

By the Committee on Governmental Operations and
Representative Mackenzie

1 A bill to be entitled
2 An act relating to law enforcement and
3 correctional officers; amending s. 112.532,
4 F.S.; providing requirements with respect to
5 recordings made during the formal interrogation
6 of a law enforcement or correctional officer;
7 amending s. 112.533, F.S.; providing for rights
8 of law enforcement and correctional officers to
9 review their personnel files, attach a
10 response, and receive a copy of certain
11 materials in the file; providing for
12 application to the release of certain
13 information; amending s. 943.135, F.S.;
14 permitting law enforcement officers who are
15 elected or appointed public officials to
16 maintain certification in a special status
17 while holding office; providing an effective
18 date.

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

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22 Section 1. Paragraph (g) of subsection (1) of section
23 112.532, Florida Statutes, is amended to read:

24 112.532 Law enforcement officers' and correctional
25 officers' rights.--All law enforcement officers and
26 correctional officers employed by or appointed to a law
27 enforcement agency or a correctional agency shall have the
28 following rights and privileges:

29 (1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND
30 CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.--Whenever a
31 law enforcement officer or correctional officer is under

1 investigation and subject to interrogation by members of his
2 or her agency for any reason which could lead to disciplinary
3 action, demotion, or dismissal, such interrogation shall be
4 conducted under the following conditions:
5 (g) The formal interrogation of a law enforcement
6 officer or correctional officer, including all recess periods,
7 shall be recorded on audio tape, or otherwise preserved in
8 such a manner as to allow a transcript to be prepared, and
9 there shall be no unrecorded questions or statements. Upon the
10 request of the interrogated officer, a copy of any such
11 recording of the interrogation session must be made available
12 to the interrogated officer no later than 72 hours, excluding
13 holidays and weekends following said interrogation.

14 Section 2. Subsection (3) of section 112.533, Florida
15 Statutes, is renumbered as subsection (4) and amended, and a
16 new subsection (3) is added to said section to read:

17 112.533 Receipt and processing of complaints.--

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

26 ~~(4)~~(3) Any person who is a participant in an internal
27 investigation, including the complainant, the subject of the
28 investigation, the investigator conducting the investigation,
29 and any witnesses in the investigation, who willfully
30 discloses any information obtained pursuant to the agency's
31 investigation, including, but not limited to, the identity of

1 the officer under investigation, the nature of the questions
2 asked, information revealed, or documents furnished in
3 connection with a confidential internal investigation of an
4 agency, before such complaint, document, action, or proceeding
5 becomes a public record as provided in this section commits a
6 misdemeanor of the first degree, punishable as provided in s.
7 775.082 or s. 775.083. However, this subsection does not limit
8 a law enforcement or correctional officer's ability to gain
9 access to information under paragraph (2)(a). Additionally, a
10 sheriff, police chief, or other head of a law enforcement
11 agency, or his or her designee, is not precluded by this
12 section from acknowledging the existence of a complaint, and
13 the fact that an investigation is underway.

14 Section 3. Subsection (4) of section 943.135, Florida
15 Statutes, is amended to read:

16 943.135 Requirements for continued employment.--
17 (4)(a) Notwithstanding any other provision of law, any
18 person holding active certification from the Criminal Justice
19 Standards and Training Commission as a law enforcement
20 officer, correctional officer, or correctional probation
21 officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8),
22 or (9), who resigns his or her position as law enforcement
23 officer, correctional officer, or correctional probation
24 officer for the sole purpose of serving in an office to which
25 the person has been elected or appointed and to thereby avoid
26 the prohibition against dual office holding established in s.
27 5(a) of Art. II of the State Constitution may be allowed to
28 retain active certification in a special status during the
29 tenure of the elected or appointed office if at the time of
30 resignation, the person:

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1 1. Was employed by or associated with an employing
2 agency in a manner authorized by chapter 943;

3 2. Was not subject to an internal investigation or
4 employment action to discipline or dismiss by the employing
5 agency;

6 3. Was not subject to criminal investigation or
7 prosecution by any state or federal authority; and

8 4. Was not subject to an investigation or action
9 against his or her certification by the Criminal Justice
10 Standards and Training Commission,

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12 and that subsequent to the resignation the person otherwise
13 complies with this subsection.

14 (b) Any person who qualifies under paragraph (a) may,
15 at the option of an employing agency, associate with that
16 agency for the sole purpose of securing continuing training or
17 education as required by this section and for allowing the
18 agency to report completion of the education or training to
19 the Criminal Justice Standards and Training Commission. The
20 agency with which the person has associated shall submit proof
21 of completion of any education or training so obtained for
22 purposes of demonstrating compliance with this section and
23 shall indicate that the person for whom the credits are
24 reported has secured the training under the special status
25 authorized by this section. A person permitted to associate
26 with such agency for the purpose of continuing training or
27 education may be required to attend such training at his or
28 her own expense. The agency shall provide guidance to such
29 persons as to what training is necessary for the associated
30 person to meet the standards set by the Criminal Justice
31 Standards and Training Commission. Any person who is permitted

1 to associate with an agency for purposes of obtaining and
2 reporting education or continuing training credits while
3 serving in an elected or appointed public office shall not be
4 considered to be employed by the agency, nor considered by his
5 or her association with the agency, to maintain an office
6 under s. 5(a) of Article II of the State Constitution.

7 (c) The period of time a person serves in an elected
8 or appointed office and thereby maintains the special
9 certification status authorized by this section may not be
10 considered in calculating whether the person is considered to
11 have incurred a break in service for purposes of maintaining
12 active certification by the Criminal Justice Standards and
13 Training Commission.

14 (d) An employing agency that receives a resignation
15 from a person for the purpose of avoiding the dual office
16 holding prohibition as discussed in this subsection shall
17 verify that the person who has resigned is in fact serving in
18 an elected or public office and report the verification
19 including an indication of the office in which the person is
20 serving to the Criminal Justice Standards and Training
21 Commission via the affidavit of separation of employment used
22 by the commission.

23 (e) Any person seeking the benefit of this subsection
24 shall, upon request, provide to the Criminal Justice Standards
25 and Training Commission any documentation or proof required by
26 the commission to evaluate the person's eligibility under this
27 subsection, to evaluate a submission of continuing training or
28 education credits as authorized by this subsection, or to
29 determine the duration of any tenure in an elected or
30 appointed public office, including any extension of the status
31 by reason of reelection or reappointment or by election or

1 appointment to a different office.~~The commission is~~
2 ~~authorized to develop this program for implementation on July~~
3 ~~1, 1985, for full-time, part-time, or auxiliary law~~
4 ~~enforcement officers and correctional officers and a program~~
5 ~~for correctional probation officers for implementation on July~~
6 ~~1, 1987.~~

7 Section 4. This act shall take effect upon becoming a
8 law.

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