

By Senator Pizzo

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A bill to be entitled

An act relating to complaints against law enforcement and correctional officers; amending s. 112.532, F.S.; requiring that a copy of a complaint, signed by the complainant under oath, be provided to law enforcement officers and correctional officers who are under investigation before any interrogation begins; providing that complainant names and signatures are not required if a complaint is accompanied by corroborating evidence; prohibiting certain personnel actions from being taken against a law enforcement officer or correctional officer unless such officer receives a copy of the complaint signed by the complainant under oath; providing an exception; requiring that the investigative file of certain investigations of a law enforcement officer or correctional officer be included in such officer's personnel file; providing that certain investigations do not affect such officer's ability to receive a promotion, a raise, or any other commendation; amending s. 112.533, F.S.; requiring a complaint against a law enforcement officer or correctional officer to be in writing and signed under oath by the person filing the complaint; providing an exception; providing penalties for making a false complaint; providing an effective date.

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

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Section 1. Paragraph (d) of subsection (1) and subsection (4) of section 112.532, Florida Statutes, are amended, and subsection (8) is added to that section, 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 that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under the following conditions:

(d) The law enforcement officer or correctional officer under investigation must be informed of the nature of the investigation and the names of all complainants and must be provided with a copy of the complaint, signed by the complainant under oath, before any interrogation begins, ~~and he or she must be informed of the names of all complainants.~~ However, if a complaint is accompanied by corroborating evidence, the complainant names and a signature are not required. All identifiable witnesses shall be interviewed, whenever possible, prior to the beginning of the investigative interview of the accused officer. The complaint, all witness statements, including all other existing subject officer statements, and all other existing evidence, including, but not limited to, incident reports, GPS locator information, and audio or video recordings

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relating to the incident under investigation, must be provided to each officer who is the subject of the complaint before 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.

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

(a) A dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer or correctional officer unless the law enforcement officer or correctional officer is notified of the action and the reason or reasons for the action and is provided with a copy of the complaint, signed by the complainant under oath, unless the exception in paragraph (1)(d) applies, before the effective date of the action.

(b) Notwithstanding s. 112.533(5), whenever a law enforcement officer or correctional officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer or the officer's representative must, ~~upon request,~~ be provided with a complete copy of the investigative file, including the complaint signed by the complainant under oath, the final investigative report, and all evidence, and with the opportunity to address the findings in the report with the employing law enforcement agency before imposing disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. The contents of the complaint and investigation must remain confidential until such

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time as the employing law enforcement agency makes a final determination whether to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. This paragraph does not provide law enforcement officers with a property interest or expectancy of continued employment, employment, or appointment as a law enforcement officer.

(8) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL OFFICERS AFTER AN INVESTIGATION.—The investigative file produced during an investigation of a law enforcement or correctional officer, which investigation does not result in the imposition of disciplinary action on the officer, must be included in the personnel file of such officer. An investigation of a law enforcement officer or correctional officer which does not result in the imposition of disciplinary action on the officer does not affect the ability of such officer to receive a promotion, a raise, or any other commendation.

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

112.533 Receipt and processing of complaints.—

(4)(a) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person, which must be the procedure for investigating a complaint against a law enforcement or correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary. A complaint against a law enforcement or correctional officer must

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be in writing and be signed under oath as provided in s.
92.525(2) by the person filing the complaint, except as provided
in s. 112.532(1)(d). A complainant who makes a false complaint
is subject to the penalties in s. 92.525(3). When law
enforcement or correctional agency personnel assigned the
responsibility of investigating the complaint prepare an
investigative report or summary, regardless of form, the person
preparing the report shall, at the time the report is completed:

1. Verify pursuant to s. 92.525 that the contents of the
report are true and accurate based upon the person's personal
knowledge, information, and belief.

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

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

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

Section 3. This act shall take effect July 1, 2026.