

1 A bill to be entitled
 2 An act relating to correctional and law enforcement
 3 officer discipline; amending s. 112.533, F.S.; requiring
 4 verification of the contents of certain investigative
 5 reports; amending s. 112.534, F.S.; providing for
 6 investigations of complaints alleging specified procedural
 7 violations; requiring a log of specified complaints;
 8 providing an effective date.

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

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 12 Section 1. Subsection (1) of section 112.533, Florida
 13 Statutes, is amended to read:

14 112.533 Receipt and processing of complaints.--

15 (1) (a) Every law enforcement agency and correctional
 16 agency shall establish and put into operation a system for the
 17 receipt, investigation, and determination of complaints received
 18 by such agency from any person, which shall be the procedure for
 19 investigating a complaint against a law enforcement and
 20 correctional officer and for determining whether to proceed with
 21 disciplinary action or to file disciplinary charges,
 22 notwithstanding any other law or ordinance to the contrary. This
 23 subsection does not preclude the Criminal Justice Standards and
 24 Training Commission from exercising its authority under chapter
 25 943.

26 (b) The officer assigned the responsibility of
 27 investigating the complaint and preparing the investigative
 28 report under this section shall, at the time the report is

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29 issued, verify pursuant to s. 92.525 that the contents of the
30 report are true and accurate based upon the officer's
31 information and belief.

32 Section 2. Section 112.534, Florida Statutes, is amended
33 to read:

34 112.534 Failure to comply; official misconduct.--

35 (1) If any law enforcement agency or correctional agency
36 fails to comply with the requirements of this part, a law
37 enforcement officer or correctional officer employed by or
38 appointed to such agency who is personally injured by such
39 failure to comply may apply directly to the circuit court of the
40 county wherein such agency is headquartered and permanently
41 resides for an injunction to restrain and enjoin such violation
42 of the provisions of this part and to compel the performance of
43 the duties imposed by this part.

44 (2) If a law enforcement or correctional agency receives a
45 complaint that alleges a violation of s. 112.532(1) or s.
46 112.533(1)(b), it shall cause the complaint to be investigated
47 and a written report shall be issued addressing and resolving
48 the allegations of the complaint. If the report sustains a
49 violation of s. 112.532(1) or s. 112.533(1)(b), the agency shall
50 remove the investigating officer who is the subject of the
51 complaint from internal investigative responsibilities and take
52 other action against the officer as deemed appropriate. The
53 agency shall declare any internal investigation in which a
54 violation occurred to be invalid, and the investigative report
55 and all supporting records shall be placed in the removed

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56 investigator's personnel file. Additionally, the original
57 complaint shall be reinvestigated.

58 (3) Every law enforcement or correctional agency receiving
59 complaints alleging a violation of the requirements of this part
60 shall maintain a log documenting the receipt of such complaints,
61 which shall include the date the complaint was received, the
62 date of the written report relating to the complaint was
63 completed, the disposition of the complaint, and the action, if
64 any, taken against the investigating officer who was the subject
65 of the complaint.

66 (4)~~(2)~~ All the provisions of s. 838.022 shall apply to
67 this part.

68 Section 3. This act shall take effect upon becoming a law.