Florida Senate - 2006

By Senator Haridopolos

26-1046-06 See HB 583 1 A bill to be entitled 2 An act relating to correctional and law 3 enforcement officer discipline; amending s. 4 112.533, F.S.; requiring verification of the 5 contents of certain investigative reports; б amending s. 112.534, F.S.; providing for 7 investigations of complaints alleging specified 8 procedural violations; requiring a log of specified complaints; providing an effective 9 10 date. 11 12 Be It Enacted by the Legislature of the State of Florida: 13 Section 1. Subsection (1) of section 112.533, Florida 14 Statutes, is amended to read: 15 112.533 Receipt and processing of complaints.--16 17 (1)(a) Every law enforcement agency and correctional agency shall establish and put into operation a system for the 18 receipt, investigation, and determination of complaints 19 received by such agency from any person, which shall be the 20 21 procedure for investigating a complaint against a law 22 enforcement and correctional officer and for determining 23 whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or 2.4 ordinance to the contrary. This subsection does not preclude 25 the Criminal Justice Standards and Training Commission from 26 27 exercising its authority under chapter 943. 28 (b) The officer assigned the responsibility of investigating the complaint and preparing the investigative 29 report under this section shall, at the time the report is 30 issued, verify pursuant to s. 92.525 that the contents of the 31

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1 report are true and accurate based upon the officer's 2 information and belief. 3 Section 2. Section 112.534, Florida Statutes, is amended to read: 4 5 112.534 Failure to comply; official misconduct.-б (1) If any law enforcement agency or correctional 7 agency fails to comply with the requirements of this part, a 8 law enforcement officer or correctional officer employed by or 9 appointed to such agency who is personally injured by such failure to comply may apply directly to the circuit court of 10 the county wherein such agency is headquartered and 11 12 permanently resides for an injunction to restrain and enjoin 13 such violation of the provisions of this part and to compel the performance of the duties imposed by this part. 14 (2) If a law enforcement or correctional agency 15 receives a complaint that alleges a violation of s. 112.532(1) 16 17 or s. 112.533(1)(b), it shall cause the complaint to be 18 investigated and a written report shall be issued addressing and resolving the allegations of the complaint. If the report 19 sustains a violation of s. 112.532(1) or s. 112.533(1)(b), the 2.0 21 agency shall remove the investigating officer who is the subject of the complaint from internal investigative 2.2 23 responsibilities and take other action against the officer as deemed appropriate. The agency shall declare any internal 2.4 investigation in which a violation occurred to be invalid, and 25 the investigative report and all supporting records shall be 26 27 placed in the removed investigator's personnel file. 2.8 Additionally, the original complaint shall be reinvestigated. (3) Every law enforcement or correctional agency 29 receiving complaints alleging a violation of the requirements 30 of this part shall maintain a log documenting the receipt of 31

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1	such complaints, which shall include the date the complaint
2	was received, the date the written report relating to the
3	complaint was completed, the disposition of the complaint, and
4	the action, if any, taken against the investigating officer
5	who was the subject of the complaint.
6	(4)(2) All the provisions of s. 838.022 shall apply to
7	this part.
8	Section 3. This act shall take effect upon becoming a
9	law.
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