

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

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BILL #: [HB 317](#)

TITLE: Complaints Against Law Enforcement and Correctional Officers

SPONSOR(S): Fabricio

COMPANION BILL: [SB 516](#) (Collins)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Criminal Justice](#)

18 Y, 0 N



[Government Operations](#)

11 Y, 6 N



[Judiciary](#)

SUMMARY

Effect of the Bill:

The bill revises provisions related to complaints against law enforcement officers (LEO) and correctional officers (CO), and the rights provided to such officers during and after an internal investigation, including:

- Requiring any complaint against a LEO or CO to be made in writing and signed under oath, thus prohibiting a person from making an anonymous complaint.
- Requiring a copy of such signed complaint be provided to a LEO or CO who is under investigation by his or her employing agency prior to any interrogation, and prohibiting an employing agency from taking any punitive action against a LEO or CO unless he or she has been provided a copy of such signed complaint.
- Specifying that a person who makes a false complaint against a LEO or CO commits perjury by false written declaration, which is punishable as a third degree felony.
- Prohibiting a law enforcement agency or correctional agency from including the investigative file of an investigation of a LEO or CO that did not result in discipline in such officer's personnel file.
- Prohibiting an investigation of a LEO or CO that did not result in disciplinary action from affecting such officer's ability to receive a promotion, raise, or other commendation.

Fiscal or Economic Impact:

The bill requires all complaints against a LEO or CO to be made in writing under oath and specifies that a person who makes a false complaint against a LEO or CO commits perjury by false written declaration, a violation of which is punishable as a third degree felony. To the extent that such false complaints are made against a LEO or CO, the bill may have an indeterminate positive prison bed impact.

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ANALYSIS

EFFECT OF THE BILL:

Complaints Against Law Enforcement Officers and Correctional Officers

The bill requires a complaint against a law enforcement officer or correctional officer to be made in writing and signed under oath pursuant to [s. 92.525\(2\), F.S.](#) As such, the bill prohibits a law enforcement agency or correctional agency from accepting anonymous complaints against a law enforcement officer or correctional officer. The bill also specifies that a person who makes a false complaint commits [perjury by false written declaration](#), which is punishable as a third degree felony.¹ (Section [2](#))

The bill requires a law enforcement agency or correctional agency to provide a law enforcement officer or correctional officer who is under investigation by members of his or her agency for any reason that could lead to disciplinary action with a copy of the complaint that was signed by the complainant under oath before the agency conducts an interrogation of the officer. The bill also prohibits a law enforcement agency or correctional agency from taking any punitive action against a law enforcement officer or correctional officer unless the officer is

¹ A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. [Ss. 775.082, 775.083](#), or [s. 775.084, F.S.](#)

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provided a copy of the complaint signed by the complainant under oath before the effective date of the punitive action. (Section [1](#))

Rights of Law Enforcement Officers and Correctional Officers After an Investigation

The bill prohibits a law enforcement agency or correctional agency from including the investigative file of an investigation of a law enforcement officer or correctional officer which does not result in any disciplinary action in such officer's personnel file. The bill specifies that the existence of an investigation of a law enforcement officer or correctional officer that does not result in disciplinary action may not affect such an officer's ability to receive a promotion, raise, or other commendation. (Section [1](#))

The effective date of the bill is July 1, 2025. (Section [3](#))

FISCAL OR ECONOMIC IMPACT:

STATE GOVERNMENT:

The bill requires all complaints against a law enforcement officer or correctional officer to be made in writing under oath and specifies that a person who makes a false complaint against a law enforcement officer or correctional officer commits perjury by false written declaration, a violation of which is punishable as a third degree felony. To the extent that such false complaints are made against a law enforcement officer or correctional officer, the bill may have an indeterminate positive prison bed impact.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Law Enforcement Officers' Bill of Rights

Law enforcement officers and correctional officers are provided with specified rights when they are being investigated for misconduct by their own agencies. Chapter 112, part VI, F.S., commonly known as the Law Enforcement Officers' Bill of Rights (LEOBOR), provides specific rights when a law enforcement officer² or correctional officer³ is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal. LEOBOR prescribes the conditions under which an interrogation of an officer must be conducted, including limitations on the time, place, manner, and length of the interrogation, as well as restrictions on the interrogation techniques that may be employed.⁴ LEOBOR further affords officers the right to:

- Be informed of the nature of the investigation;
- Be provided with all evidence against the officer before any interrogation;
- Counsel during any interrogation;
- Have the interrogation recorded;
- A complete copy of the investigative file;
- Be notified of the reason for disciplinary action before it is imposed; and
- Address the findings in the investigative file with the employing agency before disciplinary action is imposed.⁵

Complaints Against Law Enforcement Officers and Correctional Officers

In addition to providing a law enforcement officer or correctional officer with a list of rights that may be exercised while he or she is being investigated for misconduct by his or her employing agency, LEOBOR also provides

