



460020

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

Appropriations Subcommittee on Criminal and Civil Justice
(Hooper) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

112.531 Definitions.—As used in this part, the term:

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



460020

11 thereof and whose primary responsibility is the prevention and
12 detection of crime or the enforcement of the penal, traffic, or
13 highway laws of this state; and includes any person who is
14 appointed by the sheriff as a deputy sheriff under ~~pursuant to~~
15 s. 30.07.

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

25 Section 2. Paragraph (a) of subsection (6) of section
26 112.532, Florida Statutes, is amended to read:

27 112.532 Law enforcement officers' and correctional
28 officers' rights.—All law enforcement officers and correctional
29 officers employed by or appointed to a law enforcement agency or
30 a correctional agency shall have the following rights and
31 privileges:

32 (6) LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.—

33 (a) Except as provided in this subsection, disciplinary
34 action, suspension, demotion, or dismissal may not be undertaken
35 by an agency against a law enforcement officer or correctional
36 officer for any act, omission, or other allegation or complaint
37 of misconduct, regardless of the origin of the allegation or
38 complaint, if the investigation of the allegation or complaint
39 is not completed within 180 days after the date the agency



460020

40 receives notice of the allegation or complaint by a person
41 authorized by the agency to initiate an investigation of the
42 misconduct. If the agency determines that disciplinary action is
43 appropriate, it shall complete its investigation and give notice
44 in writing to the law enforcement officer or correctional
45 officer of its intent to proceed with disciplinary action, along
46 with a proposal of the specific action sought, including length
47 of suspension, if applicable. Notice to the officer must be
48 provided within 180 days after the date the agency received
49 notice of the alleged misconduct, regardless of the origin of
50 the allegation or complaint, except as follows:

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

54 2. The running of the limitations period is tolled during
55 the time that any criminal investigation or prosecution is
56 pending in connection with the act, omission, or other
57 allegation of misconduct.

58 3. If the investigation involves an officer who is
59 incapacitated or otherwise unavailable, the running of the
60 limitations period is tolled during the period of incapacitation
61 or unavailability.

62 4. In a multijurisdictional investigation, the limitations
63 period may be extended for a period of time reasonably necessary
64 to facilitate the coordination of the agencies involved.

65 5. The running of the limitations period may be tolled for
66 emergencies or natural disasters during the time period wherein
67 the Governor has declared a state of emergency within the
68 jurisdictional boundaries of the concerned agency.



460020

69 6. The running of the limitations period is tolled during
70 the time that the officer's compliance hearing proceeding is
71 continuing beginning with the filing of the notice of violation
72 and a request for a hearing and ending with the written
73 determination of the compliance review panel or upon the
74 violation being remedied by the agency.

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

76
77 ===== T I T L E A M E N D M E N T =====

78 And the title is amended as follows:

79 Delete everything before the enacting clause
80 and insert:

81 A bill to be entitled
82 An act relating to law enforcement and correctional
83 officers; reordering and amending s. 112.531, F.S.;
84 revising definitions; amending s. 112.532, F.S.;
85 specifying that an allegation or complaint of
86 misconduct against a law enforcement officer or a
87 correctional officer may originate from any source;
88 providing an effective date.