

By Representative Healey

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 that nothing in the section  
5           shall limit the right of a law enforcement or  
6           correctional agency to discipline or pursue  
7           criminal charges against an officer; amending  
8           s. 122.533, F.S.; revising language with  
9           respect to the receipt and processing of  
10          complaints to provide for certain recorded  
11          statements; amending s. 122.534, F.S.;  
12          providing a penalty for failure to comply with  
13          part VI of chapter 112, F.S.; providing  
14          definitions; providing an effective date.

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

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18           Section 1. Paragraph (j) is added to subsection (1) of  
19 section 112.532, Florida Statutes, to read:

20           112.532 Law enforcement officers' and correctional  
21 officers' rights.--All law enforcement officers and  
22 correctional officers employed by or appointed to a law  
23 enforcement agency or a correctional agency shall have the  
24 following rights and privileges:

25           (1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND  
26 CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.--Whenever a  
27 law enforcement officer or correctional officer is under  
28 investigation and subject to interrogation by members of his  
29 or her agency for any reason which could lead to disciplinary  
30 action, demotion, or dismissal, such interrogation shall be  
31 conducted under the following conditions:

1           (j) Notwithstanding the rights and privileges provided  
2 by this section, nothing in this section shall limit the right  
3 of an agency to discipline or to pursue criminal charges  
4 against an officer.

5           Section 2. Paragraph (a) of subsection (2) of section  
6 112.533, Florida Statutes, is amended to read:

7           112.533 Receipt and processing of complaints.--

8           (2)(a) A complaint filed against a law enforcement  
9 officer or correctional officer with a law enforcement agency  
10 or correctional agency and all information obtained pursuant  
11 to the investigation by the agency of such complaint shall be  
12 confidential and exempt from the provisions of s. 119.07(1)  
13 until the investigation ceases to be active, or until the  
14 agency head or the agency head's designee provides written  
15 notice to the officer who is the subject of the complaint,  
16 either personally or by mail, that the agency has either:

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

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

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22 Notwithstanding the foregoing provisions, the officer who is  
23 the subject of the complaint may review the complaint and all  
24 written or otherwise recorded statements made by or on behalf  
25 of the complainant and witnesses immediately prior to the  
26 beginning of the investigative interview. If a witness to a  
27 complaint is incarcerated in a correctional facility and may  
28 be under the supervision of, or have contact with, the officer  
29 under investigation, only the names and written or otherwise  
30 recorded statements of the complainant and nonincarcerated  
31 witnesses may be reviewed by the officer under investigation

1 immediately prior to the beginning of the investigative  
2 interview.

3 Section 3. Section 112.534, Florida Statutes, is  
4 amended to read:

5 112.534 Failure to comply.--

6 (1) If any law enforcement agency or correctional  
7 agency fails to comply with the requirements of this part, a  
8 law enforcement officer or correctional officer employed by or  
9 appointed to such agency who is personally injured by such  
10 failure to comply may apply directly to the circuit court of  
11 the county wherein such agency is headquartered and  
12 permanently resides for an injunction to restrain and enjoin  
13 such violation of the provisions of this part and to compel  
14 the performance of the duties imposed by this part.

15 (2)(a) If, during the course of an interrogation  
16 governed by this part, the interrogator willfully and  
17 knowingly refuses, with corrupt intent, to comply with the  
18 requirements of this part, that person shall, upon conviction,  
19 be guilty of a misdemeanor of the first degree, punishable as  
20 provided for in s. 775.082 or s. 775.083.

21 (b) For the purposes of this subsection, the term:

22 1. "Willfully and knowingly refuses" means  
23 circumstances where either the officer being interrogated or  
24 his or her representative objects to a specific violation of  
25 this part and the interrogator continues the violation after  
26 such objection is made.

27 2. "Corrupt intent" means done with knowledge that the  
28 act is wrongful and with improper motives.

29 Section 4. This act shall take effect upon becoming a  
30 law.

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HOUSE SUMMARY

Revises a provision of law concerning law enforcement officers' and correctional officers' rights under part VI of chapter 112, F.S., to provide that the provision shall not limit the right of an agency to discipline or pursue criminal charges against an officer. Revises a provision of law governing the failure or a law enforcement agency or correctional agency to comply with part VI of chapter 112, F.S., to provide a first degree misdemeanor penalty to fail with the requirements of the part under described circumstances. See bill for details.