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LEGISLATIVE ACTION

Senate

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House

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Senator Ingoglia moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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



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12 seven members appointed by the sheriff.

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

15 112.533 Receipt and processing of complaints.—

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

22 (2) As used in this section, the term "political
23 subdivision" means a separate agency or unit of local government
24 created or established by law or ordinance and the officers
25 thereof and includes, but is not limited to, an authority, a
26 board, a branch, a bureau, a city, a commission, a consolidated
27 government, a county, a department, a district, an institution,
28 a metropolitan government, a municipality, an office, an
29 officer, a public corporation, a town, or a village.

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

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

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

39 (4) (a) Every law enforcement agency and correctional agency
40 shall establish and put into operation a system for the receipt,



41 investigation, and determination of complaints received by such
42 agency from any person, which must ~~shall~~ be the procedure for
43 investigating a complaint against a law enforcement or ~~and~~
44 correctional officer and for determining whether to proceed with
45 disciplinary action or to file disciplinary charges,
46 notwithstanding any other law or ordinance to the contrary. When
47 law enforcement or correctional agency personnel assigned the
48 responsibility of investigating the complaint prepare an
49 investigative report or summary, regardless of form, the person
50 preparing the report shall, at the time the report is completed:

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

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

56
57 "I, the undersigned, do hereby swear, under penalty of perjury,
58 that, to the best of my personal knowledge, information, and
59 belief, I have not knowingly or willfully deprived, or allowed
60 another to deprive, the subject of the investigation of any of
61 the rights contained in ss. 112.532 and 112.533, Florida
62 Statutes."

63
64 The requirements of subparagraphs 1. and 2. must ~~shall~~ be
65 completed before ~~prior to~~ the determination as to whether to
66 proceed with disciplinary action or to file disciplinary
67 charges. This subsection does not preclude the Criminal Justice
68 Standards and Training Commission from exercising its authority
69 under chapter 943.



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

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

83
84 Notwithstanding the rights and privileges provided under this
85 part or any provisions provided in a collective bargaining
86 agreement, the agency head or the agency head's designee may
87 request a sworn or certified investigator from a separate law
88 enforcement or correctional agency to conduct the investigation
89 when a conflict is identified with having an investigator
90 conduct the investigation of an officer of the same employing
91 agency; the employing agency does not have an investigator
92 trained to conduct such investigations; or the agency's
93 investigator is the subject of, or a witness in, the
94 investigation and such agency is composed of any combination of
95 35 or fewer law enforcement officers or correctional officers.
96 The employing agency must document the identified conflict. Upon
97 completion of the investigation, the investigator shall present
98 the findings without any disciplinary recommendation to the



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99 employing agency.

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

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

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

114

115 Notwithstanding the foregoing provisions, the officer who is the
116 subject of the complaint, along with legal counsel or any other
117 representative of his or her choice, may review the complaint
118 and all statements regardless of form made by the complainant
119 and witnesses and all existing evidence, including, but not
120 limited to, incident reports, analyses, GPS locator information,
121 and audio or video recordings relating to the investigation,
122 immediately before beginning the investigative interview. All
123 statements, regardless of form, provided by a law enforcement
124 officer or correctional officer during the course of a complaint
125 investigation of that officer must ~~shall~~ be made under oath
126 pursuant to s. 92.525. Knowingly false statements given by a law
127 enforcement officer or correctional officer under investigation



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128 may subject the law enforcement officer or correctional officer
129 to prosecution for perjury. If a witness to a complaint is
130 incarcerated in a correctional facility and may be under the
131 supervision of, or have contact with, the officer under
132 investigation, only the names and written statements of the
133 complainant and nonincarcerated witnesses may be reviewed by the
134 officer under investigation immediately before ~~prior to~~ the
135 beginning of the investigative interview.

136 (b) This subsection does not apply to any public record
137 which is exempt from public disclosure pursuant to chapter 119.
138 For the purposes of this subsection, an investigation is ~~shall~~
139 ~~be~~ considered active as long as it is continuing with a
140 reasonable, good faith anticipation that an administrative
141 finding will be made in the foreseeable future. An investigation
142 is ~~shall be~~ presumed to be inactive if no finding is made within
143 45 days after the complaint is filed.

