

HB 901

2008

1 A bill to be entitled
2 An act relating to law enforcement officers and
3 correctional officers; amending s. 112.534, F.S.;
4 providing for sanctions for violation of officers' rights
5 in disciplinary proceedings; authorizing the Criminal
6 Justice Standards and Training Commission to adopt rules;
7 providing an 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 agency
15 fails to comply with the requirements of this part, in addition
16 to the civil action provided in s. 112.532(3), a law enforcement
17 officer or correctional officer employed by or appointed to such
18 agency:

19 (a) Who is personally injured by such failure to comply
20 may apply directly to the circuit court of the county wherein
21 such agency is headquartered and permanently resides for an
22 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 (b) Whose rights under this part are violated may apply
26 directly to the Criminal Justice Standards and Training
27 Commission for an order imposing a fine not to exceed \$10,000
28 for each violation of any provision of this part. A fine may be

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29 levied against the person committing the violation, that
30 person's employing or appointing agency, or both. A second or
31 subsequent violation may lead to disciplinary action up to and
32 including revocation of the violator's certification. The
33 Criminal Justice Standards and Training Commission may adopt
34 rules under ss. 120.536(1) and 120.54 for the implementation of
35 this paragraph.

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