

1 A bill to be entitled
 2 An act relating to the Firefighters' Bill of Rights;
 3 amending s. 112.81, F.S.; revising the definition of
 4 the term "interrogation" to include questioning
 5 pursuant to an informal inquiry; amending s. 112.82,
 6 F.S.; requiring witnesses to be interviewed and
 7 certain information to be provided before a
 8 firefighter is interrogated; authorizing a firefighter
 9 to provide a voluntary statement at any time after
 10 being informed of a certain right; prohibiting a
 11 firefighter from being threatened; requiring a copy of
 12 the interrogation to be provided to a firefighter
 13 within a specified time; providing that a firefighter
 14 may not be retaliated against for exercising his or
 15 her rights; creating s. 112.825, F.S.; requiring a
 16 firefighter to be notified and provided certain
 17 information before certain actions are taken;
 18 providing a firefighter with the opportunity to
 19 address certain findings; requiring certain
 20 information to be kept confidential until a specified
 21 time; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:
 24

25 Section 1. Subsection (6) of section 112.81, Florida

26 Statutes, is amended to read:

27 112.81 Definitions.—As used in this part:

28 (6) "Interrogation" means the questioning of a firefighter
 29 by an employing agency in connection with a formal investigation
 30 or an administrative proceeding but does ~~shall~~ not include
 31 arbitration or civil service proceedings. Questioning pursuant
 32 to an informal inquiry is considered ~~shall not be deemed to be~~
 33 an interrogation for purposes of this part.

34 Section 2. Subsections (2), (6), (7), and (9) of section
 35 112.82, Florida Statutes, are amended to read:

36 112.82 Rights of firefighters.—Whenever a firefighter is
 37 subjected to an interrogation, such interrogation shall be
 38 conducted pursuant to the terms of this section.

39 (2) A ~~No~~ firefighter may not ~~shall~~ be subjected to
 40 interrogation without first receiving written notice in ~~of~~
 41 sufficient detail of the investigation in order to reasonably
 42 apprise the firefighter of the nature of the investigation. The
 43 firefighter must ~~shall~~ be informed beforehand of the names of
 44 all complainants. All identifiable witnesses must be interviewed
 45 before the beginning of the interrogation of the firefighter,
 46 when possible. The complaint, all witness statements, and all
 47 other existing evidence, including, but not limited to, incident
 48 reports, GPS locator information, and audio or video recordings
 49 relating to the incident under investigation must be provided to
 50 each firefighter who is the subject of the complaint before the

51 beginning of any interrogation of the firefighter. A firefighter
52 may waive the provisions of this section and provide a voluntary
53 statement at any time after being informed of his or her right
54 to review witness statements.

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

59 (7) A complete record of any interrogation must ~~shall~~ be
60 made. Such record may be electronically recorded. ~~and~~ If a
61 transcript of the ~~such~~ interrogation is made, the firefighter
62 under investigation shall receive a copy, upon request, without
63 charge. If the firefighter requests a copy of the transcript, it
64 shall be provided within 72 hours, excluding weekends and
65 holidays, following the interrogation ~~shall be entitled to a~~
66 ~~copy without charge. Such record may be electronically recorded.~~

67 (9) ~~A~~ ~~No~~ firefighter may not ~~shall~~ be discharged,
68 disciplined, demoted, denied promotion or seniority,
69 transferred, reassigned, or otherwise disciplined or
70 discriminated against in regard to his or her employment, or be
71 threatened with any such treatment as retaliation for or by
72 reason ~~solely~~ of his or her exercise of any of the rights
73 granted or protected by this part.

74 Section 3. Section 112.825, Florida Statutes, is created
75 to read:

76 112.825 Notice of disciplinary action.—

77 (1) A dismissal, demotion, transfer, reassignment, or
78 other disciplinary action that might result in loss of pay or
79 benefits or that might otherwise be considered a punitive
80 measure may not be taken against a firefighter unless the
81 firefighter is notified of the action and the reason for the
82 action before the effective date of the action.

83 (2) A firefighter who is subject to disciplinary action
84 that consists of suspension with loss of pay, demotion, or
85 dismissal, or his or her representative, shall, upon request,
86 receive a complete copy of the investigative file, including the
87 final investigative report and all evidence, from the employing
88 agency. The firefighter shall have the opportunity to address
89 the findings in the final investigative report with the
90 employing agency before such disciplinary action is taken. The
91 contents of the complaint and investigation shall remain
92 confidential until such time as the employing agency makes a
93 final determination on whether to issue a notice of disciplinary
94 action that consists of suspension with loss of pay, demotion,
95 or dismissal.

96 Section 4. This act shall take effect July 1, 2019.