

By Senator Futch

18-594-02

1                                   A bill to be entitled  
2           An act relating to law enforcement and  
3           correctional officers; amending s. 112.533,  
4           F.S.; providing for legal counsel and a  
5           representative of the officer's choice to  
6           review a complaint filed against the officer  
7           and all statements made by the complainant and  
8           witnesses; providing an effective date.

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

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12           Section 1. Paragraph (a) of subsection (2) of section  
13 112.533, Florida Statutes, is amended to read:

14           112.533 Receipt and processing of complaints.--

15           (2)(a) A complaint filed against a law enforcement  
16 officer or correctional officer with a law enforcement agency  
17 or correctional agency and all information obtained pursuant  
18 to the investigation by the agency of such complaint shall be  
19 confidential and exempt from the provisions of s. 119.07(1)  
20 until the investigation ceases to be active, or until the  
21 agency head or the agency head's designee provides written  
22 notice to the officer who is the subject of the complaint,  
23 either personally or by mail, that the agency has either:

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

26           2. Concluded the investigation with a finding to  
27 proceed with disciplinary action or to file charges.

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29 Notwithstanding the foregoing provisions, the officer who is  
30 the subject of the complaint, along with legal counsel or any  
31 other representative of his or her choice, may review the

1 complaint and all statements regardless of form made by the  
2 complainant and witnesses immediately prior to the beginning  
3 of the investigative interview. If a witness to a complaint is  
4 incarcerated in a correctional facility and may be under the  
5 supervision of, or have contact with, the officer under  
6 investigation, only the names and written statements of the  
7 complainant and nonincarcerated witnesses may be reviewed by  
8 the officer under investigation immediately prior to the  
9 beginning of the investigative interview.

10 Section 2. This act shall take effect July 1, 2002.

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13 SENATE SUMMARY

14 Authorizes legal counsel for a law enforcement officer or  
15 a correctional officer and a representative of the  
16 officer's choice to review a complaint filed against the  
17 officer and to review statements made by the complainant  
18 and witnesses.  
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