

By Representative Flanagan

1                                   A bill to be entitled  
 2           An act relating to criminal justice officers;  
 3           amending s. 112.532, F.S., relating to law  
 4           enforcement officers' and correctional  
 5           officers' rights; requiring certain notice to a  
 6           law enforcement officer or correctional officer  
 7           under internal investigation; providing a  
 8           limitation with respect to the right to counsel  
 9           or representation of the officer under  
 10          investigation; repealing s. 112.533(3), F.S.,  
 11          relating to the offense of willful disclosure  
 12          by a participant in an internal investigation  
 13          of certain confidential information; amending  
 14          s. 119.07, F.S., relating to inspection,  
 15          examination, and duplication of public records;  
 16          providing that the exemption from public  
 17          records requirements for photographs of former  
 18          or active law enforcement personnel is  
 19          inapplicable in the case of arrested personnel;  
 20          providing an effective date.

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 22 Be It Enacted by the Legislature of the State of Florida:  
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24           Section 1. Paragraph (i) of subsection (1) of section  
 25 112.532, Florida Statutes, is amended to read:

26           112.532 Law enforcement officers' and correctional  
 27 officers' rights.--All law enforcement officers and  
 28 correctional officers employed by or appointed to a law  
 29 enforcement agency or a correctional agency shall have the  
 30 following rights and privileges:  
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1           (1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND  
2 CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.--Whenever a  
3 law enforcement officer or correctional officer is under  
4 investigation and subject to interrogation by members of his  
5 or her agency for any reason which could lead to disciplinary  
6 action, demotion, or dismissal, such interrogation shall be  
7 conducted under the following conditions:

8           (i) Any law enforcement officer or correctional  
9 officer under internal investigation shall be notified prior  
10 to any interrogation that the current allegations against the  
11 officer, if sustained, could result in the officer's  
12 termination. At the request of any law enforcement officer or  
13 correctional officer under investigation, he or she shall have  
14 the right to be represented by counsel or any other  
15 representative of his or her choice, who shall be present at  
16 all times during such interrogation whenever the interrogation  
17 relates only to an internal investigation which, if the  
18 specific charges or allegations currently being investigated  
19 were to be sustained, could result in the officer's  
20 termination ~~the officer's continued fitness for law~~  
21 ~~enforcement or correctional service.~~

22           Section 2. Subsection (3) of section 112.533, Florida  
23 Statutes, is hereby repealed:

24           112.533 Receipt and processing of complaints.--

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

1 ~~asked, information revealed, or documents furnished in~~  
2 ~~connection with a confidential internal investigation of an~~  
3 ~~agency, before such complaint, document, action, or proceeding~~  
4 ~~becomes a public record as provided in this section commits a~~  
5 ~~misdemeanor of the first degree, punishable as provided in s.~~  
6 ~~775.082 or s. 775.083. However, this subsection does not limit~~  
7 ~~a law enforcement or correctional officer's ability to gain~~  
8 ~~access to information under paragraph (2)(a).~~

9           Section 3. Paragraph (i) of subsection (3) of section  
10 119.07, Florida Statutes, 1996 Supplement, is amended to read:

11           119.07 Inspection, examination, and duplication of  
12 records; exemptions.--

13           (3)

14           (i)1. The home addresses, telephone numbers, social  
15 security numbers, and photographs of active or former law  
16 enforcement personnel, including correctional and correctional  
17 probation officers, personnel of the Department of Health and  
18 Rehabilitative Services whose duties include the investigation  
19 of abuse, neglect, exploitation, fraud, theft, or other  
20 criminal activities, and personnel of the Department of  
21 Revenue or local governments whose responsibilities include  
22 revenue collection and enforcement or child support  
23 enforcement; the home addresses, telephone numbers, social  
24 security numbers, photographs, and places of employment of the  
25 spouses and children of such personnel; and the names and  
26 locations of schools and day care facilities attended by the  
27 children of such personnel are exempt from the provisions of  
28 subsection (1). The home addresses, telephone numbers, and  
29 photographs of firefighters certified in compliance with s.  
30 633.35; the home addresses, telephone numbers, photographs,  
31 and places of employment of the spouses and children of such

1 firefighters; and the names and locations of schools and day  
2 care facilities attended by the children of such firefighters  
3 are exempt from subsection (1). The home addresses and  
4 telephone numbers of justices of the Supreme Court, district  
5 court of appeal judges, circuit court judges, and county court  
6 judges; the home addresses, telephone numbers, and places of  
7 employment of the spouses and children of justices and judges;  
8 and the names and locations of schools and day care facilities  
9 attended by the children of justices and judges are exempt  
10 from the provisions of subsection (1). The home addresses,  
11 telephone numbers, social security numbers, and photographs of  
12 current or former state attorneys, assistant state attorneys,  
13 statewide prosecutors, or assistant statewide prosecutors; the  
14 home addresses, telephone numbers, social security numbers,  
15 photographs, and places of employment of the spouses and  
16 children of current or former state attorneys, assistant state  
17 attorneys, statewide prosecutors, or assistant statewide  
18 prosecutors; and the names and locations of schools and day  
19 care facilities attended by the children of current or former  
20 state attorneys, assistant state attorneys, statewide  
21 prosecutors, or assistant statewide prosecutors are exempt  
22 from subsection (1) and s. 24(a), Art. I of the State  
23 Constitution. The home addresses and home telephone numbers of  
24 county and municipal code inspectors and code enforcement  
25 officers are confidential and exempt from the provisions of  
26 subsection (1) and s. 24(a), Art. I of the State Constitution.

27         2. An agency that is the custodian of the personal  
28 information specified in subparagraph 1. and that is not the  
29 employer of the officer, employee, justice, judge, or other  
30 person specified in subparagraph 1. shall maintain the  
31 confidentiality of the personal information only if the

1 officer, employee, justice, judge, other person, or employing  
2 agency of the designated employee submits a written request  
3 for confidentiality to the custodial agency.

4 3. The exemption as it relates to photographs of  
5 active or former law enforcement personnel pursuant to  
6 subparagraphs 1. and 2. of this paragraph is not applicable in  
7 the case of active or former law enforcement personnel  
8 arrested for any criminal act.

9 Section 4. This act shall take effect upon becoming  
10 law.

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12 HOUSE SUMMARY

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14 Requires certain notice regarding possible termination to  
15 a law enforcement officer or correctional officer under  
16 internal investigation. Provides a limitation with  
17 respect to the right to counsel or representation of the  
18 officer under investigation. Repeals specified  
19 provisions relating to the offense of willful disclosure  
20 by a participant in an internal investigation of certain  
21 confidential information. Provides that the exemption  
22 from public records requirements for photographs of  
23 former or active law enforcement personnel is  
24 inapplicable in the case of arrested personnel.  
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