

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

The Committee on Judiciary offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

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

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

(j) Notwithstanding the rights and privileges provided

Amendment No. 1 (for drafter's use only)

1 by this part, this part does not limit the right of an agency
2 to discipline or to pursue criminal charges against an
3 officer.

4 Section 2. 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.

20
21 Notwithstanding the foregoing provisions, the officer who is
22 the subject of the complaint may review the complaint and all
23 ~~written~~ statements regardless of form made by the complainant
24 and witnesses immediately prior to the beginning of the
25 investigative interview. If a witness to a complaint is
26 incarcerated in a correctional facility and may be under the
27 supervision of, or have contact with, the officer under
28 investigation, only the names and written statements of the
29 complainant and nonincarcerated witnesses may be reviewed by
30 the officer under investigation immediately prior to the
31 beginning of the investigative interview.

Amendment No. 1 (for drafter's use only)

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

3 112.534 Failure to comply.--

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

13 (2) All the provisions of s. 839.25 shall apply to
14 this part.

15 Section 4. Section 839.25, Florida Statutes, reads:
16 839.25 Official misconduct.--

17 (1) "Official misconduct" means the commission of the
18 following act by a public servant, with corrupt intent to
19 obtain a benefit for himself or herself or another or to cause
20 unlawful harm to another: knowingly falsifying, or causing
21 another to falsify, any official record or official document.

22 (2) "Corrupt" means done with knowledge that act is
23 wrongful and with improper motives.

24 (3) Official misconduct under this section is a felony
25 of the third degree, punishable as provided in s. 775.082, s.
26 775.083, or s. 775.084.

27 Section 5. This act shall take effect July 1, 2000.

28
29

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

31 And the title is amended as follows:

Amendment No. 1 (for drafter's use only)

1 remove from the title of the bill: the entire title
2
3 and insert in lieu thereof:
4 A bill to be entitled
5 An act relating to law enforcement and
6 correctional officers; amending s. 112.532,
7 F.S.; providing that a law enforcement or
8 correctional agency may discipline or pursue
9 criminal charges against an officer; amending
10 s. 112.533, F.S.; providing that the subject of
11 a complaint may review oral statements made by
12 or on behalf of the complainant and witnesses;
13 amending s. 112.534, F.S.; providing a penalty
14 for failure to comply with pt. VI of ch. 112,
15 F.S.; providing an effective date.
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31