

By Senator Haridopolos

26-714-07

1                                   A bill to be entitled  
2           An act relating to correctional and law  
3           enforcement officer discipline; amending s.  
4           112.533, F.S.; requiring that certain  
5           investigative reports include a statement  
6           relating to compliance with ss. 112.532 and  
7           112.533, F.S., and that these reports be  
8           verified; requiring that certain statements be  
9           made under oath and subject to prosecution for  
10          perjury; providing an effective date.

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

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

17           112.533 Receipt and processing of complaints.--

18           (1) Every law enforcement agency and correctional  
19 agency shall establish and put into operation a system for the  
20 receipt, investigation, and determination of complaints  
21 received by such agency from any person, which shall be the  
22 procedure for investigating a complaint against a law  
23 enforcement and correctional officer and for determining  
24 whether to proceed with disciplinary action or to file  
25 disciplinary charges, notwithstanding any other law or  
26 ordinance to the contrary. When law enforcement or  
27 correctional agency personnel assigned the responsibility of  
28 investigating the complaint prepare an investigative report or  
29 summary, regardless of form, the person preparing the report  
30 shall, at the time the report is completed:

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

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

6  
7       "I, the undersigned, do hereby swear, under  
8 penalty of perjury, that, to the best of my  
9 personal knowledge, information, and belief, I  
10 have not knowingly or willfully deprived, or  
11 allowed another to deprive, the subject of the  
12 investigation of any of the rights contained in  
13 ss. 112.532 and 112.533, Florida Statutes."

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

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

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

