

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
 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
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
83 | to read:

84 | 112.825 Notice of disciplinary action.—

85 | (1) A dismissal, demotion, transfer, reassignment, or
86 | other disciplinary action that might result in loss of pay or
87 | benefits or that might otherwise be considered a punitive
88 | measure may not be taken against a firefighter unless the
89 | firefighter is notified of the action and the reason for the
90 | action before the 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

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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, 2020.