

HB 0597

2004

1 A bill to be entitled
 2 An act relating to law enforcement and correctional
 3 officers; amending s. 112.532, F.S.; providing a
 4 limitation on certain actions involving the discipline,
 5 demotion, or dismissal of a law enforcement officer or
 6 correctional officer; providing for written notification
 7 of such actions; providing exceptions to the limitation;
 8 providing for the reopening of investigations and
 9 subsequent disciplinary action in certain circumstances;
 10 providing applicability; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (6) is added to section 112.532,
 15 Florida Statutes, to read:

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

21 (6) LIMITATION PERIOD FOR DISCIPLINARY ACTIONS, DEMOTIONS,
 22 AND DISMISSALS.--

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

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30 investigation of the misconduct. In the event that the agency
 31 determines that disciplinary action is appropriate, it shall
 32 complete its investigation and give notice in writing to the law
 33 enforcement officer or correctional officer of its intent to
 34 proceed with disciplinary action, along with a proposal of the
 35 action sought. Such notice to the officer shall be provided
 36 within 180 days after the date the agency received notice of the
 37 alleged misconduct, except as follows:

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

41 2. The limitation of 180 days shall be tolled during the
 42 time that any criminal investigation or prosecution is pending
 43 in connection with the act, omission, or other allegation of
 44 misconduct.

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

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

51 (b) Notwithstanding the limitation of 180 days to commence
 52 disciplinary action, demotion, or dismissal, an investigation
 53 against a law enforcement officer or correctional officer may be
 54 reopened if:

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

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57 2. The evidence could not have reasonably been discovered
58 in the normal course of investigation or the evidence resulted
59 from the predisciplinary response of the officer.

60
61 Any disciplinary action pursuant to an investigation that is
62 reopened pursuant to this paragraph must be completed within 30
63 days after the date the investigation is reopened.

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