

By Senator Collins

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1                   A bill to be entitled  
2       An act relating to complaints against law enforcement  
3       and correctional officers; amending s. 112.532, F.S.;  
4       requiring that a copy of a complaint, signed by the  
5       complainant under oath, be provided to law enforcement  
6       officers and correctional officers who are under  
7       investigation; prohibiting certain personnel actions  
8       from being taken against a law enforcement officer or  
9       correctional officer unless such officer receives a  
10      copy of the complaint signed by the complainant under  
11      oath; prohibiting the investigative file of certain  
12      investigations of law enforcement officers or  
13      correctional officers from being included in such  
14      officer's personnel file; prohibiting the existence of  
15      certain investigations from affecting an officer's  
16      ability to receive a promotion, a raise, or any other  
17      commendation; amending s. 112.533, F.S.; requiring a  
18      complaint against a law enforcement officer or  
19      correctional officer to be in writing and signed under  
20      oath by the person filing the complaint; providing  
21      penalties for making a false complaint; providing an  
22      effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Paragraph (d) of subsection (1) and subsection  
27       (4) of section 112.532, Florida Statutes, are amended, and  
28       subsection (8) is added to that section, to read:

29       112.532 Law enforcement officers' and correctional

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30 officers' rights.—All law enforcement officers and correctional  
31 officers employed by or appointed to a law enforcement agency or  
32 a correctional agency shall have the following rights and  
33 privileges:

34 (1) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL  
35 OFFICERS WHILE UNDER INVESTIGATION.—Whenever a law enforcement  
36 officer or correctional officer is under investigation and  
37 subject to interrogation by members of his or her agency for any  
38 reason that could lead to disciplinary action, suspension,  
39 demotion, or dismissal, the interrogation must be conducted  
40 under the following conditions:

41 (d) The law enforcement officer or correctional officer  
42 under investigation must be informed of the nature of the  
43 investigation and the names of all complainants and also be  
44 provided a copy of the complaint, signed by the complainant  
45 under oath, before any interrogation begins, ~~and he or she must~~  
46 ~~be informed of the names of all complainants.~~ All identifiable  
47 witnesses shall be interviewed, whenever possible, prior to the  
48 beginning of the investigative interview of the accused officer.  
49 The complaint, all witness statements, including all other  
50 existing subject officer statements, and all other existing  
51 evidence, including, but not limited to, incident reports, GPS  
52 locator information, and audio or video recordings relating to  
53 the incident under investigation, must be provided to each  
54 officer who is the subject of the complaint before the beginning  
55 of any investigative interview of that officer. An officer,  
56 after being informed of the right to review witness statements,  
57 may voluntarily waive the provisions of this paragraph and  
58 provide a voluntary statement at any time.

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59 (4) NOTICE OF DISCIPLINARY ACTION; COPY OF AND OPPORTUNITY  
60 TO ADDRESS CONTENTS OF INVESTIGATIVE FILE; CONFIDENTIALITY.—

61 (a) A dismissal, demotion, transfer, reassignment, or other  
62 personnel action that might result in loss of pay or benefits or  
63 that might otherwise be considered a punitive measure may not be  
64 taken against any law enforcement officer or correctional  
65 officer unless the law enforcement officer or correctional  
66 officer is notified of the action and the reason or reasons for  
67 the action and he or she is provided a copy of the complaint  
68 signed by the complainant under oath before the effective date  
69 of the action.

70 (b) Notwithstanding s. 112.533(5), whenever a law  
71 enforcement officer or correctional officer is subject to  
72 disciplinary action consisting of suspension with loss of pay,  
73 demotion, or dismissal, the officer or the officer's  
74 representative must, ~~upon request,~~ be provided with a complete  
75 copy of the investigative file, including the complaint signed  
76 by the complainant under oath, the final investigative report,  
77 and all evidence, and with the opportunity to address the  
78 findings in the report with the employing law enforcement agency  
79 before imposing disciplinary action consisting of suspension  
80 with loss of pay, demotion, or dismissal. The contents of the  
81 complaint and investigation must remain confidential until such  
82 time as the employing law enforcement agency makes a final  
83 determination whether to issue a notice of disciplinary action  
84 consisting of suspension with loss of pay, demotion, or  
85 dismissal. This paragraph does not provide law enforcement  
86 officers with a property interest or expectancy of continued  
87 employment, employment, or appointment as a law enforcement

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88 officer.

89 (8) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL  
90 OFFICERS AFTER AN INVESTIGATION.—The investigative file of an  
91 investigation of a law enforcement or correctional officer which  
92 does not result in the imposition of disciplinary action on the  
93 officer may not be included in the personnel file of such  
94 officer. Such investigation may not affect the ability of such  
95 officer to receive a promotion, a raise, or any other  
96 commendation.

97 Section 2. Paragraph (a) of subsection (4) of section  
98 112.533, Florida Statutes, is amended to read:

99 112.533 Receipt and processing of complaints.—

100 (4) (a) Every law enforcement agency and correctional agency  
101 shall establish and put into operation a system for the receipt,  
102 investigation, and determination of complaints received by such  
103 agency from any person, which must be the procedure for  
104 investigating a complaint against a law enforcement or  
105 correctional officer and for determining whether to proceed with  
106 disciplinary action or to file disciplinary charges,  
107 notwithstanding any other law or ordinance to the contrary. A  
108 complaint against a law enforcement or correctional officer must  
109 be in writing and signed under oath as provided in s. 92.525(2)  
110 by the person filing the complaint. A complainant who makes a  
111 false complaint is subject to the penalties in s. 92.525(3).

112 When law enforcement or correctional agency personnel assigned  
113 the responsibility of investigating the complaint prepare an  
114 investigative report or summary, regardless of form, the person  
115 preparing the report shall, at the time the report is completed:

116 1. Verify pursuant to s. 92.525 that the contents of the

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117 report are true and accurate based upon the person's personal  
118 knowledge, information, and belief.

119 2. Include the following statement, sworn and subscribed to  
120 pursuant to s. 92.525:

121 "I, the undersigned, do hereby swear, under penalty of perjury,  
122 that, to the best of my personal knowledge, information, and  
123 belief, I have not knowingly or willfully deprived, or allowed  
124 another to deprive, the subject of the investigation of any of  
125 the rights contained in ss. 112.532 and 112.533, Florida  
126 Statutes."

127

128 The requirements of subparagraphs 1. and 2. must be completed  
129 before the determination as to whether to proceed with  
130 disciplinary action or to file disciplinary charges. This  
131 subsection does not preclude the Criminal Justice Standards and  
132 Training Commission from exercising its authority under chapter  
133 943.

134 Section 3. This act shall take effect July 1, 2025.