



HB 0401

2003
CS

CHAMBER ACTION

The Committee on Public Safety & Crime Prevention recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to law enforcement and correctional officers; amending s. 112.532, F.S.; revising provisions relating to rights of officers under investigation, civil suits brought by officers, and notice of disciplinary actions; providing an effective date.

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

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



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

35 (c) The law enforcement officer or correctional officer
36 under investigation shall be informed of the rank, name, and
37 command of the officer in charge of the investigation, the
38 interrogating officer, and all persons present during the
39 interrogation. All questions directed to the officer under
40 interrogation shall be asked by or ~~and~~ through one interrogator
41 during any one investigative interrogation, unless specifically
42 waived by the officer under investigation at any one time.

43 (3) CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS OR
44 CORRECTIONAL OFFICERS.--Every law enforcement officer or
45 correctional officer shall have the right to bring civil suit
46 against any person, group of persons, or organization or
47 corporation, or the head of such organization or corporation,
48 for damages, either pecuniary or otherwise, suffered during the
49 performance of the officer's official duties, ~~or~~ for abridgment
50 of the officer's civil rights arising out of the officer's
51 performance of official duties, or for filing a complaint
52 against the officer which is known to be false at the time it is
53 filed. This section does not establish a separate civil action
54 against the officer's employing law enforcement agency for the



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55 investigation and processing of a complaint filed under this
56 part.

57 (4) NOTICE OF DISCIPLINARY ACTION.--

58 (a) No dismissal, demotion, transfer, reassignment, or
59 other personnel action which might result in loss of pay or
60 benefits or which might otherwise be considered a punitive
61 measure shall be taken against any law enforcement officer or
62 correctional officer unless such law enforcement officer or
63 correctional officer is notified of the action and the reason or
64 reasons therefor prior to the effective date of such action.

65 (b) Notwithstanding the provisions of s. 112.533(2),
66 whenever a law enforcement officer or correctional officer is
67 subject to disciplinary action consisting of suspension with
68 loss of pay, demotion, or dismissal, the officer shall, upon
69 request, be provided with a complete copy of the investigative
70 report and supporting documents and with the opportunity to
71 address the findings in the report with the employing law
72 enforcement agency prior to the imposition of the disciplinary
73 action consisting of suspension with loss of pay, demotion, or
74 dismissal. The contents of the complaint and investigation shall
75 remain confidential until such time as the employing law
76 enforcement agency makes a final determination whether or not to
77 issue a notice of disciplinary action consisting of suspension
78 with loss of pay, demotion, or dismissal. This provision shall
79 not be construed to provide law enforcement officers with a
80 property interest or expectancy of continued employment,
81 employment, or appointment as a law enforcement officer.

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