

By Senator Hooper

16-00956A-20

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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 the definitions of "correctional officer" and
5 "law enforcement officer" to include persons employed
6 on a part-time basis; amending s. 112.532, F.S.;
7 authorizing an agency to take disciplinary action
8 against a correctional officer or law enforcement
9 officer accused of misconduct within a specified
10 timeframe, regardless of the allegation's origin;
11 requiring an agency to provide an officer with notice
12 of alleged misconduct within a specified timeframe,
13 regardless of the allegation's origin; amending s.
14 112.534, F.S.; authorizing an officer to bring an
15 action for injunctive relief if a law enforcement or
16 correctional agency fails to comply with certain
17 requirements of part VI of ch. 112, F.S.; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Section 112.531, Florida Statutes, is reordered
23 and amended to read:

24 112.531 Definitions.—As used in this part, the term:
25 (2)~~(1)~~ "Law enforcement officer" means any person, other
26 than a chief of police, who is employed full time or part time
27 by any municipality, or ~~or~~ the state, or any political subdivision
28 thereof, and whose primary responsibility is the prevention and
29 detection of crime or the enforcement of the penal, traffic, or

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30 highway laws of this state. The term,~~and~~ includes any person
31 who is appointed by the sheriff as a deputy sheriff pursuant to
32 s. 30.07.

33 (1)~~(2)~~ "Correctional officer" means any person, other than
34 a warden, who is appointed or employed full time or part time by
35 the state or any political subdivision thereof whose primary
36 responsibility is the supervision, protection, care, custody, or
37 control of inmates within a correctional institution. The term,~~and~~
38 ~~and~~ includes correctional probation officers, as defined in s.
39 943.10(3). ~~However,~~ The term "~~correctional officer~~" does not
40 include any secretarial, clerical, or professionally trained
41 personnel.

42 Section 2. Paragraph (a) of subsection (6) of section
43 112.532, Florida Statutes, is amended to read:

44 112.532 Law enforcement officers' and correctional
45 officers' rights.—All law enforcement officers and correctional
46 officers employed by or appointed to a law enforcement agency or
47 a correctional agency shall have the following rights and
48 privileges:

49 (6) LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.—

50 (a) Except as provided in this subsection, disciplinary
51 action, suspension, demotion, or dismissal may not be undertaken
52 by an agency against a law enforcement officer or correctional
53 officer for any act, omission, or other allegation of
54 misconduct, regardless of the allegation's origin, if the
55 investigation of the allegation is not completed within 180 days
56 after the date the agency receives notice of the allegation ~~by a~~
57 ~~person authorized by the agency to initiate an investigation of~~
58 ~~the misconduct.~~ If the agency determines that disciplinary

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59 action is appropriate, it shall complete its investigation and
60 give notice in writing to the law enforcement officer or
61 correctional officer of its intent to proceed with disciplinary
62 action, along with a proposal of the specific action sought,
63 including length of suspension, if applicable. Notice to the
64 officer must be provided within 180 days after the date the
65 agency received notice of the alleged misconduct, regardless of
66 the allegation's origin, except as follows:

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

70 2. The running of the limitations period is tolled during
71 the time that any criminal investigation or prosecution is
72 pending in connection with the act, omission, or other
73 allegation of misconduct.

74 3. If the investigation involves an officer who is
75 incapacitated or otherwise unavailable, the running of the
76 limitations period is tolled during the period of incapacitation
77 or unavailability.

78 4. In a multijurisdictional investigation, the limitations
79 period may be extended for a period of time reasonably necessary
80 to facilitate the coordination of the agencies involved.

81 5. The running of the limitations period may be tolled for
82 emergencies or natural disasters during the time period wherein
83 the Governor has declared a state of emergency within the
84 jurisdictional boundaries of the concerned agency.

85 6. The running of the limitations period is tolled during
86 the time that the officer's compliance hearing proceeding is
87 continuing beginning with the filing of the notice of violation

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88 and a request for a hearing and ending with the written
89 determination of the compliance review panel or upon the
90 violation being remedied by the agency.

91 Section 3. Present subsection (2) of section 112.534,
92 Florida Statutes, is renumbered as subsection (3), and a new
93 subsection (2) is added to that section, to read:

94 112.534 Failure to comply; official misconduct.-

95 (2) If any law enforcement agency or correctional agency,
96 including investigators in an agency's internal affairs or
97 professional standards division or an assigned investigating
98 supervisor, fails to comply with the requirements of this part,
99 or if the injury suffered by the law enforcement officer or
100 correctional officer employed by or appointed to such agency is
101 not capable of being remedied by a compliance review hearing,
102 the officer who is personally injured by such failure to comply
103 may file an action for injunctive relief in the circuit court
104 where the agency is located to enforce the requirements of this
105 part. Clear and convincing evidence that an agency violated this
106 part constitutes irreparable harm for purposes of injunctive
107 relief.

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