

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 that certain investigative reports include a statement
 5 relating to compliance with ss. 112.532 and 112.533, F.S.,
 6 and that these reports be verified; requiring that certain
 7 statements be made under oath and subject to prosecution
 8 for perjury; 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:

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

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

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

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

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

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

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