By Senator Diaz de la Portilla

36-1074-07 See HB

 1   A bill to be entitled
 2   An act relating to law enforcement officers and
 3   correctional officers; amending s. 112.534,
 4   F.S.; providing for sanctions for violation of
 5   officers' rights in disciplinary proceedings;
 6   providing for rulemaking; providing an
 7   effective date.
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 9 Be It Enacted by the Legislature of the State of Florida:
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11   Section 1. Subsection (1) of section 112.534, Florida
12 Statutes, is amended to read:
13   112.534 Failure to comply; official misconduct.--
14   (1) If any law enforcement agency or correctional
15 agency fails to comply with the requirements of this part, <u>in</u>
16 <u>addition to the civil action provided in s. 112.532(3),</u> a law
17 enforcement officer or correctional officer employed by or
18 appointed to such agency<u>:</u>
19   <u>(a)</u> Who is personally injured by such failure to
20 comply may apply directly to the circuit court of the county
21 wherein such agency is headquartered and permanently resides
22 for an injunction to restrain and enjoin such violation of the
23 provisions of this part and to compel the performance of the
24 duties imposed by this part.
25   <u>(b) Whose rights under this part are violated may</u>
26 <u>apply directly to the Criminal Justice Standards and Training</u>
27 <u>Commission for an order imposing a fine not to exceed $10,000</u>
28 <u>for each violation of any provision of this part. A fine may</u>
29 <u>be levied against the person committing the violation, that</u>
30 <u>person's employing or appointing agency, or both. A second or</u>
31 <u>subsequent violation may lead to disciplinary action up to and</u>

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1 including revocation of the violator's certification. The
2 Criminal Justice Standards and Training Commission may adopt
3 rules under ss. 120.536(1) and 120.54 for the implementation
4 of this paragraph.
5   Section 2. This act shall take effect upon becoming a
6 law.
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