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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 or complaint of
6 misconduct against a law enforcement officer or a
7 correctional officer may originate from any source;
8 amending s. 112.533, F.S.; authorizing law enforcement
9 and correctional agencies to request a separate agency
10 to conduct an investigation of a complaint under
11 certain circumstances; specifying requirements for
12 such investigations; 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, the term:

19 (2)~~(1)~~ "Law enforcement officer" means any person, other
20 than a chief of police, who is employed full time or part time
21 by any municipality or the state or any political subdivision
22 thereof and whose primary responsibility is the prevention and
23 detection of crime or the enforcement of the penal, traffic, or
24 highway laws of this state; and includes any person who is
25 appointed by the sheriff as a deputy sheriff under ~~pursuant to~~
26 s. 30.07.

27 (1)~~(2)~~ "Correctional officer" means any person, other than
28 a warden, who is appointed or employed full time or part time by
29 the state or any political subdivision thereof whose primary

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30 responsibility is the supervision, protection, care, custody, or
31 control of inmates within a correctional institution; and
32 includes correctional probation officers, as defined in s.
33 943.10(3). However, the term "correctional officer" does not
34 include any secretarial, clerical, or professionally trained
35 personnel.

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

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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. Paragraph (b) of subsection (1) of section
87 112.533, Florida Statutes, is amended to read:

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88 112.533 Receipt and processing of complaints.—

89 (1)

90 (b)1. Any political subdivision that initiates or receives
91 a complaint against a law enforcement officer or correctional
92 officer must within 5 business days forward the complaint to the
93 employing agency of the officer who is the subject of the
94 complaint for review or investigation.

95 2. For purposes of this paragraph, the term "political
96 subdivision" means a separate agency or unit of local government
97 created or established by law or ordinance and the officers
98 thereof and includes, but is not limited to, an authority,
99 board, branch, bureau, city, commission, consolidated
100 government, county, department, district, institution,
101 metropolitan government, municipality, office, officer, public
102 corporation, town, or village.

103
104 Notwithstanding the rights and privileges provided under this
105 part or any provisions provided in a collective bargaining
106 agreement, the agency head or the agency head's designee may
107 request a sworn or certified investigator from a separate law
108 enforcement or correctional agency to conduct the investigation
109 when a conflict is identified with having an investigator
110 conduct the investigation of an officer of the same employing
111 agency; the employing agency does not have an investigator
112 trained to conduct such investigations; or the agency's
113 investigator is the subject of, or a witness in, the
114 investigation and such agency is composed of any combination of
115 35 or fewer law enforcement officers or correctional officers.
116 The employing agency must document the identified conflict. Upon

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117 completion of the investigation, the investigator shall present
118 the findings without any disciplinary recommendation to the
119 employing agency.

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