



HB 0401

2003

1 A bill to be entitled
2 An act relating to law enforcement and correctional
3 officers; amending s. 112.532, F.S.; revising provisions
4 relating to rights of officers under investigation, civil
5 suits brought by officers, and notice of disciplinary
6 actions; providing an effective date.

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

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10 Section 1. Paragraph (c) of subsection (1) and subsections
11 (3) and (4) of section 112.532, Florida Statutes, are amended to
12 read:

13 112.532 Law enforcement officers' and correctional
14 officers' rights.--All law enforcement officers and correctional
15 officers employed by or appointed to a law enforcement agency or
16 a correctional agency shall have the following rights and
17 privileges:

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

25 (c) The law enforcement officer or correctional officer
26 under investigation shall be informed of the rank, name, and
27 command of the officer in charge of the investigation, the
28 interrogating officer, and all persons present during the
29 interrogation. All questions directed to the officer under



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30 interrogation shall be asked by or ~~and~~ through one interrogator
31 during any one investigative interrogation at any one time.

32 (3) CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS OR
33 CORRECTIONAL OFFICERS.--Every law enforcement officer or
34 correctional officer shall have the right to bring civil suit
35 against any person, group of persons, or organization or
36 corporation, or the head of such organization or corporation,
37 for damages, either pecuniary or otherwise, suffered during the
38 performance of the officer's official duties, ~~or~~ for abridgment
39 of the officer's civil rights arising out of the officer's
40 performance of official duties, or for filing a complaint
41 against the officer which is known to be false at the time it is
42 filed.

43 (4) NOTICE OF DISCIPLINARY ACTION.--

44 (a) No dismissal, demotion, transfer, reassignment, or
45 other personnel action which might result in loss of pay or
46 benefits or which might otherwise be considered a punitive
47 measure shall be taken against any law enforcement officer or
48 correctional officer unless such law enforcement officer or
49 correctional officer is notified of the action and the reason or
50 reasons therefor prior to the effective date of such action.

51 (b) Notwithstanding the provisions of s. 112.533(2),
52 whenever a law enforcement officer or correctional officer is
53 subject to proposed disciplinary action, demotion, or dismissal,
54 the officer shall, upon request, be provided with a complete
55 copy of the investigative report and supporting documents and
56 with the opportunity to address the findings in the report with
57 the employing agency prior to the imposition of the disciplinary
58 action, demotion, or dismissal. Except as provided in this
59 subsection, the contents of the complaint and investigation



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60 shall otherwise remain confidential until such time as the
61 officer has been given the opportunity to respond.

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