CHAPTER 2007-110
Council Substitute for House Bill No. 123

An act relating to the investigations of law enforcement and correctional officers; amending s. 112.532, F.S.; requiring that all identifiable witnesses to a complaint against a law enforcement or correctional officer be interviewed, whenever possible, prior to the investigative interview of the accused officer; requires that the accused officer be furnished with the complaint and witness statements prior to any investigative interview of that officer; providing for waiver of the right to review witness statements by an officer; providing for tolling of the limitations period during emergencies or natural disasters; amending s. 112.533, F.S.; requiring a political subdivision that initiates or receives a complaint against a law enforcement officer or correctional officer to forward the complaint to the officer’s employer within a specified period; providing a definition; providing an effective date.

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

Section 1. Paragraph (d) of subsection (1) and paragraph (a) of subsection (6) of section 112.532, Florida Statutes, are amended to read:

112.532 Law enforcement officers’ and correctional officers’ rights.—All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS WHILE UNDER INVESTIGATION.—Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason which could lead to disciplinary action, demotion, or dismissal, such interrogation shall be conducted under the following conditions:

(d) The law enforcement officer or correctional officer under investigation shall be informed of the nature of the investigation prior to any interrogation, and he or she shall be informed of the names of all complainants. All identifiable witnesses shall be interviewed, whenever possible, prior to the beginning of the investigative interview of the accused officer. The complaint and all witness statements shall be provided to the officer who is the subject of the complaint prior to the beginning of any investigative interview of that officer. An officer, after being informed of the right to review witness statements, may voluntarily waive the provisions of this paragraph and provide a voluntary statement at any time.

(6) LIMITATIONS PERIOD FOR DISCIPLINARY ACTIONS.—

(a) Except as provided in this subsection, no disciplinary action, demotion, or dismissal shall be undertaken by an agency against a law enforcement officer or correctional officer for any act, omission, or other allegation

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of misconduct if the investigation of such allegation is not completed within
180 days after the date the agency receives notice of the allegation by a
person authorized by the agency to initiate an investigation of the miscon-
duct. In the event that the agency determines that disciplinary action is
appropriate, it shall complete its investigation and give notice in writing to
the law enforcement officer or correctional officer of its intent to proceed
with disciplinary action, along with a proposal of the action sought. Such
notice to the officer shall be provided within 180 days after the date the
agency received notice of the alleged misconduct, except as follows:

1. The running of the limitations period may be tolled for a period speci-
fied in a written waiver of the limitation by the law enforcement officer or
correctional officer.

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

3. If the investigation involves an officer who is incapacitated or other-
wise unavailable, the running of the limitations period shall be tolled during
the period of incapacitation or unavailability.

4. In a multijurisdictional investigation, the limitations period may be
extended for a period of time reasonably necessary to facilitate the coordina-
tion of the agencies involved.

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

Section 2. Subsection (1) of section 112.533, Florida Statutes, is amended
to read:

112.533 Receipt and processing of complaints.—

112.533 Receipt and processing of complaints.—

1. Any political subdivision that initiates or receives a complaint
against a law enforcement officer or correctional officer must within 5 busi-
ness days forward the complaint to the employing agency of the officer who
is the subject of the complaint for review or investigation.

2. For purposes of this paragraph, the term “political subdivision” means
a separate agency or unit of local government created or established by law

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or ordinance and the officers thereof and includes, but is not limited to, an
authority, board, branch, bureau, city, commission, consolidated govern-
ment, county, department, district, institution, metropolitan government,
municipality, office, officer, public corporation, town, or village.

Section 3. This act shall take effect July 1, 2007.

Approved by the Governor June 12, 2007.

Filed in Office Secretary of State June 12, 2007.