

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 certain investigative reports to include a statement  
5 relating to compliance with ss. 112.532 and 112.533, F.S.,  
6 and to be verified; requiring certain statements to be  
7 made under oath and subject to prosecution for perjury;  
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) and paragraph (a) of subsection  
13 (2) of section 112.533, Florida Statutes, are amended to read:

14 112.533 Receipt and processing of complaints.--

15 (1) Every law enforcement agency and correctional agency  
16 shall establish and put into operation a system for the receipt,  
17 investigation, and determination of complaints received by such  
18 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. When  
23 law enforcement or correctional agency personnel assigned the  
24 responsibility of investigating the complaint prepare an  
25 investigative report or summary, regardless of form, the person  
26 preparing the report shall, at the time the report is completed:

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

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

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

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

45        (2) (a) A complaint filed against a law enforcement officer  
46 or correctional officer with a law enforcement agency or  
47 correctional agency and all information obtained pursuant to the  
48 investigation by the agency of such complaint shall be  
49 confidential and exempt from the provisions of s. 119.07(1)  
50 until the investigation ceases to be active, or until the agency  
51 head or the agency head's designee provides written notice to  
52 the officer who is the subject of the complaint, either  
53 personally or by mail, that the agency has either:

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

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

58  
59 Notwithstanding the foregoing provisions, the officer who is the  
60 subject of the complaint, along with legal counsel or any other  
61 representative of his or her choice, may review the complaint  
62 and all statements regardless of form made by the complainant  
63 and witnesses immediately prior to the beginning of the  
64 investigative interview. All statements, regardless of form,  
65 provided by a law enforcement officer or correctional officer  
66 during the course of a complaint investigation of that officer  
67 shall be made under oath pursuant to s. 92.525. Knowingly false  
68 statements given by a law enforcement officer or correctional  
69 officer under investigation may subject the law enforcement  
70 officer or correctional officer to prosecution for perjury. If a  
71 witness to a complaint is incarcerated in a correctional  
72 facility and may be under the supervision of, or have contact  
73 with, the officer under investigation, only the names and  
74 written statements of the complainant and nonincarcerated  
75 witnesses may be reviewed by the officer under investigation  
76 immediately prior to the beginning of the investigative  
77 interview.

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