

Bill No. SB 1552

Barcode 850210

CHAMBER ACTION

Senate

House

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The Committee on Criminal Justice (Haridopolos) recommended
the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (1) and paragraph (a) of
subsection (2) of section 112.533, Florida Statutes, are
amended to read:

112.533 Receipt and processing of complaints.--

(1) Every law enforcement agency and correctional
agency shall establish and put into operation a system for the
receipt, investigation, and determination of complaints
received by such agency from any person, which shall be the
procedure for investigating a complaint against a law
enforcement and correctional officer and for determining
whether to proceed with disciplinary action or to file
disciplinary charges, notwithstanding any other law or
ordinance to the contrary. When law enforcement or
correctional agency personnel assigned the responsibility of

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1 investigating the complaint prepare an investigative report or
2 summary, regardless of form, the person preparing the report
3 shall, at the time the report is completed:

4 (a) Verify pursuant to s. 92.525 that the contents of
5 the report are true and accurate based upon the person's
6 personal knowledge, information, and belief.

7 (b) Include the following statement, sworn and
8 subscribed to pursuant to s. 92.525:

9 "I, the undersigned, do hereby swear, under penalty of
10 perjury, that, to the best of my personal knowledge,
11 information, and belief, I have not knowingly or willfully
12 deprived, or allowed another to deprive, the subject of the
13 investigation of any of the rights contained in ss. 112.532
14 and 112.533, Florida Statutes."

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16 The requirements of paragraphs (a) and (b) shall be completed
17 prior to the determination as to whether to proceed with
18 disciplinary action or to file disciplinary charges. This
19 subsection does not preclude the Criminal Justice Standards
20 and Training Commission from exercising its authority under
21 chapter 943.

22 (2)(a) A complaint filed against a law enforcement
23 officer or correctional officer with a law enforcement agency
24 or correctional agency and all information obtained pursuant
25 to the investigation by the agency of such complaint shall be
26 confidential and exempt from the provisions of s. 119.07(1)
27 until the investigation ceases to be active, or until the
28 agency head or the agency head's designee provides written
29 notice to the officer who is the subject of the complaint,
30 either personally or by mail, that the agency has either:

31 1. Concluded the investigation with a finding not to

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1 proceed with disciplinary action or to file charges; or

2 2. Concluded the investigation with a finding to
3 proceed with disciplinary action or to file charges.

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5 Notwithstanding the foregoing provisions, the officer who is
6 the subject of the complaint, along with legal counsel or any
7 other representative of his or her choice, may review the
8 complaint and all statements regardless of form made by the
9 complainant and witnesses immediately prior to the beginning
10 of the investigative interview. All statements, regardless of
11 form, provided by a law enforcement officer or correctional
12 officer during the course of a complaint investigation of that
13 officer shall be made under oath pursuant to s. 92.525.

14 Knowingly false statements given by a law enforcement officer
15 or correctional officer under investigation may subject the
16 law enforcement officer or correctional officer to prosecution
17 for perjury. If a witness to a complaint is incarcerated in a
18 correctional facility and may be under the supervision of, or
19 have contact with, the officer under investigation, only the
20 names and written statements of the complainant and
21 nonincarcerated witnesses may be reviewed by the officer under
22 investigation immediately prior to the beginning of the
23 investigative interview.

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

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

29 And the title is amended as follows:

30 Delete everything before the enacting clause

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1 and insert:

2 A bill to be entitled
3 An act relating to correctional and law
4 enforcement officer discipline; amending s.
5 112.533, F.S.; requiring certain investigative
6 reports to include a statement relating to
7 compliance with ss. 112.532 and 112.533, F.S.,
8 and to be verified; providing an effective
9 date.

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