

By Representative Mackenzie

1                                   A bill to be entitled  
2           An act relating to law enforcement and  
3           correctional officers; amending s. 112.532,  
4           F.S.; providing requirements with respect to  
5           recordings made during the formal interrogation  
6           of a law enforcement or correctional officer;  
7           amending s. 112.533, F.S.; providing for rights  
8           of law enforcement and correctional officers to  
9           review their personnel files, attach a  
10          response, and receive a copy of certain  
11          materials in the file; amending s. 943.135,  
12          F.S.; permitting law enforcement officers who  
13          are elected or appointed public officials to  
14          maintain certification in a special status  
15          while holding office; providing an effective  
16          date.

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

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20           Section 1. Paragraph (g) of subsection (1) of section  
21 112.532, Florida Statutes, is amended to read:22           112.532 Law enforcement officers' and correctional  
23 officers' rights.--All law enforcement officers and  
24 correctional officers employed by or appointed to a law  
25 enforcement agency or a correctional agency shall have the  
26 following rights and privileges:27           (1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND  
28 CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.--Whenever a  
29 law enforcement officer or correctional officer is under  
30 investigation and subject to interrogation by members of his  
31 or her agency for any reason which could lead to disciplinary

1 action, demotion, or dismissal, such interrogation shall be  
2 conducted under the following conditions:

3 (g) The formal interrogation of a law enforcement  
4 officer or correctional officer, including all recess periods,  
5 shall be recorded, and there shall be no unrecorded questions  
6 or statements. In addition to any recording made by the  
7 agency, the officer being interrogated must be given a copy of  
8 the recording of the interrogation session no later than the  
9 end of the next business day following said interrogation.

10 Section 2. Subsection (3) of section 112.533, Florida  
11 Statutes, is renumbered as subsection (4) and a new subsection  
12 (3) is added to said section to read:

13 112.533 Receipt and processing of complaints.--

14 (3) A law enforcement officer or correctional officer  
15 has the right to review his or her official personnel file at  
16 any reasonable time under the supervision of the designated  
17 records custodian. A law enforcement officer or correctional  
18 officer may attach to the file a concise statement in response  
19 to any items included in the file and must be sent a copy of  
20 any derogatory material that is placed in the file.

21 Section 3. Subsection (4) of section 943.135, Florida  
22 Statutes, is amended to read:

23 943.135 Requirements for continued employment.--

24 (4)(a) Notwithstanding any other provision of law, any  
25 person holding active certification from the Criminal Justice  
26 Standards and Training Commission as a law enforcement  
27 officer, correctional officer, or correctional probation  
28 officer, as defined in s. 943.10(1), (2), (3), (6), (7), (8),  
29 or (9), who resigns his or her position as law enforcement  
30 officer, correctional officer, or correctional probation  
31 officer for the sole purpose of serving in an office to which

1 the person has been elected or appointed and to thereby avoid  
2 the prohibition against dual officeholding established in s.  
3 5(a) of Art. II of the State Constitution may be allowed to  
4 retain active certification in a special status during the  
5 tenure of the elected or appointed office if at the time of  
6 resignation, the person:

7 1. Was employed by or associated with an employing  
8 agency in a manner authorized by chapter 943;

9 2. Was not subject to an internal investigation or  
10 employment action to discipline or dismiss by the employing  
11 agency;

12 3. Was not subject to criminal investigation or  
13 prosecution by any state or federal authority; and

14 4. Was not subject to an investigation or action  
15 against his or her certification by the Criminal Justice  
16 Standards and Training Commission,

17  
18 and that subsequent to the resignation the person otherwise  
19 complies with this subsection.

20 (b) Any person who qualifies under paragraph (a) may,  
21 for purposes of meeting the minimum mandatory continuing  
22 training or education requirements of this section, at the  
23 option of an employing agency, associate with that agency for  
24 the sole purpose of securing continuing training or education  
25 as required by this section and for allowing the agency to  
26 report completion of the education or training to the Criminal  
27 Justice Standards and Training Commission. The employing  
28 agency with which the person has associated shall submit proof  
29 of completion of any education or training so obtained for  
30 purposes of demonstrating compliance with this section and  
31 shall indicate that the person for whom the credits are

1 reported has secured the training under the special status  
2 authorized by this section. An employing agency may require  
3 any person so associated to attend continuing training or  
4 education at the person's own expense and may determine the  
5 courses or training that a person is to attend while  
6 associated with the agency. Any person who is permitted to  
7 associate with an employing agency for purposes of obtaining  
8 and reporting education or continuing training credits while  
9 serving in an elected or appointed public office shall not be  
10 considered to be employed by the employing agency or  
11 considered by the association with the employing agency to  
12 maintain an office under s. 5(a) of Art. II of the State  
13 Constitution.

14 (c) The period of time a person serves in an elected  
15 or appointed office and thereby maintains the special  
16 certification status authorized by this section may not be  
17 considered in calculating whether the person is considered to  
18 have incurred a break in service for purposes of maintaining  
19 active certification by the Criminal Justice Standards and  
20 Training Commission.

21 (d) An employing agency that receives a resignation  
22 from a person for the purpose of avoiding the dual office  
23 holding prohibition as discussed in this subsection shall  
24 verify that the person who has resigned is in fact serving in  
25 an elected or public office and report the verification  
26 including an indication of the office in which the person is  
27 serving to the Criminal Justice Standards and Training  
28 Commission via the affidavit of separation of employment used  
29 by the commission.

30 (e) Any person seeking the benefit of this subsection  
31 shall, upon request, provide to the Criminal Justice Standards

1 and Training Commission any documentation or proof required by  
2 the commission to evaluate the person's eligibility under this  
3 subsection, to evaluate a submission of continuing training or  
4 education credits as authorized by this subsection, or to  
5 determine the duration of any tenure in an elected or  
6 appointed public office, including any extension of the status  
7 by reason of reelection or reappointment or by election or  
8 appointment to a different office.~~The commission is~~  
9 ~~authorized to develop this program for implementation on July~~  
10 ~~1, 1985, for full-time, part-time, or auxiliary law~~  
11 ~~enforcement officers and correctional officers and a program~~  
12 ~~for correctional probation officers for implementation on July~~  
13 ~~1, 1987.~~

14 Section 4. This act shall take effect upon becoming a  
15 law.

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18 HOUSE SUMMARY

19 Revises provisions of law relating to law enforcement and  
20 correctional officers to provide that in addition to any  
21 recording made by the agency during a formal  
22 interrogation, the officer being interrogated must be  
23 given a copy of the recording of the interrogation  
24 session no later than the end of the next business day  
25 following said interrogation. Provides that such officers  
26 have the right to review his or her personnel file at any  
27 reasonable time under the supervision of the designated  
28 records custodian, and may attach to the file a concise  
29 statement in response to any items included in the file,  
30 and must be sent a copy of any derogatory material that  
31 is placed in the file.

26 Allows law enforcement officers who are also elected or  
27 appointed public officials to maintain certification in a  
28 special status while holding office. See bill for  
29 details.