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LEGISLATIVE ACTION

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|---------------------|---|---------------------|
| Senate | . | House |
| | . | |
| | . | |
| Floor: 2/AD/2R | . | Floor: C |
| 03/01/2024 03:19 PM | . | 03/07/2024 05:08 PM |
| | . | |

Senator Ingoglia moved the following:

1 **Senate Substitute for Amendment (833240) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 30.61 Establishment of civilian oversight boards.—

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



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

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

17 112.533 Receipt and processing of complaints.—

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

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

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

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

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



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

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

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

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

65
66 The requirements of subparagraphs 1. and 2. must ~~shall~~ be
67 completed before ~~prior to~~ the determination as to whether to
68 proceed with disciplinary action or to file disciplinary
69 charges. This subsection does not preclude the Criminal Justice



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70 Standards and Training Commission from exercising its authority
71 under chapter 943.

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

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

85
86 Notwithstanding the rights and privileges provided under this
87 part or any provisions provided in a collective bargaining
88 agreement, the agency head or the agency head's designee may
89 request a sworn or certified investigator from a separate law
90 enforcement or correctional agency to conduct the investigation
91 when a conflict is identified with having an investigator
92 conduct the investigation of an officer of the same employing
93 agency; the employing agency does not have an investigator
94 trained to conduct such investigations; or the agency's
95 investigator is the subject of, or a witness in, the
96 investigation and such agency is composed of any combination of
97 35 or fewer law enforcement officers or correctional officers.
98 The employing agency must document the identified conflict. Upon



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99 completion of the investigation, the investigator shall present
100 the findings without any disciplinary recommendation to the
101 employing agency.

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

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

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

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



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128 pursuant to s. 92.525. Knowingly false statements given by a law
129 enforcement officer or correctional officer under investigation
130 may subject the law enforcement officer or correctional officer
131 to prosecution for perjury. If a witness to a complaint is
132 incarcerated in a correctional facility and may be under the
133 supervision of, or have contact with, the officer under
134 investigation, only the names and written statements of the
135 complainant and nonincarcerated witnesses may be reviewed by the
136 officer under investigation immediately before ~~prior to~~ the
137 beginning of the investigative interview.

138 (b) This subsection does not apply to any public record
139 which is exempt from public disclosure pursuant to chapter 119.
140 For the purposes of this subsection, an investigation is ~~shall~~
141 ~~be~~ considered active as long as it is continuing with a
142 reasonable, good faith anticipation that an administrative
143 finding will be made in the foreseeable future. An investigation
144 is ~~shall be~~ presumed to be inactive if no finding is made within
145 45 days after the complaint is filed.

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

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



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157 the officer.

158 (7)~~(4)~~ Any person who is a participant in an internal
159 investigation, including the complainant, the subject of the
160 investigation and the subject's legal counsel or a
161 representative of his or her choice, the investigator conducting
162 the investigation, and any witnesses in the investigation, who
163 willfully discloses any information obtained pursuant to the
164 agency's investigation, including, but not limited to, the
165 identity of the officer under investigation, the nature of the
166 questions asked, information revealed, or documents furnished in
167 connection with a confidential internal investigation of an
168 agency, before such complaint, document, action, or proceeding
169 becomes a public record as provided in this section commits a
170 misdemeanor of the first degree, punishable as provided in s.
171 775.082 or s. 775.083. However, this subsection does not limit a
172 law enforcement or correctional officer's ability to gain access
173 to information under paragraph (5) (a) ~~(2) (a)~~. Additionally, a
174 sheriff, police chief, or other head of a law enforcement
175 agency, or his or her designee, is not precluded by this section
176 from acknowledging the existence of a complaint and the fact
177 that an investigation is underway.

178 Section 3. Paragraph (b) of subsection (4) of section
179 112.532, Florida Statutes, is amended to read:

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

185 (4) NOTICE OF DISCIPLINARY ACTION; COPY OF AND OPPORTUNITY



186 TO ADDRESS CONTENTS OF INVESTIGATIVE FILE; CONFIDENTIALITY.—
187 (b) Notwithstanding s. 112.533(5) ~~s. 112.533(2)~~, whenever a
188 law enforcement officer or correctional officer is subject to
189 disciplinary action consisting of suspension with loss of pay,
190 demotion, or dismissal, the officer or the officer's
191 representative must ~~shall~~, upon request, be provided with a
192 complete copy of the investigative file, including the final
193 investigative report and all evidence, and with the opportunity
194 to address the findings in the report with the employing law
195 enforcement agency before imposing disciplinary action
196 consisting of suspension with loss of pay, demotion, or
197 dismissal. The contents of the complaint and investigation must
198 ~~shall~~ remain confidential until such time as the employing law
199 enforcement agency makes a final determination whether ~~or not~~ to
200 issue a notice of disciplinary action consisting of suspension
201 with loss of pay, demotion, or dismissal. This paragraph does
202 not provide law enforcement officers with a property interest or
203 expectancy of continued employment, employment, or appointment
204 as a law enforcement officer.

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

207 145.071 Sheriff.—

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

214



| Pop. Group | County Pop. Range | | Base Salary | Group Rate |
|------------|-------------------|---------|--|------------|
| | Minimum | Maximum | | |
| 215 | | | | |
| 216 | | | | |
| I | -0- | 49,999 | <u>\$33,350</u> \$28,350 | \$0.07875 |
| 217 | | | | |
| II | 50,000 | 99,999 | <u>36,500</u> 31,500 | 0.06300 |
| 218 | | | | |
| III | 100,000 | 199,999 | <u>39,650</u> 34,650 | 0.02625 |
| 219 | | | | |
| IV | 200,000 | 399,999 | <u>42,275</u> 37,275 | 0.01575 |
| 220 | | | | |
| V | 400,000 | 999,999 | <u>45,425</u> 40,425 | 0.00525 |
| 221 | | | | |
| VI | 1,000,000 | | <u>48,575</u> 43,575 | 0.00400 |

222
 223

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

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

228 166.0486 Establishment of civilian oversight boards.-



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

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

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

237
238 ===== T I T L E A M E N D M E N T =====

239 And the title is amended as follows:

240 Delete everything before the enacting clause
241 and insert:

242 A bill to be entitled
243 An act relating to law enforcement and correctional
244 officers; creating s. 30.61, F.S.; authorizing county
245 sheriffs to establish civilian oversight boards to
246 review the policies and procedures of the sheriff's
247 office and its subdivisions; providing for membership
248 of such boards; amending s. 112.533, F.S.; providing
249 legislative intent; revising the definition of
250 "political subdivision"; prohibiting a political
251 subdivision from adopting or attempting to enforce
252 certain ordinances relating to the receipt,
253 processing, or investigation of complaints against law
254 enforcement officers or correctional officers, or
255 relating to civilian oversight of law enforcement
256 agency investigations of complaints of misconduct by
257 such officers; making technical changes; amending s.



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258 112.532, F.S.; conforming a cross-reference; making
259 technical changes; amending s. 145.071, F.S.; revising
260 the base salary for sheriffs; providing a declaration
261 of important state interest; creating s. 166.0486,
262 F.S.; authorizing the chief of a municipal police
263 department to establish a civilian oversight board to
264 review the policies and procedures of the chief's
265 department and its subdivisions; providing for
266 membership of such boards; providing an effective
267 date.