

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to correctional and law enforcement
7 officer discipline; amending s. 112.533, F.S.; requiring
8 certain investigative reports to include a statement
9 relating to compliance with ss. 112.532 and 112.533, F.S.,
10 and to be verified; requiring certain statements to be
11 made under oath and subject to prosecution for perjury;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (1) and paragraph (a) of subsection
17 (2) of section 112.533, Florida Statutes, are amended to read:

18 112.533 Receipt and processing of complaints.--

19 (1) Every law enforcement agency and correctional agency
20 shall establish and put into operation a system for the receipt,
21 investigation, and determination of complaints received by such
22 agency from any person, which shall be the procedure for
23 investigating a complaint against a law enforcement and

HB 583 CS

2006
CS

24 | correctional officer and for determining whether to proceed with
25 | disciplinary action or to file disciplinary charges,
26 | notwithstanding any other law or ordinance to the contrary. When
27 | law enforcement or correctional agency personnel assigned the
28 | responsibility of investigating the complaint prepare an
29 | investigative report or summary, regardless of form, the person
30 | preparing the report shall, at the time the report is completed:

31 | (a) Verify pursuant to s. 92.525 that the contents of the
32 | report are true and accurate based upon the person's personal
33 | knowledge, information, and belief.

34 | (b) Include the following statement, sworn and subscribed
35 | to pursuant to s. 92.525:

36 | "I, the undersigned, do hereby swear, under penalty of
37 | perjury, that, to the best of my personal knowledge,
38 | information, and belief, I have not knowingly or willfully
39 | deprived, or allowed another to deprive, the subject of the
40 | investigation of any of the rights contained in ss. 112.532 and
41 | 112.533, Florida Statutes."

42 |
43 | The requirements of paragraphs (a) and (b) shall be completed
44 | prior to the determination as to whether to proceed with
45 | disciplinary action or to file disciplinary charges. This
46 | subsection does not preclude the Criminal Justice Standards and
47 | Training Commission from exercising its authority under chapter
48 | 943.

49 | (2) (a) A complaint filed against a law enforcement officer
50 | or correctional officer with a law enforcement agency or
51 | correctional agency and all information obtained pursuant to the

HB 583 CS

2006
CS

52 investigation by the agency of such complaint shall be
53 confidential and exempt from the provisions of s. 119.07(1)
54 until the investigation ceases to be active, or until the agency
55 head or the agency head's designee provides written notice to
56 the officer who is the subject of the complaint, either
57 personally or by mail, that the agency has either:

58 1. Concluded the investigation with a finding not to
59 proceed with disciplinary action or to file charges; or

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

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63 Notwithstanding the foregoing provisions, the officer who is the
64 subject of the complaint, along with legal counsel or any other
65 representative of his or her choice, may review the complaint
66 and all statements regardless of form made by the complainant
67 and witnesses immediately prior to the beginning of the
68 investigative interview. All statements, regardless of form,
69 provided by a law enforcement officer or correctional officer
70 during the course of a complaint investigation of that officer
71 shall be made under oath pursuant to s. 92.525. Knowingly false
72 statements given by a law enforcement officer or correctional
73 officer under investigation may subject the law enforcement
74 officer or correctional officer to prosecution for perjury. If a
75 witness to a complaint is incarcerated in a correctional
76 facility and may be under the supervision of, or have contact
77 with, the officer under investigation, only the names and
78 written statements of the complainant and nonincarcerated
79 witnesses may be reviewed by the officer under investigation

Page 3 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb0583-02-c2

HB 583 CS

2006
CS

80 | immediately prior to the beginning of the investigative
81 | interview.

82 | Section 2. This act shall take effect upon becoming a law.