

Bill No. HB 4219

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Gutman moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	On page 4, lines 10 and 11, delete those lines		
15			
16	and insert:		
17	Section 2. Paragraph (j) is added to subsection (1) of		
18	section 112.532, Florida Statutes, to read:		
19	112.532 Law enforcement officers' and correctional		
20	officers' rights.--All law enforcement officers and		
21	correctional officers employed by or appointed to a law		
22	enforcement agency or a correctional agency shall have the		
23	following rights and privileges:		
24	(1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND		
25	CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.--Whenever a		
26	law enforcement officer or correctional officer is under		
27	investigation and subject to interrogation by members of his		
28	or her agency for any reason which could lead to disciplinary		
29	action, demotion, or dismissal, such interrogation shall be		
30	conducted under the following conditions:		
31	(j) <u>Notwithstanding the rights and privileges provided</u>		

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1 by this section, nothing in this section shall limit the right
2 of an agency to discipline or to pursue criminal charges
3 against an officer.

4 Section 3. Paragraph (a) of subsection (2) of section
5 112.533, Florida Statutes, is amended to read:

6 112.533 Receipt and processing of complaints.--

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

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

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

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

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1 witnesses may be reviewed by the officer under investigation
2 immediately prior to the beginning of the investigative
3 interview.

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

6 112.534 Failure to comply.--

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

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

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

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

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

30 Section 5. This act shall take effect upon becoming a
31 law, except that section 1 of this act shall take effect July

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1 1, 1998.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, line 2, delete that line

7

8 and insert:

9 An act relating to law enforcement and
10 correctional officers; amending s. 112.532,
11 F.S.; providing that nothing in the section
12 shall limit the right of a law enforcement or
13 correctional agency to discipline or pursue
14 criminal charges against an officer; amending
15 s. 122.533, F.S.; revising provisions with
16 respect to the receipt and processing of
17 complaints to provide for certain recorded
18 statements; amending s. 122.534, F.S.;
19 providing a penalty for failure to comply with
20 part VI of chapter 112, F.S.; providing
21 definitions;

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