

By the Committee on Criminal Justice; and Senator Burgess

591-03136-23

2023998c1

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 exceptions; providing an  
11      effective date.

12  
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 without  
56 the chief being provided written notice and an opportunity to  
57 defend himself or herself against termination at a public  
58 meeting or hearing.

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

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

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

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

74 (3) A chief of police who is aggrieved by an alleged  
75 violation of subsection (2) shall provide written notice to his  
76 or her employing agency within 3 days after the alleged  
77 violation which must contain specific information relating to  
78 the alleged violation. The employing agency shall cure the  
79 alleged violation within 5 days after receipt of the written  
80 notification unless a longer time period is agreed to in writing  
81 by both parties or is necessary to satisfy notice requirements  
82 for notice of a public meeting or hearing pursuant to s.  
83 286.011.

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