

By Senator Ring

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1 A bill to be entitled
2 An act relating to firefighters; amending s. 112.82,
3 F.S.; requiring that all identifiable witnesses
4 involved in a complaint against a firefighter be
5 interviewed before the firefighter is interrogated;
6 requiring that the complaint and all witness
7 statements be provided to the firefighter; providing
8 that a firefighter may not be subjected to offensive
9 language, threatened with transfer, dismissal, or
10 disciplinary action, or offered any incentive as an
11 inducement to answer an interrogation question;
12 creating s. 112.825, F.S.; providing that a
13 firefighter may not be dismissed, demoted,
14 transferred, reassigned, or otherwise subjected to an
15 action that might result in the loss of pay or
16 benefits unless the firefighter is first notified of
17 the pending action; requiring that a complete copy of
18 the investigative report prepared by, or in the
19 possession of, the employing agency be given to the
20 firefighter before discipline is imposed on the
21 firefighter; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 112.82, Florida Statutes, is amended to
26 read:

27 112.82 Rights of firefighters; interrogations.—Whenever a
28 firefighter is subjected to an interrogation, the ~~such~~
29 interrogation must ~~shall~~ be conducted pursuant to the terms of

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30 this section.

31 (1) The interrogation shall take place at the facility to
32 which ~~where~~ the investigating officer is assigned, or at the
33 facility having ~~which has~~ jurisdiction over the place where the
34 incident under investigation allegedly occurred, as designated
35 by the investigating officer.

36 (2) A ~~No~~ firefighter may not ~~shall~~ be subjected to
37 interrogation without first receiving written notice of
38 sufficient detail of the investigation in order to reasonably
39 apprise the firefighter of the nature of the investigation. The
40 firefighter shall be informed beforehand of the names of all
41 complainants. All identifiable witnesses must be interviewed,
42 whenever possible, before the beginning of the interrogation of
43 the firefighter. The complaint and all witness statements must
44 be provided to the firefighter who is the subject of the
45 complaint before the beginning of any interrogation of that
46 firefighter. A firefighter, after being informed of the right to
47 review witness statements, may voluntarily waive the provisions
48 of this section and provide a voluntary statement at any time.

49 (3) All interrogations must ~~shall~~ be conducted at a
50 reasonable time of day, preferably when the firefighter is on
51 duty, unless the importance of the interrogation or
52 investigation is of such a nature that immediate action is
53 required.

54 (4) The firefighter under investigation must ~~shall~~ be
55 informed of the name, rank, and unit or command of the officer
56 in charge of the investigation, the interrogators, and all
57 persons present during any interrogation.

58 (5) Interrogation sessions must ~~shall~~ be of reasonable

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59 duration and the firefighter shall be permitted reasonable
60 periods for rest and personal necessities.

61 (6) The firefighter being interrogated may ~~shall~~ not be
62 subjected to offensive language; threatened with transfer,
63 dismissal, or disciplinary action; or offered any incentive as
64 an inducement to answer any questions.

65 (7) A complete record of any interrogation must ~~shall~~ be
66 made, and if a transcript of the ~~such~~ interrogation is made, the
67 firefighter under investigation is ~~shall~~ be entitled to a copy
68 without charge. The ~~Such~~ record may be electronically recorded.
69 The firefighter under investigation is entitled to a copy of the
70 complete record and a transcript of the interrogation, if one is
71 made, no later than 72 hours after the completion of the
72 interrogation, excluding legal holidays and weekends.

73 (8) An employee or officer of an employing agency may
74 represent the agency, and an employee organization may represent
75 any member of a bargaining unit desiring such representation in
76 any proceeding to which this part applies. If a collective
77 bargaining agreement provides for the presence of a
78 representative of the collective bargaining unit during
79 investigations or interrogations, the ~~such~~ representative is
80 ~~shall~~ be allowed to be present.

81 (9) A ~~No~~ firefighter may not ~~shall~~ be discharged,
82 disciplined, demoted, denied promotion or seniority,
83 transferred, reassigned, or otherwise disciplined or
84 discriminated against in regard to his or her employment, or be
85 threatened with any such treatment as retaliation for or by
86 reason solely of his or her exercise of any of the rights
87 granted or protected by this part.

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88 Section 2. Section 112.825, Florida Statutes, is created to
89 read:

90 112.825 Notice of disciplinary action.-

91 (1) A firefighter may not be dismissed, demoted,
92 transferred, reassigned, or otherwise subjected to an action
93 that might result in the loss of pay or benefits or that might
94 be considered a punitive measure unless the firefighter is first
95 notified of the pending action and the reason or reasons for the
96 action before the effective date of the action.

97 (2) Whenever a firefighter is subject to disciplinary
98 action consisting of suspension with loss of pay, demotion, or
99 dismissal, he or she must be given a complete copy of the
100 investigative report prepared by, or in the possession of, the
101 employing agency before the discipline is imposed on the
102 firefighter.

103 Section 3. This act shall take effect July 1, 2009.