

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 a law enforcement or
5 correctional agency may discipline or pursue
6 criminal charges against an officer; amending
7 s. 112.533, F.S.; providing that the subject of
8 a complaint may review oral statements made by
9 or on behalf of the complainant and witnesses;
10 amending s. 112.534, F.S.; providing a penalty
11 for failure to comply with pt. VI of ch. 112,
12 F.S.; providing an effective date.

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

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

18 112.532 Law enforcement officers' and correctional
19 officers' rights.--All law enforcement officers and
20 correctional officers employed by or appointed to a law
21 enforcement agency or a correctional agency shall have the
22 following rights and privileges:

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

30 (j) Notwithstanding the rights and privileges provided
31 by this part, this part does not limit the right of an agency

1 to discipline or to pursue criminal charges against an
2 officer.

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

5 112.533 Receipt and processing of complaints.--

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

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

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

19
20 Notwithstanding the foregoing provisions, the officer who is
21 the subject of the complaint may review the complaint and all
22 ~~written~~ statements regardless of form made by the complainant
23 and witnesses immediately prior to the beginning of the
24 investigative interview. If a witness to a complaint is
25 incarcerated in a correctional facility and may be under the
26 supervision of, or have contact with, the officer under
27 investigation, only the names and written statements of the
28 complainant and nonincarcerated witnesses may be reviewed by
29 the officer under investigation immediately prior to the
30 beginning of the investigative interview.

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.
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