

By the Committees on Rules; and Governmental Oversight and Accountability; and Senators Hooper and Broxson

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1 A bill to be entitled
2 An act relating to the Firefighters' Bill of Rights;
3 amending s. 112.81, F.S.; revising definitions;
4 amending s. 112.82, F.S.; requiring that witnesses be
5 interviewed and certain information be provided to a
6 firefighter subjected to interrogation before the
7 interrogation is conducted; authorizing a firefighter
8 to provide a voluntary statement at any time after
9 being informed of a certain right; prohibiting a
10 firefighter from being threatened with certain
11 disciplinary action during the course of an
12 interrogation; requiring that a copy of the
13 interrogation be provided to a firefighter within a
14 specified timeframe, upon request; creating s.
15 112.825, F.S.; requiring that a firefighter be
16 notified and provided certain information before
17 certain disciplinary actions are taken; requiring that
18 a firefighter be given the opportunity to address
19 certain findings; requiring that certain information
20 be kept confidential and exempt in accordance with
21 existing law; providing an effective date.

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

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25 Section 1. Subsections (3) and (6) of section 112.81,
26 Florida Statutes, are amended to read:

27 112.81 Definitions.—As used in this part:

28 (3) "Informal inquiry" means a meeting by supervisory or
29 management personnel with a firefighter about whom an allegation

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30 of misconduct has come to the attention of such supervisory or
31 management personnel, the purpose of which meeting is to mediate
32 a complaint or discuss the facts to determine whether a formal
33 investigation should be commenced. The term does not include
34 discussions such as safety sessions, normal operational fire
35 debriefings, and routine work-related discussions.

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

42 Section 2. Subsections (2), (6), (7), and (9) of section
43 112.82, Florida Statutes, are amended to read:

44 112.82 Rights of firefighters.—Whenever a firefighter is
45 subjected to an interrogation, such interrogation shall be
46 conducted pursuant to the terms of this section.

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

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59 he or she is interrogated. A firefighter may waive the rights
60 provided under this section and provide a voluntary statement at
61 any time after being informed of his or her right to review
62 witness statements.

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

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

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

82 Section 3. Section 112.825, Florida Statutes, is created to
83 read:

84 112.825 Notice of disciplinary action.-

85 (1) A dismissal, demotion, transfer, reassignment, or other
86 disciplinary action that might result in loss of pay or benefits
87 or that might otherwise be considered a punitive measure may not

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88 be taken against a firefighter unless the firefighter is
89 notified of the action and the reason for the action before the
90 effective date of the action.

91 (2) A firefighter who is subject to disciplinary action
92 that consists of suspension with loss of pay, demotion, or
93 dismissal, or his or her representative, must, upon request, be
94 given a complete copy of the investigative file, including the
95 final investigative report and all evidence, by the employing
96 agency. The firefighter must be given the opportunity to address
97 the findings in the final investigative report with the
98 employing agency before such disciplinary action is taken. The
99 contents of the complaint and all information obtained pursuant
100 to the subsequent investigation must remain confidential and
101 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
102 Constitution as provided under s. 119.071(2)(k).

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