

By Representative Flanagan

1                                   A bill to be entitled  
2           An act relating to law enforcement officers;  
3           creating s. 112.5325, F.S.; authorizing law  
4           enforcement officers to bring an action for  
5           defamation under certain circumstances;  
6           providing procedures for proof; providing an  
7           effective date.

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

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11           Section 1. Section 112.5325, Florida Statutes, is  
12 created to read:

13           112.5325 Law enforcement officers' right to bring an  
14 action for defamation under certain circumstances.--A law  
15 enforcement officer may bring an action for defamation against  
16 an individual who has filed a complaint with the law  
17 enforcement officer's agency alleging misconduct, criminal  
18 conduct, or incompetence, if the complaint is false, the  
19 complaint was made with knowledge that it was false, and the  
20 complaint was made with spite, hatred, or ill will. Knowledge  
21 that the complaint was false may be proven by a showing that  
22 the complainant had no reasonable grounds to believe the  
23 complaint was true and that the complainant exhibited a  
24 reckless disregard for ascertaining the truth.

25           Section 2. This act shall take effect upon becoming a  
26 law.

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HOUSE SUMMARY

Authorizes a law enforcement officer to bring an action for defamation against an individual who files a complaint with the law enforcement officer's agency alleging misconduct, criminal conduct, or incompetence if the complaint is false, the complaint was made with knowledge that it was false, and the complaint was made with spite, hatred, or ill will. See bill for details.