

By Senator Haridopolos

26-1235A-04

See HB

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 a limitation on certain actions  
5           involving the discipline, demotion, or  
6           dismissal of a law enforcement officer or  
7           correctional officer; providing for written  
8           notification of such actions; providing  
9           exceptions to the limitation; providing for the  
10          reopening of investigations and subsequent  
11          disciplinary action in certain circumstances;  
12          providing applicability; providing an effective  
13          date.

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

17           Section 1. Subsection (6) is added to section 112.532,  
18 Florida Statutes, to read:

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

24           (6) LIMITATION PERIOD FOR DISCIPLINARY ACTIONS,  
25 DEMOTIONS, AND DISMISSALS.--

26           (a) Except as provided in this subsection, no  
27 disciplinary action, demotion, or dismissal shall be  
28 undertaken by an agency against a law enforcement officer or  
29 correctional officer for any act, omission, or other  
30 allegation of misconduct if the investigation of such  
31 allegation is not completed within 180 days after the date the

1 agency receives notice of the allegation by a person  
2 authorized by the agency to initiate an investigation of the  
3 misconduct. In the event that the agency determines that  
4 disciplinary action is appropriate, it shall complete its  
5 investigation and give notice in writing to the law  
6 enforcement officer or correctional officer of its intent to  
7 proceed with disciplinary action, along with a proposal of the  
8 action sought. Such notice to the officer shall be provided  
9 within 180 days after the date the agency received notice of  
10 the alleged misconduct, except as follows:

11 1. The limitation of 180 days may be tolled for a  
12 period specified in a written waiver of the limitation by the  
13 law enforcement officer or correctional officer.

14 2. The limitation of 180 days shall be tolled during  
15 the time that any criminal investigation or prosecution is  
16 pending in connection with the act, omission, or other  
17 allegation of misconduct.

18 3. The limitation of 180 days shall be tolled during  
19 the period of incapacitation if the investigation involves an  
20 officer who is incapacitated or otherwise unavailable.

21 4. The limitation of 180 days may be extended for a  
22 period of time reasonably necessary to facilitate the  
23 coordination of involved agencies in a multijurisdictional  
24 investigation.

25 (b) Notwithstanding the limitation of 180 days to  
26 commence disciplinary action, demotion, or dismissal, an  
27 investigation against a law enforcement officer or  
28 correctional officer may be reopened if:

29 1. Significant new evidence has been discovered that  
30 is likely to affect the outcome of the investigation.

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1           2. The evidence could not have reasonably been  
2 discovered in the normal course of investigation or the  
3 evidence resulted from the predisciplinary response of the  
4 officer.

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6 Any disciplinary action pursuant to an investigation that is  
7 reopened pursuant to this paragraph must be completed within  
8 30 days after the date the investigation is reopened.

9           Section 2. This act shall take effect July 1, 2004,  
10 and shall apply to actions arising on or after that date.

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