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

148 (6) ~~(3)~~ A law enforcement officer or correctional officer
149 has the right to review his or her official personnel file at
150 any reasonable time under the supervision of the designated
151 records custodian. A law enforcement officer or correctional
152 officer may attach to the file a concise statement in response
153 to any items included in the file identified by the officer as
154 derogatory, and copies of such items must be made available to
155 the officer.

156 (7) ~~(4)~~ Any person who is a participant in an internal



157 investigation, including the complainant, the subject of the
158 investigation and the subject's legal counsel or a
159 representative of his or her choice, the investigator conducting
160 the investigation, and any witnesses in the investigation, who
161 willfully discloses any information obtained pursuant to the
162 agency's investigation, including, but not limited to, the
163 identity of the officer under investigation, the nature of the
164 questions asked, information revealed, or documents furnished in
165 connection with a confidential internal investigation of an
166 agency, before such complaint, document, action, or proceeding
167 becomes a public record as provided in this section commits a
168 misdemeanor of the first degree, punishable as provided in s.
169 775.082 or s. 775.083. However, this subsection does not limit a
170 law enforcement or correctional officer's ability to gain access
171 to information under paragraph (5)(a) ~~(2)(a)~~. Additionally, a
172 sheriff, police chief, or other head of a law enforcement
173 agency, or his or her designee, is not precluded by this section
174 from acknowledging the existence of a complaint and the fact
175 that an investigation is underway.

176 Section 3. Paragraph (b) of subsection (4) of section
177 112.532, Florida Statutes, is amended to read:

178 112.532 Law enforcement officers' and correctional
179 officers' rights.—All law enforcement officers and correctional
180 officers employed by or appointed to a law enforcement agency or
181 a correctional agency shall have the following rights and
182 privileges:

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

185 (b) Notwithstanding s. 112.533(5) ~~s. 112.533(2)~~, whenever a



186 law enforcement officer or correctional officer is subject to
187 disciplinary action consisting of suspension with loss of pay,
188 demotion, or dismissal, the officer or the officer's
189 representative must ~~shall~~, upon request, be provided with a
190 complete copy of the investigative file, including the final
191 investigative report and all evidence, and with the opportunity
192 to address the findings in the report with the employing law
193 enforcement agency before imposing disciplinary action
194 consisting of suspension with loss of pay, demotion, or
195 dismissal. The contents of the complaint and investigation must
196 ~~shall~~ remain confidential until such time as the employing law
197 enforcement agency makes a final determination whether ~~or not~~ to
198 issue a notice of disciplinary action consisting of suspension
199 with loss of pay, demotion, or dismissal. This paragraph does
200 not provide law enforcement officers with a property interest or
201 expectancy of continued employment, employment, or appointment
202 as a law enforcement officer.

203 Section 4. Section 166.0486, Florida Statutes, is created
204 to read:

205 166.0486 Establishment of civilian oversight boards.-

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

209 (2) The board must be composed of at least three and up to
210 seven members appointed by the chief of the municipal police
211 department.

212 Section 5. This act shall take effect July 1, 2024.

213
214 ===== T I T L E A M E N D M E N T =====



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215 And the title is amended as follows:

216 Delete everything before the enacting clause
217 and insert:

218 A bill to be entitled

219 An act relating to law enforcement and correctional
220 officers; creating s. 30.61, F.S.; authorizing county
221 sheriffs to establish civilian oversight boards to
222 review the policies and procedures of the sheriff's
223 office and its subdivisions; providing for membership
224 of such boards; amending s. 112.533, F.S.; providing
225 legislative intent; revising the definition of
226 "political subdivision"; prohibiting a political
227 subdivision from adopting or attempting to enforce
228 certain ordinances relating to the receipt,
229 processing, or investigation of complaints against law
230 enforcement officers or correctional officers, or
231 relating to civilian oversight of law enforcement
232 agency investigations of complaints of misconduct by
233 such officers; making technical changes; amending s.
234 112.532, F.S.; conforming a cross-reference; making
235 technical changes; creating s. 166.0486, F.S.;
236 authorizing the chief of a municipal police department
237 to establish a civilian oversight board to review the
238 policies and procedures of the chief's department and
239 its subdivisions; providing for membership of such
240 boards; providing an effective date.