

1                                   A bill to be entitled  
 2           An act relating to law enforcement officers' and  
 3           correctional officers' rights; repealing s. 112.532,  
 4           F.S., relating to law enforcement officers' and  
 5           correctional officers' rights; removing the rights of  
 6           law enforcement officers and correctional officers  
 7           while under investigation; removing provisions  
 8           creating a complaint review board; removing provisions  
 9           authorizing a law enforcement officer or correctional  
 10          officer to bring a civil suit under certain  
 11          circumstances; removing the prohibition against  
 12          certain disciplinary action without proper notice;  
 13          removing the limitations period for bringing  
 14          disciplinary action against a law enforcement officer  
 15          or correctional officer; amending s. 112.533, F.S.;  
 16          conforming provisions to changes made by the act;  
 17          removing provisions relating to processing and  
 18          reviewing complaints, inactive investigations, and  
 19          officer statements; providing an effective date.  
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21   Be It Enacted by the Legislature of the State of Florida:

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- 23           Section 1. Section 112.532, Florida Statutes, is repealed.  
 24           Section 2. Paragraph (a) of subsection (1), paragraphs (a)  
 25           and (b) of subsection (2), and subsection (3) of section

26 | 112.533, Florida Statutes, are amended to read:

27 |       112.533 Receipt and processing of complaints.—

28 |       (1) (a) Every law enforcement agency and correctional  
29 | agency shall establish and put into operation a system for the  
30 | receipt, investigation, and determination of complaints received  
31 | by such agency from any person, which shall be the procedure for  
32 | investigating a complaint against a law enforcement and  
33 | correctional officer and for determining whether to proceed with  
34 | disciplinary action or to file disciplinary charges,  
35 | notwithstanding any other law or ordinance to the contrary. When  
36 | law enforcement or correctional agency personnel assigned the  
37 | responsibility of investigating the complaint prepare an  
38 | investigative report or summary, regardless of form, the person  
39 | preparing the report shall, at the time the report is completed:

40 |       1. Verify pursuant to s. 92.525 that the contents of the  
41 | report are true and accurate based upon the person's personal  
42 | knowledge, information, and belief.

43 |       2. Include the following statement, sworn and subscribed  
44 | to pursuant to s. 92.525:

45 | "I, the undersigned, do hereby swear, under penalty of perjury,  
46 | that, to the best of my personal knowledge, information, and  
47 | belief, I have not knowingly or willfully deprived, or allowed  
48 | another to deprive, the subject of the investigation of any of  
49 | the rights contained in s. 112.533 ~~ss. 112.532 and 112.533~~,  
50 | Florida Statutes."

51  
52 ~~The requirements of subparagraphs 1. and 2. shall be completed~~  
53 ~~prior to the determination as to whether to proceed with~~  
54 ~~disciplinary action or to file disciplinary charges.~~ This  
55 subsection does not preclude the Criminal Justice Standards and  
56 Training Commission from exercising its authority under chapter  
57 943.

58 (2) (a) A complaint filed against a law enforcement officer  
59 or correctional officer with a law enforcement agency or  
60 correctional agency and all information obtained pursuant to the  
61 investigation by the agency of the complaint is confidential and  
62 exempt from the provisions of s. 119.07(1) until the  
63 investigation ceases to be active, or until the agency head or  
64 the agency head's designee provides written notice to the  
65 officer who is the subject of the complaint, either personally  
66 or by mail, that the agency has either:

67 1. Concluded the investigation with a finding not to  
68 proceed with disciplinary action or to file charges; or

69 2. Concluded the investigation with a finding to proceed  
70 with disciplinary action or to file charges.

71  
72 ~~Notwithstanding the foregoing provisions, the officer who is the~~  
73 ~~subject of the complaint, along with legal counsel or any other~~  
74 ~~representative of his or her choice, may review the complaint~~  
75 ~~and all statements regardless of form made by the complainant~~

76 ~~and witnesses and all existing evidence, including, but not~~  
77 ~~limited to, incident reports, analyses, GPS locator information,~~  
78 ~~and audio or video recordings relating to the investigation,~~  
79 ~~immediately before beginning the investigative interview.~~ All  
80 statements, regardless of form, provided by a law enforcement  
81 officer or correctional officer during the course of a complaint  
82 investigation of that officer shall be made under oath pursuant  
83 to s. 92.525. Knowingly false statements given by a law  
84 enforcement officer or correctional officer under investigation  
85 may subject the law enforcement officer or correctional officer  
86 to prosecution for perjury. If a witness to a complaint is  
87 incarcerated in a correctional facility and may be under the  
88 supervision of, or have contact with, the officer under  
89 investigation, only the names and written statements of the  
90 complainant and nonincarcerated witnesses may be reviewed by the  
91 officer under investigation immediately prior to the beginning  
92 of the investigative interview.

93 (b) This subsection does not apply to any public record  
94 which is exempt from public disclosure pursuant to chapter 119.  
95 For the purposes of this subsection, an investigation shall be  
96 considered active as long as it is continuing with a reasonable,  
97 good faith anticipation that an administrative finding will be  
98 made in the foreseeable future. ~~An investigation shall be~~  
99 ~~presumed to be inactive if no finding is made within 45 days~~  
100 ~~after the complaint is filed.~~

101 (3) A law enforcement officer or correctional officer has  
102 the right to review his or her official personnel file at any  
103 reasonable time under the supervision of the designated records  
104 custodian. ~~A law enforcement officer or correctional officer may~~  
105 ~~attach to the file a concise statement in response to any items~~  
106 ~~included in the file identified by the officer as derogatory,~~  
107 ~~and copies of such items must be made available to the officer.~~

108 Section 3. This act shall take effect July 1, 2021.