

1 A bill to be entitled
2 An act relating to law enforcement and correctional
3 officers; reordering and amending s. 112.531, F.S.;
4 revising definitions; amending s. 112.532, F.S.;
5 specifying that an allegation of misconduct may
6 originate from any source, not just a person
7 authorized to initiate an investigation; amending s.
8 112.534, F.S.; authorizing an officer to bring an
9 action for injunctive relief if a law enforcement or
10 correctional agency fails to comply with specified
11 provisions; providing a presumption of irreparable
12 harm; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 112.531, Florida Statutes, is reordered
17 and amended to read:

18 112.531 Definitions.—As used in this part:

19 (1)~~(2)~~ "Correctional officer" means any person, other than
20 a warden, who is appointed or employed full time or part time by
21 the state or any political subdivision thereof whose primary
22 responsibility is the supervision, protection, care, custody, or
23 control of inmates within a correctional institution; and
24 includes correctional probation officers, as defined in s.
25 943.10(3). However, the term "correctional officer" does not

26 | include any secretarial, clerical, or professionally trained
 27 | personnel.

28 | ~~(2)~~⁽¹⁾ "Law enforcement officer" means any person, other
 29 | than a chief of police, who is employed full time or part time
 30 | by any municipality or the state or any political subdivision
 31 | thereof and whose primary responsibility is the prevention and
 32 | detection of crime or the enforcement of the penal, traffic, or
 33 | highway laws of this state; and includes any person who is
 34 | appointed by the sheriff as a deputy sheriff pursuant to s.
 35 | 30.07.

36 | Section 2. Paragraph (a) of subsection (6) of section
 37 | 112.532, Florida Statutes, is amended to read:

38 | 112.532 Law enforcement officers' and correctional
 39 | officers' rights.—All law enforcement officers and correctional
 40 | officers employed by or appointed to a law enforcement agency or
 41 | a correctional agency shall have the following rights and
 42 | privileges:

43 | (6) LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.—

44 | (a) Except as provided in this subsection, disciplinary
 45 | action, suspension, demotion, or dismissal may not be undertaken
 46 | by an agency against a law enforcement officer or correctional
 47 | officer for any act, omission, or other allegation or complaint
 48 | of misconduct, regardless of the origin of the allegation or
 49 | complaint, if the investigation of the allegation or complaint
 50 | is not completed within 180 days after the date the agency

51 receives notice of the allegation or complaint ~~by a person~~
52 ~~authorized by the agency to initiate an investigation of the~~
53 ~~misconduct~~. If the agency determines that disciplinary action is
54 appropriate, it shall complete its investigation and give notice
55 in writing to the law enforcement officer or correctional
56 officer of its intent to proceed with disciplinary action, along
57 with a proposal of the specific action sought, including length
58 of suspension, if applicable. Notice to the officer must be
59 provided within 180 days after the date the agency received
60 notice of the alleged misconduct, regardless of the origin of
61 the allegation or complaint, except as follows:

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

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

69 3. If the investigation involves an officer who is
70 incapacitated or otherwise unavailable, the running of the
71 limitations period is tolled during the period of incapacitation
72 or unavailability.

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

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

80 6. The running of the limitations period is tolled during
81 the time that the officer's compliance hearing proceeding is
82 continuing beginning with the filing of the notice of violation
83 and a request for a hearing and ending with the written
84 determination of the compliance review panel or upon the
85 violation being remedied by the agency.

86 Section 3. Subsection (2) of section 112.534, Florida
87 Statutes, is renumbered as subsection (3), and a new subsection
88 (2) is added to that section, to read:

89 112.534 Failure to comply; official misconduct.—

90 (2) If any law enforcement agency or correctional agency,
91 including investigators in its internal affairs or professional
92 standards division, or an assigned investigating supervisor,
93 fails to comply with the requirements of this part, or if the
94 injury suffered by the law enforcement officer or correctional
95 officer employed by or appointed to such agency is not capable
96 of being remedied by a compliance review hearing, the officer
97 who is personally injured by such failure to comply may file an
98 action for injunctive relief in the circuit court where the
99 agency is located to enforce the requirements of this part.
100 Clear and convincing evidence that an agency violated this part

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101 | constitutes irreparable harm for purposes of injunctive relief.

102 | Section 4. This act shall take effect July 1, 2020.