminal Justice Standards and Training Commission from exercising its authority under chapter 943.

~~(b)1.~~ Any political subdivision that initiates or receives a complaint against a law enforcement officer or correctional officer shall ~~must~~ within 5 business days forward the complaint to the employing agency of the officer who is the subject of the complaint for review or investigation.

~~2.— For purposes of this paragraph, the term “political subdivision” means a separate agency or unit of local government created or established by law or ordinance and the officers thereof and includes, but is not limited to, an authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.~~

Notwithstanding the rights and privileges provided under this part or any provisions provided in a collective bargaining agreement, the agency head or the agency head’s designee may request a sworn or certified investigator from a separate law enforcement or correctional agency to conduct the investigation when a conflict is identified with having an investigator conduct the investigation of an officer of the same employing agency; the employing agency does not have an investigator trained to conduct such investigations; or the agency’s investigator is the subject of, or a witness in, the investigation and such agency is composed of any combination of 35 or fewer law enforcement officers or correctional officers. The employing agency must document the identified conflict. Upon completion of the investigation, the investigator shall present the findings without any disciplinary recommendation to the employing agency.

~~(5)(a)(2)(a)~~ A complaint filed against a law enforcement officer or correctional officer with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of the complaint is confidential and exempt from the provisions of s. 119.07(1) until the investigation ceases to be active, or until the agency head or the agency head’s designee provides written notice to the officer who is the subject of the complaint, either personally or by mail, that the agency has concluded the investigation with either a finding:

~~1. Concluded the investigation with a finding~~ Not to proceed with disciplinary action or to file charges; or

~~2. Concluded the investigation with a finding~~ To proceed with disciplinary action or to file charges.

Notwithstanding the foregoing provisions, the officer who is the subject of the complaint, along with legal counsel or any other representative of his or her choice, may review the complaint and all statements regardless of form made by the complainant and witnesses and all existing evidence, including, but not limited to, incident reports, analyses, GPS locator information, and audio or video recordings relating to the investigation, immediately before beginning the investigative interview. All statements, regardless of form, provided by a law enforcement officer or correctional officer during the course of a complaint investigation of that officer must shall be made under oath pursuant to s. 92.525. Knowingly false statements given by a law enforcement officer or correctional officer under investigation may subject the law enforcement officer or correctional officer to prosecution for perjury. If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of, or have contact with, the officer under

investigation, only the names and written statements of the complainant and nonincarcerated witnesses may be reviewed by the officer under investigation immediately ~~before~~ prior to the beginning of the investigative interview.

(b) This subsection does not apply to any public record which is exempt from public disclosure pursuant to chapter 119. For the purposes of this subsection, an investigation ~~is~~ shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation ~~is~~ shall be presumed to be inactive if no finding is made within 45 days after the complaint is filed.

(c) Notwithstanding ~~other provisions~~ of this section, the complaint and information must ~~shall~~ be available to law enforcement agencies, correctional agencies, and state attorneys in the conduct of a lawful criminal investigation.

~~(6)~~⁽³⁾ A law enforcement officer or correctional officer has the right to review his or her official personnel file at any reasonable time under the supervision of the designated records custodian. A law enforcement officer or correctional officer may attach to the file a concise statement in response to any items included in the file identified by the officer as derogatory, and copies of such items must be made available to the officer.

~~(7)~~⁽⁴⁾ Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation and the subject's legal counsel or a representative of his or her choice, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. However, this subsection does not limit a law enforcement or correctional officer's ability to gain access to information under paragraph ~~(5)(a)~~ ^{(2)(a)}. Additionally, a sheriff, police chief, or other head of a law enforcement agency, or his or her designee, is not precluded by this section from acknowledging the existence of a complaint and the fact that an investigation is underway.

Section 3. Paragraph (b) of subsection (4) of section 112.532, Florida Statutes, is amended to read:

112.532 Law enforcement officers' and correctional officers' rights.—All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(4) NOTICE OF DISCIPLINARY ACTION; COPY OF AND OPPORTUNITY TO ADDRESS CONTENTS OF INVESTIGATIVE FILE; CONFIDENTIALITY.—

(b) Notwithstanding s. 112.533(5) s. ~~112.533(2)~~, whenever a law enforcement officer or correctional officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer or the officer’s representative must ~~shall~~, upon request, be provided with a complete copy of the investigative file, including the final investigative report and all evidence, and with the opportunity to address the findings in the report with the employing law enforcement agency before imposing disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. The contents of the complaint and investigation must ~~shall~~ remain confidential until such time as the employing law enforcement agency makes a final determination whether ~~or not~~ to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. This paragraph does not provide law enforcement officers with a property interest or expectancy of continued employment, employment, or appointment as a law enforcement officer.

Section 4. Subsection (1) of section 145.071, Florida Statutes, is amended to read:

145.071 Sheriff.—

(1) Each sheriff shall receive as salary the amount indicated, based on the population of his or her county. In addition, a compensation shall be made for population increments over the minimum for each group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	\$33,350 <u>\$28,350</u>	\$0.07875
II	50,000	99,999	36,500 <u>31,500</u>	0.06300
III	100,000	199,999	39,650 <u>34,650</u>	0.02625
IV	200,000	399,999	42,275 <u>37,275</u>	0.01575
V	400,000	999,999	45,425 <u>40,425</u>	0.00525
VI	1,000,000		48,575 <u>43,575</u>	0.00400

Section 5. The Legislature hereby determines and declares that this act fulfills an important state interest.

Section 6. Section 166.0486, Florida Statutes, is created to read:

166.0486 Establishment of civilian oversight boards.—

(1) The chief of a municipal police department may establish a civilian oversight board to review the policies and procedures of his or her department and its subdivisions.

(2) The board must be composed of at least three and up to seven members appointed by the chief of the municipal police department, one of which shall be a retired law enforcement officer.

Section 7. This act shall take effect July 1, 2024.

Approved by the Governor April 12, 2024.

Filed in Office Secretary of State April 12, 2024.