

Bill No. HB 431, 1st Eng.

Amendment No. \_\_\_\_ Barcode 311990

CHAMBER ACTION

Senate

House

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Senator Haridopolos moved the following amendment:

**Senate Amendment (with title amendment)**

Lines 12 through 34, delete those lines

and insert:

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

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

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

(2)

(b) The sum of \$50,000, ~~as~~ adjusted pursuant to paragraph (j), shall be paid ~~as provided in this section~~ if a law enforcement, correctional, or correctional probation officer is accidentally killed as specified in paragraph (a) and the accidental death occurs:

1. As a result of the officer's response to fresh pursuit;

2. As a result of ~~or to~~ the officer's response to what

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1 is reasonably believed to be an emergency; or

2 3. At the scene of a traffic accident or while  
3 enforcing what is reasonably believed to be a traffic law or  
4 ordinance.

5  
6 This sum is in addition to any sum provided for in paragraph  
7 (a). Notwithstanding any other provision of law, in no case  
8 shall the amount payable under this subsection be less than  
9 the actual amount stated therein.

10 Section 3. Paragraph (d) of subsection (1) of section  
11 112.532, Florida Statutes, is amended, and subsection (6) is  
12 added to that section, to read:

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

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

25 (d) The law enforcement officer or correctional  
26 officer under investigation shall be informed of the nature of  
27 the investigation prior to any interrogation, and he or she  
28 shall be informed of the names name of all complainants. All  
29 identifiable witnesses shall be interviewed, whenever  
30 possible, prior to the beginning of the investigative  
31 interview of the accused officer. The complaint and all

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1 witness statements shall be provided to the officer who is the  
2 subject of the complaint prior to the beginning of any  
3 investigative interview.

4 (6) LIMITATION PERIOD FOR DISCIPLINARY ACTIONS,  
5 DEMOTIONS, AND DISMISSALS.--

6 (a) Except as provided in this subsection, no  
7 disciplinary action, demotion, or dismissal shall be  
8 undertaken by an agency against a law enforcement officer or  
9 correctional officer for any act, omission, or other  
10 allegation of misconduct if the investigation of such  
11 allegation is not completed within 180 days after the date the  
12 agency receives notice of the allegation by a person  
13 authorized by the agency to initiate an investigation of the  
14 misconduct. In the event that the agency determines that  
15 disciplinary action is appropriate, it shall complete its  
16 investigation and give notice in writing to the law  
17 enforcement officer or correctional officer of its intent to  
18 proceed with disciplinary action, along with a proposal of the  
19 action sought. Such notice to the officer shall be provided  
20 within 180 days after the date the agency received notice of  
21 the alleged misconduct, except as follows:

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

25 2. The limitation of 180 days shall be tolled during  
26 the time that any criminal investigation or prosecution is  
27 pending in connection with the act, omission, or other  
28 allegation of misconduct.

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

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1           4. The limitation of 180 days may be extended for a  
2 period of time reasonably necessary to facilitate the  
3 coordination of involved agencies in a multijurisdictional  
4 investigation.

5           (b) Notwithstanding the limitation of 180 days to  
6 commence disciplinary action, demotion, or dismissal, an  
7 investigation against a law enforcement officer or  
8 correctional officer may be reopened if:

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

11           2. The evidence could not have reasonably been  
12 discovered in the normal course of investigation or the  
13 evidence resulted from the predisciplinary response of the  
14 officer.

15  
16 Any disciplinary action pursuant to an investigation that is  
17 reopened pursuant to this paragraph must be completed within  
18 90 days after the date the investigation is reopened.

19  
20 (Redesignate subsequent sections.)

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23 ===== T I T L E   A M E N D M E N T =====

24 And the title is amended as follows:

25           Lines 2 through 8, delete those lines

26  
27 and insert:

28           An act relating to law enforcement and  
29           correctional officers; amending s. 112.19,  
30           F.S.; providing a short title; providing  
31           additional death benefits for certain officers

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1 killed at the scene of a traffic accident or  
2 while enforcing a traffic law or ordinance;  
3 amending s. 112.532, F.S.; requiring that all  
4 identifiable witnesses to a complaint against a  
5 law enforcement officer or correctional officer  
6 be interviewed, whenever possible, prior to the  
7 investigative interview of the accused officer;  
8 providing a limitation on certain actions  
9 involving the discipline, demotion, or  
10 dismissal of a law enforcement officer or  
11 correctional officer; providing for written  
12 notification of such actions; providing  
13 exceptions to the limitation; providing for the  
14 reopening of investigations and subsequent  
15 disciplinary action in certain circumstances;  
16 providing applicability; providing an effective  
17 date.

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