

By the Committee on Governmental Oversight and Accountability;
and Senators Hooper and Broxson

585-02952-19

2019494c1

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 that witnesses be interviewed and
7 certain information be provided to a firefighter
8 subjected to interrogation before the interrogation is
9 conducted; authorizing a firefighter to provide a
10 voluntary statement at any time after being informed
11 of a certain right; prohibiting a firefighter from
12 being threatened with certain disciplinary action
13 during the course of an interrogation; requiring that
14 a copy of the interrogation be provided to a
15 firefighter within a specified timeframe, upon
16 request; creating s. 112.825, F.S.; requiring that a
17 firefighter be notified and provided certain
18 information before certain disciplinary actions are
19 taken; requiring that a firefighter be given the
20 opportunity to address certain findings; requiring
21 that certain information be kept confidential and
22 exempt in accordance with existing law; providing an
23 effective date.

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

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27 Section 1. Subsection (6) of section 112.81, Florida
28 Statutes, is amended to read:

29 112.81 Definitions.—As used in this part:

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

36 Section 2. Subsections (2), (6), (7), and (9) of section
37 112.82, Florida Statutes, are amended to read:

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

41 (2) A ~~No~~ firefighter may not ~~shall~~ be subjected to
42 interrogation without first receiving written notice in ~~of~~
43 sufficient detail of the investigation in order to reasonably
44 apprise the firefighter of the nature of the investigation. The
45 firefighter must ~~shall~~ be informed beforehand of the names of
46 all complainants. All identifiable witnesses must be interviewed
47 before the beginning of the interrogation of the firefighter,
48 when possible. The complaint, all witness statements, and all
49 other existing evidence, including, but not limited to, incident
50 reports, GPS locator information, and audio or video recordings
51 relating to the incident under investigation, must be provided
52 to each firefighter who is the subject of the complaint before
53 he or she is interrogated. A firefighter may waive the rights
54 provided under this section and provide a voluntary statement at
55 any time after being informed of his or her right to review
56 witness statements.

57 (6) The firefighter being interrogated may ~~shall~~ not be
58 subjected to offensive language; threatened with transfer,

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59 dismissal, or disciplinary action; or offered any incentive as
60 an inducement to answer any questions.

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

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

76 Section 3. Section 112.825, Florida Statutes, is created to
77 read:

78 112.825 Notice of disciplinary action.-

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

85 (2) A firefighter who is subject to disciplinary action
86 that consists of suspension with loss of pay, demotion, or
87 dismissal, or his or her representative, must, upon request, be

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88 given a complete copy of the investigative file, including the
89 final investigative report and all evidence, by the employing
90 agency. The firefighter must be given the opportunity to address
91 the findings in the final investigative report with the
92 employing agency before such disciplinary action is taken. The
93 contents of the complaint and all information obtained pursuant
94 to the subsequent investigation must remain confidential and
95 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
96 Constitution as provided under s. 119.071(2)(k).

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