

By the Committee on Appropriations; and Senators Hooper and Perry

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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 appropriations and
13 authorizing positions; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 112.531, Florida Statutes, is reordered
18 and amended to read:

19 112.531 Definitions.—As used in this part, the term:

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

28 (1)~~(2)~~ "Correctional officer" means any person, other than
29 a warden, who is appointed or employed full time or part time by

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

37 Section 2. Paragraph (a) of subsection (6) of section
38 112.532, Florida Statutes, is amended to read:

39 112.532 Law enforcement officers' and correctional
40 officers' rights.—All law enforcement officers and correctional
41 officers employed by or appointed to a law enforcement agency or
42 a correctional agency shall have the following rights and
43 privileges:

44 (6) LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.—

45 (a) Except as provided in this subsection, disciplinary
46 action, suspension, demotion, or dismissal may not be undertaken
47 by an agency against a law enforcement officer or correctional
48 officer for any act, omission, or other allegation or complaint
49 of misconduct, regardless of the origin of the allegation or
50 complaint, if the investigation of the allegation or complaint
51 is not completed within 180 days after the date the agency
52 receives notice of the allegation or complaint by a person
53 authorized by the agency to initiate an investigation of the
54 misconduct. If the agency determines that disciplinary action is
55 appropriate, it shall complete its investigation and give notice
56 in writing to the law enforcement officer or correctional
57 officer of its intent to proceed with disciplinary action, along
58 with a proposal of the specific action sought, including length

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59 of suspension, if applicable. Notice to the officer must be
60 provided within 180 days after the date the agency received
61 notice of the alleged misconduct, regardless of the origin of
62 the allegation or complaint, except as follows:

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

66 2. The running of the limitations period is tolled during
67 the time that any criminal investigation or prosecution is
68 pending in connection with the act, omission, or other
69 allegation of misconduct.

70 3. If the investigation involves an officer who is
71 incapacitated or otherwise unavailable, the running of the
72 limitations period is tolled during the period of incapacitation
73 or unavailability.

74 4. In a multijurisdictional investigation, the limitations
75 period may be extended for a period of time reasonably necessary
76 to facilitate the coordination of the agencies involved.

77 5. The running of the limitations period may be tolled for
78 emergencies or natural disasters during the time period wherein
79 the Governor has declared a state of emergency within the
80 jurisdictional boundaries of the concerned agency.

81 6. The running of the limitations period is tolled during
82 the time that the officer's compliance hearing proceeding is
83 continuing beginning with the filing of the notice of violation
84 and a request for a hearing and ending with the written
85 determination of the compliance review panel or upon the
86 violation being remedied by the agency.

87 Section 3. Paragraph (b) of subsection (1) of section

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88 112.533, Florida Statutes, is amended to read:

89 112.533 Receipt and processing of complaints.—

90 (1)

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

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

104

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

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117 The employing agency must document the identified conflict. Upon
118 completion of the investigation, the investigator shall present
119 the findings without any disciplinary recommendation to the
120 employing agency.

121 Section 4. For the 2020-2021 fiscal year, the sums of
122 \$3,197,069 in recurring funds and \$194,876 in nonrecurring funds
123 are appropriated from the General Revenue Fund to the Department
124 of Corrections, and 44 full-time equivalent positions with
125 associated salary rate of 1,824,002 are authorized, for the
126 purposes of implementing this act.

127 Section 5. This act shall take effect July 1, 2020.