

By Senator Burgess

23-00845A-23

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1 A bill to be entitled
2 An act relating to chiefs of police; amending s.
3 112.531, F.S.; defining terms; creating s. 112.5321,
4 F.S.; providing legislative findings and intent;
5 providing rights of chiefs of police; requiring an
6 aggrieved chief of police to provide his or her
7 employing agency with a certain written notice within
8 a specified timeframe; requiring an employing agency
9 to cure an alleged violation within a specified
10 timeframe; providing an exception; providing an
11 effective date.

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

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15 Section 1. Present subsections (1) and (2) of section
16 112.531, Florida Statutes, are redesignated as subsections (2)
17 and (4), respectively, and new subsections (1) and (3) are added
18 to that section, to read:

19 112.531 Definitions.—As used in this part, the term:

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

28 (3) "Employing agency" has the same meaning as in s.
29 943.10(4).

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30 Section 2. Section 112.5321, Florida Statutes, is created
31 to read:

32 112.5321 Rights of chiefs of police.-

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

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

57 (a) May not be terminated by his or her employing agency
58 without being provided written notice, including just cause for

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59 the termination, and the opportunity to defend himself or
60 herself against the termination at a public meeting or hearing.
61 This paragraph does not supersede any written employment
62 contract or agreement that provides employment, discipline, or
63 termination standards or procedures.

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

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

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

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

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