² Law enforcement officer" is defined as any person, other than a chief of police, who is employed full time by any municipality or the state or any political subdivision thereof and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, traffic, or highway laws of this state; and includes any person who is appointed by the sheriff as a deputy sheriff pursuant to [s. 30.07, F.S.](#) [S. 112.531\(3\), F.S.](#)

³ "Correctional officer" is defined as any person, other than a warden, who is appointed or employed full time by the state or any political subdivision thereof whose primary responsibility is the supervision, protection, care, custody, or control of inmates within a correctional institution; and includes correctional probation officers, as defined in [s. 943.10\(3\), F.S.](#) However, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel. [S. 112.531\(2\), F.S.](#)

⁴ [S. 112.532\(1\), F.S.](#)

⁵ [S. 112.532\(1\) and \(4\), F.S.](#)

procedures that a political subdivision⁶ must follow when it receives a complaint about a law enforcement officer or correctional officer. Generally, a political subdivision is prohibited from adopting or attempting to enforce any ordinance related to the receipt, processing, or investigation by any such political subdivision of complaints of misconduct by law enforcement officers or correctional officers unless it is expressly authorized to do so under state law.⁷ Section [112.533\(4\)\(a\), F.S.](#), provides a limited authorization and requires every law enforcement agency and correctional agency to establish and put into operation a system for the receipt, investigation, and determination of complaints received by such an agency from any person. The system must comply with certain statutory requirements, including:

- Specified time frames by which a complaint must be processed and investigated.
- Requiring the complaint and information obtained pursuant to an investigation be confidential and exempt from disclosure as a public record until the investigation has concluded.
- Authorizing the law enforcement officer or correctional officer under investigation to review the complaint and information obtained pursuant to an investigation and his or her personnel file.⁸

Initial Receipt of Complaints by a Law Enforcement Agency or Correctional Agency

Generally, a formal investigation into misconduct by a law enforcement officer or correctional officer is initiated by a complaint filed with the officer's employing agency, which may be made anonymously.⁹ Depending on the nature of the complaint, an allegation of misconduct may either be investigated by an officer's supervisor or, in more serious cases, by the internal affairs division of the agency.¹⁰ After the investigation is complete, the complaint is forwarded to the head of the law enforcement agency for final disposition, which, if the allegations in the complaint are sustained, could include disciplinary action.¹¹

Verification of Documents and Perjury

[Section 92.525, F.S.](#), provides a specified procedure by which a person may verify¹² a document¹³ if he or she is required to do so by a law, rule of an administrative agency, or rule or order of the court. A person may verify a document by taking an oath or affirmation before specified persons such as a judge, notary public, or law enforcement officer, or by making a written declaration at the end of or immediately below the document being verified, which states, "Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true."¹⁴ The person must also provide his or her signature following such a declaration.¹⁵ A person who knowingly makes a false declaration commits [perjury by false written declaration](#), which is punishable as a third degree felony.¹⁶

⁶ "Political subdivision" is defined as a separate agency or unit of local government created or established by law or ordinance and the officers thereof and includes, but is not limited to, an authority, a board, a branch, a bureau, a city, a commission, a consolidated government, a county, a department, a district, an institution, a metropolitan government, a municipality, an office, an officer, a public corporation, a town, or a village. [S. 112.533\(2\), F.S.](#)

⁷ [S. 112.533\(3\)\(a\), F.S.](#)

⁸ [S. 112.533\(4\)-\(6\), F.S.](#)

⁹ Pinellas County Sheriff's Office, *Commendation & Complaint Procedures*, <https://www.pinellassheriff.gov/file-a-commendation-or-complaint> (last visited April 4, 2025). Polk County Sheriff's Office, *Citizen Complaint FAQs*, <https://www.polksheriff.org/about/faqs> (last visited April 4, 2025). Tallahassee Police Department, *General Order 29*, <https://www.talgov.com/uploads/public/documents/tpd/policies/go-29.pdf> (last visited April 4, 2025).

¹⁰ *Id.*

¹¹ *Id.*

¹² The requirement that a document be verified means that the document must be signed or executed by a person and that the person must state under oath or affirm that the facts or matters stated or recited in the document are true, or words of that import or effect. [S. 92.525\(4\)\(c\), F.S.](#)

¹³ "Document" is defined as any writing, including, without limitation, any form, application, claim, notice, tax return, inventory, affidavit, pleading, or paper. [S. 92.525\(4\)\(b\), F.S.](#)

¹⁴ [S. 92.525\(1\) and \(2\), F.S.](#)

¹⁵ [S. 92.525\(2\), F.S.](#)

¹⁶ [S. 92.525\(3\), F.S.](#)

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Criminal Justice Subcommittee	18 Y, 0 N	3/26/2025	Hall	Padgett
Government Operations Subcommittee	11 Y, 6 N	4/10/2025	Toliver	Villa
Judiciary Committee				