An act relating to law enforcement and correctional officers; creating s. 30.61, F.S.; authorizing county sheriffs to establish civilian oversight boards to review the policies and procedures of the sheriff's office and its subdivisions; providing for membership of such boards; amending s. 112.533, F.S.; providing legislative intent; revising the definition of "political subdivision"; prohibiting a political subdivision from adopting or attempting to enforce certain ordinances relating to the receipt, processing, or investigation of complaints against law enforcement officers or correctional officers, or relating to civilian oversight of law enforcement agency investigations of complaints of misconduct by such officers; making technical changes; amending s. 112.532, F.S.; conforming a cross-reference; making technical changes; amending s. 145.071, F.S.; revising the base salary for sheriffs; providing a declaration of important state interest; creating s. 166.0486, F.S.; authorizing the chief of a municipal police department to establish a civilian oversight board to review the policies and procedures of the chief's department and its subdivisions; providing for membership of such boards; providing an effective
Be It Enacted by the Legislature of the State of Florida:

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 seven members appointed by the sheriff, one of which shall be a retired law enforcement officer.

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

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

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

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

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

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

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

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

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

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

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

(b) Any political subdivision that initiates or receives a complaint against a law enforcement officer or correctional officer shall within 5 business days forward the complaint to the employing agency of the officer who is the subject of the
101 complaint for review or investigation.
102 2. For purposes of this paragraph, the term "political
103 subdivision" means a separate agency or unit of local government
104 created or established by law or ordinance and the officers
105 thereof and includes, but is not limited to, an authority,
106 board, branch, bureau, city, commission, consolidated
107 government, county, department, district, institution,
108 metropolitan government, municipality, office, officer, public
109 corporation, town, or village.
110
111 Notwithstanding the rights and privileges provided under this
112 part or any provisions provided in a collective bargaining
113 agreement, the agency head or the agency head's designee may
114 request a sworn or certified investigator from a separate law
115 enforcement or correctional agency to conduct the investigation
116 when a conflict is identified with having an investigator
117 conduct the investigation of an officer of the same employing
118 agency; the employing agency does not have an investigator
119 trained to conduct such investigations; or the agency's
120 investigator is the subject of, or a witness in, the
121 investigation and such agency is composed of any combination of
122 35 or fewer law enforcement officers or correctional officers.
123 The employing agency must document the identified conflict. Upon
124 completion of the investigation, the investigator shall present
125 the findings without any disciplinary recommendation to the
employing agency.

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

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

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

Notwithstanding the foregoing provisions, the officer who is the subject of the complaint, along with legal counsel or any other representative of his or her choice, may review the complaint and all statements regardless of form made by the complainant and witnesses and all existing evidence, including, but not limited to, incident reports, analyses, GPS locator information, and audio or video recordings relating to the investigation, immediately before beginning the investigative interview. All statements, regardless of form, provided by a law enforcement
officer or correctional officer during the course of a complaint investigation of that officer must be made under oath pursuant to s. 92.525. Knowingly false statements given by a law enforcement officer or correctional officer under investigation may subject the law enforcement officer or correctional officer to prosecution for perjury. If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of, or have contact with, the officer under investigation, only the names and written statements of the complainant and nonincarcerated witnesses may be reviewed by the officer under investigation immediately before the beginning of the investigative interview.

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

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

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

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

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

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

(4) NOTICE OF DISCIPLINARY ACTION; COPY OF AND OPPORTUNITY
to address contents of investigative file; confidentiality.—

(b) Notwithstanding s. 112.533(5) or 112.533(2), whenever
a law enforcement officer or correctional officer is subject to
disciplinary action consisting of suspension with loss of pay,
demotion, or dismissal, the officer or the officer's
representative must shall, upon request, be provided with a
complete copy of the investigative file, including the final
investigative report and all evidence, and with the opportunity
to address the findings in the report with the employing law
enforcement agency before imposing disciplinary action
consisting of suspension with loss of pay, demotion, or
dismissal. The contents of the complaint and investigation must
shall remain confidential until such time as the employing law
enforcement agency makes a final determination whether or not to
issue a notice of disciplinary action consisting of suspension
with loss of pay, demotion, or dismissal. This paragraph does not provide law enforcement officers with a property interest or expectancy of continued employment, employment, or appointment as a law enforcement officer.

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

145.071 Sheriff.—

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

<table>
<thead>
<tr>
<th>Pop. Group</th>
<th>County Pop. Range</th>
<th>Base Salary</th>
<th>Group Rate</th>
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<td>I</td>
<td>-0- 49,999</td>
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<td>50,000 99,999</td>
<td>$36,500</td>
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</tbody>
</table>

Page 10 of 12
Section 5. The Legislature hereby determines and declares that this act fulfills an important state interest.

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

166.0486 Establishment of civilian oversight boards.—
(1) The chief of a municipal police department may establish a civilian oversight board to review the policies and procedures of his or her department and its subdivisions.
(2) The board must be composed of at least three and up to seven members appointed by the chief of the municipal police department, one of which shall be a retired law enforcement officer.
Section 7. This act shall take effect July 1, 2024.