

1                                   A bill to be entitled  
 2           An act relating to chiefs of police; amending s.  
 3           112.531, F.S.; providing definitions; creating s.  
 4           112.5321, F.S.; providing legislative findings and  
 5           intent; providing rights of chiefs of police;  
 6           requiring certain written notice; requiring an  
 7           employing agency to cure an alleged violation within a  
 8           specified time period; providing an exception;  
 9           providing an effective date.

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

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13           Section 1. Subsections (1) and (2) of section 112.531,  
 14 Florida Statutes, are renumbered as subsections (2) and (4),  
 15 respectively, and new subsections (1) and (3) are added to that  
 16 section to read:

17           112.531 Definitions.—As used in this part, the term:

18           (1) "Chief of police" means a person, other than an  
 19 elected official, who is appointed or employed full time by the  
 20 state or any political subdivision thereof to be the chief law  
 21 enforcement officer of a law enforcement agency and who is not  
 22 covered by the protections under s. 112.532. The term does not  
 23 include state law enforcement agency executives whose  
 24 appointment or employment is governed by other provisions of  
 25 law.

26        (3) "Employing agency" has the same meaning as in s.  
 27        943.10(4).

28        Section 2. Section 112.5321, Florida Statutes, is created  
 29        to read:

30        112.5321 Rights of chiefs of police.-

31        (1) The Legislature recognizes that a chief of police is  
 32        accountable for the direction and actions of the law enforcement  
 33        agency he or she leads. The Legislature also recognizes the  
 34        critical importance of allowing the chief of police to  
 35        communicate directly with the public, including the press, and  
 36        allowing the chief of police to manage his or her law  
 37        enforcement agency without political influence or interference  
 38        in order to increase and maintain the public trust and exercise  
 39        the authority of the chief of police. The Legislature finds that  
 40        communities deserve the opportunity to participate in any  
 41        hearing in which the termination of the community's chief of  
 42        police is being discussed, and the reasons for which a chief of  
 43        police is being terminated should be a matter of public record.  
 44        The Legislature also finds that law enforcement agencies that  
 45        terminate the chief of police without public transparency often  
 46        have problems with agency morale, recruitment and retention of  
 47        law enforcement officers, and stability of the relationship  
 48        between law enforcement officers and the community.  
 49        Additionally, the Legislature recognizes the importance of  
 50        protecting public safety, community stability, government

51 transparency, and accountability and confidence within law  
52 enforcement agencies. Therefore, the Legislature intends to  
53 prohibit the arbitrary termination of a chief of police.

54 (2) A person employed or appointed as a chief of police:

55 (a) May not be terminated by his or her employing agency  
56 without being provided written notice, including just cause for  
57 the termination, and the opportunity to defend himself or  
58 herself against the termination at a public meeting or hearing.  
59 This paragraph does not supersede any written employment  
60 contract or agreement that provides employment, discipline, or  
61 termination standards or procedures.

62 (b) May be represented by counsel, including at the public  
63 meeting or hearing under paragraph (a), at his or her request.

64 (c) May not be discharged; disciplined; demoted; denied  
65 promotion, transfer, or reassignment; or otherwise discriminated  
66 against in regard to his or her employment or appointment, or be  
67 threatened with any such treatment, for exercising any of the  
68 rights provided in this subsection.

69 (d) May bring a civil action against any person, group of  
70 persons, organization, or corporation, or the head of such  
71 organization or corporation, for damages, pecuniary or  
72 otherwise, suffered during the performance of official duties,  
73 for abridgment of civil rights arising out of the performance of  
74 official duties, or for a false complaint when the complainant  
75 knew it was false.

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76        (3) A chief of police who is aggrieved by an alleged  
77 violation of subsection (2) shall provide written notice to his  
78 or her employing agency within 3 days after the alleged  
79 violation which must contain specific information relating to  
80 the alleged violation. The employing agency shall cure the  
81 alleged violation within 5 days after receipt of the written  
82 notification unless a longer time period is agreed to in writing  
83 by both parties.

84            Section 3. This act shall take effect July 1, 2023.