

By the Committee on Governmental Oversight and Productivity;  
and Senators Haridopolos, Lynn and Posey

302-2326-04

1                                   A bill to be entitled  
2           An act relating to law enforcement and  
3           correctional officers; amending s. 112.19,  
4           F.S.; providing a short title; providing  
5           additional death benefits for certain officers  
6           killed at the scene of a traffic accident or  
7           while enforcing a traffic law or ordinance;  
8           amending s. 112.532, F.S.; providing a  
9           limitation on certain actions involving the  
10          discipline, demotion, or dismissal of a law  
11          enforcement officer or correctional officer;  
12          providing for written notification of such  
13          actions; providing exceptions to the  
14          limitation; providing for the reopening of  
15          investigations and subsequent disciplinary  
16          action in certain circumstances; providing  
17          applicability; providing an effective date.

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

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21           Section 1. This act may be cited as the "Deputy James  
22 M. Weaver Act."

23           Section 2. Paragraph (b) of subsection (2) of section  
24 112.19, Florida Statutes, is amended to read:

25           112.19 Law enforcement, correctional, and correctional  
26 probation officers; death benefits.--

27           (2)

28           (b) The sum of \$50,000, ~~as~~ adjusted pursuant to  
29 paragraph (j), shall be paid ~~as provided in this section~~ if a  
30 law enforcement, correctional, or correctional probation  
31 officer is accidentally killed as specified in paragraph (a)

1 and the accidental death occurs as a result of the officer's  
2 response to fresh pursuit or to the officer's response to what  
3 is reasonably believed to be an emergency, or if the officer  
4 is accidentally killed at the scene of a traffic accident or  
5 while enforcing what is reasonably believed to be a traffic  
6 law or ordinance. This sum is in addition to any sum provided  
7 for in paragraph (a). Notwithstanding any other provision of  
8 law, in no case shall the amount payable under this subsection  
9 be less than the actual amount stated therein.

10 Section 3. Subsection (6) is added to section 112.532,  
11 Florida Statutes, to read:

12 112.532 Law enforcement officers' and correctional  
13 officers' rights.--All law enforcement officers and  
14 correctional officers employed by or appointed to a law  
15 enforcement agency or a correctional agency shall have the  
16 following rights and privileges:

17 (6) LIMITATION PERIOD FOR DISCIPLINARY ACTIONS,  
18 DEMOTIONS, AND DISMISSALS.--

19 (a) Except as provided in this subsection, no  
20 disciplinary action, demotion, or dismissal shall be  
21 undertaken by an agency against a law enforcement officer or  
22 correctional officer for any act, omission, or other  
23 allegation of misconduct if the investigation of such  
24 allegation is not completed within 180 days after the date the  
25 agency receives notice of the allegation by a person  
26 authorized by the agency to initiate an investigation of the  
27 misconduct. In the event that the agency determines that  
28 disciplinary action is appropriate, it shall complete its  
29 investigation and give notice in writing to the law  
30 enforcement officer or correctional officer of its intent to  
31 proceed with disciplinary action, along with a proposal of the

1 action sought. Such notice to the officer shall be provided  
2 within 180 days after the date the agency received notice of  
3 the alleged misconduct, except as follows:

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

7 2. The limitation of 180 days shall be tolled during  
8 the time that any criminal investigation or prosecution is  
9 pending in connection with the act, omission, or other  
10 allegation of misconduct.

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

14 4. The limitation of 180 days may be extended for a  
15 period of time reasonably necessary to facilitate the  
16 coordination of involved agencies in a multijurisdictional  
17 investigation.

18 (b) Notwithstanding the limitation of 180 days to  
19 commence disciplinary action, demotion, or dismissal, an  
20 investigation against a law enforcement officer or  
21 correctional officer may be reopened if:

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

24 2. The evidence could not have reasonably been  
25 discovered in the normal course of investigation or the  
26 evidence resulted from the predisciplinary response of the  
27 officer.

28  
29 Any disciplinary action pursuant to an investigation that is  
30 reopened pursuant to this paragraph must be completed within  
31 90 days after the date the investigation is reopened.

1           Section 4. This act shall take effect July 1, 2004,  
2 and shall apply to actions arising on or after that date.

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4                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
5                   COMMITTEE SUBSTITUTE FOR  
6                   Senate Bill 1696

7 The Committee Substitute incorporates the separate amendment  
8 adopted by the prior committee and also includes the affected  
9 officers in the provision in s. 112.19, F.S., that provides  
10 death benefits for the survivors of officers who are  
11 accidentally killed in the line of duty while engaged in  
12 traffic enforcement responsibilities.

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