

1                                   A bill to be entitled  
 2           An act relating to the investigations of law enforcement  
 3           and correctional officers; amending s. 112.532, F.S.;  
 4           requiring that all identifiable witnesses to a complaint  
 5           against a law enforcement or correctional officer be  
 6           interviewed, whenever possible, prior to the investigative  
 7           interview of the accused officer; requires that the  
 8           accused officer be furnished with the complaint and  
 9           witness statements prior to any investigative interview of  
 10          that officer; providing for waiver of the right to review  
 11          witness statements by an officer; providing for tolling of  
 12          the limitations period during emergencies or natural  
 13          disasters; providing an effective date.

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

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 17           Section 1. Paragraph (d) of subsection (1) and paragraph  
 18           (a) of subsection (6) of section 112.532, Florida Statutes, are  
 19           amended to read:

20           112.532 Law enforcement officers' and correctional  
 21           officers' rights.--All law enforcement officers and correctional  
 22           officers employed by or appointed to a law enforcement agency or  
 23           a correctional agency shall have the following rights and  
 24           privileges:

25           (1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL  
 26           OFFICERS WHILE UNDER INVESTIGATION.--Whenever a law enforcement  
 27           officer or correctional officer is under investigation and  
 28           subject to interrogation by members of his or her agency for any

29 | reason which could lead to disciplinary action, demotion, or  
30 | dismissal, such interrogation shall be conducted under the  
31 | following conditions:

32 |       (d) The law enforcement officer or correctional officer  
33 | under investigation shall be informed of the nature of the  
34 | investigation prior to any interrogation, and he or she shall be  
35 | informed of the names ~~name~~ of all complainants. All identifiable  
36 | witnesses shall be interviewed, whenever possible, prior to the  
37 | beginning of the investigative interview of the accused officer.  
38 | The complaint and all witness statements shall be provided to  
39 | the officer who is the subject of the complaint prior to the  
40 | beginning of any investigative interview of that officer. An  
41 | officer, after being informed of the right to review witness  
42 | statements, may voluntarily waive the provisions of this  
43 | paragraph and provide a voluntary statement at any time.

44 |       (6) LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.--

45 |       (a) Except as provided in this subsection, no disciplinary  
46 | action, demotion, or dismissal shall be undertaken by an agency  
47 | against a law enforcement officer or correctional officer for  
48 | any act, omission, or other allegation of misconduct if the  
49 | investigation of such allegation is not completed within 180  
50 | days after the date the agency receives notice of the allegation  
51 | by a person authorized by the agency to initiate an  
52 | investigation of the misconduct. In the event that the agency  
53 | determines that disciplinary action is appropriate, it shall  
54 | complete its investigation and give notice in writing to the law  
55 | enforcement officer or correctional officer of its intent to  
56 | proceed with disciplinary action, along with a proposal of the

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57 | action sought. Such notice to the officer shall be provided  
58 | within 180 days after the date the agency received notice of the  
59 | alleged misconduct, except as follows:

60 |       1. The running of the limitations period may be tolled for  
61 | a period specified in a written waiver of the limitation by the  
62 | law enforcement officer or correctional officer.

63 |       2. The running of the limitations period shall be tolled  
64 | during the time that any criminal investigation or prosecution  
65 | is pending in connection with the act, omission, or other  
66 | allegation of misconduct.

67 |       3. If the investigation involves an officer who is  
68 | incapacitated or otherwise unavailable, the running of the  
69 | limitations period shall be tolled during the period of  
70 | incapacitation or unavailability.

71 |       4. In a multijurisdictional investigation, the limitations  
72 | period may be extended for a period of time reasonably necessary  
73 | to facilitate the coordination of the agencies involved.

74 |       5. The running of the limitations period may be tolled for  
75 | emergencies or natural disasters during the time period wherein  
76 | the Governor has declared a state of emergency within the  
77 | jurisdictional boundaries of the concerned agency.

78 |       Section 2. This act shall take effect July 1, 2007.