

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; providing an effective  
7           date.

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

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11           Section 1. Section 112.531, Florida Statutes, is reordered  
12           and amended to read:

13           112.531 Definitions.—As used in this part:

14           ~~(1)(2)~~ "Correctional officer" means any person, other than  
15           a warden, who is appointed or employed full time or part time by  
16           the state or any political subdivision thereof whose primary  
17           responsibility is the supervision, protection, care, custody, or  
18           control of inmates within a correctional institution; and  
19           includes correctional probation officers, as defined in s.  
20           943.10(3). However, the term "correctional officer" does not  
21           include any secretarial, clerical, or professionally trained  
22           personnel.

23           ~~(2)(1)~~ "Law enforcement officer" means any person, other  
24           than a chief of police, who is employed full time or part time  
25           by any municipality or the state or any political subdivision

26 | thereof and whose primary responsibility is the prevention and  
27 | detection of crime or the enforcement of the penal, traffic, or  
28 | highway laws of this state; and includes any person who is  
29 | appointed by the sheriff as a deputy sheriff under ~~pursuant to~~  
30 | s. 30.07.

31 | Section 2. Paragraph (a) of subsection (6) of section  
32 | 112.532, Florida Statutes, is amended to read:

33 | 112.532 Law enforcement officers' and correctional  
34 | officers' rights.—All law enforcement officers and correctional  
35 | officers employed by or appointed to a law enforcement agency or  
36 | a correctional agency shall have the following rights and  
37 | privileges:

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

39 | (a) Except as provided in this subsection, disciplinary  
40 | action, suspension, demotion, or dismissal may not be undertaken  
41 | by an agency against a law enforcement officer or correctional  
42 | officer for any act, omission, or other allegation or complaint  
43 | of misconduct, regardless of the origin of the allegation or  
44 | complaint, if the investigation of the allegation or complaint  
45 | is not completed within 180 days after the date the agency  
46 | receives notice of the allegation or complaint by a person  
47 | authorized by the agency to initiate an investigation of the  
48 | misconduct. If the agency determines that disciplinary action is  
49 | appropriate, it shall complete its investigation and give notice  
50 | in writing to the law enforcement officer or correctional

51 officer of its intent to proceed with disciplinary action, along  
52 with a proposal of the specific action sought, including length  
53 of suspension, if applicable. Notice to the officer must be  
54 provided within 180 days after the date the agency received  
55 notice of the alleged misconduct, regardless of the origin of  
56 the allegation or complaint, except as follows:

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

60 2. The running of the limitations period is tolled during  
61 the time that any criminal investigation or prosecution is  
62 pending in connection with the act, omission, or other  
63 allegation of misconduct.

64 3. If the investigation involves an officer who is  
65 incapacitated or otherwise unavailable, the running of the  
66 limitations period is tolled during the period of incapacitation  
67 or unavailability.

68 4. In a multijurisdictional investigation, the limitations  
69 period may be extended for a period of time reasonably necessary  
70 to facilitate the coordination of the agencies involved.

71 5. The running of the limitations period may be tolled for  
72 emergencies or natural disasters during the time period wherein  
73 the Governor has declared a state of emergency within the  
74 jurisdictional boundaries of the concerned agency.

75 6. The running of the limitations period is tolled during

76 | the time that the officer's compliance hearing proceeding is  
77 | continuing beginning with the filing of the notice of violation  
78 | and a request for a hearing and ending with the written  
79 | determination of the compliance review panel or upon the  
80 | violation being remedied by the agency.

81 |       Section 3. This act shall take effect July 1, 2020.