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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/13/2020	.	
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The Committee on Governmental Oversight and Accountability  
(Hooper) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (3), (4), and (6) of section 112.81,  
Florida Statutes, are amended to read:

112.81 Definitions.—As used in this part:

(3) "Informal inquiry" means a meeting by supervisory or  
management personnel with a firefighter about whom an allegation  
of misconduct has come to the attention of such supervisory or



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11 management personnel, the purpose of which meeting is to mediate  
12 a complaint or discuss the facts to determine whether a formal  
13 investigation should be commenced. The term does not include  
14 discussions such as safety sessions, normal operational fire  
15 debriefings, and routine work-related discussions.

16 (4) "Formal investigation" means the process of  
17 investigation ordered by supervisory or management personnel to  
18 determine if, ~~after the supervisory personnel have previously~~  
19 ~~determined that~~ the firefighter shall be disciplined,  
20 reprimanded, suspended, or removed, during which the questioning  
21 of a firefighter is conducted for the purpose of gathering  
22 evidence of misconduct.

23 (6) "Interrogation" means the questioning of a firefighter  
24 by an employing agency in connection with a formal investigation  
25 or an administrative proceeding but does shall not include  
26 arbitration or civil service proceedings. Questioning pursuant  
27 to an informal inquiry is shall not ~~be~~ deemed to be an  
28 interrogation.

29 Section 2. Section 112.82, Florida Statutes, is amended to  
30 read:

31 112.82 Rights of firefighters.—Whenever a firefighter is  
32 subjected to an interrogation or an informal inquiry, such  
33 processes must interrogation shall be conducted in accordance  
34 with pursuant to the terms of this section.

35 (1) The interrogation or informal inquiry must shall take  
36 place at the facility where the investigating officer is  
37 assigned, or at the facility which has jurisdiction over the  
38 place where the incident under investigation allegedly occurred,  
39 as designated by the investigating officer.



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40           (2) A ~~No~~ firefighter may not shall be subjected to

41 interrogation without first receiving written notice in of

42 sufficient detail of the investigation in order to reasonably

43 apprise the firefighter of the nature of the investigation. The

44 firefighter must shall be informed beforehand of the names of

45 all complainants. All identifiable witnesses must be interviewed

46 before the beginning of the interrogation of the firefighter,

47 when possible. The complaint, all witness statements, and all

48 other existing evidence, including, but not limited to, incident

49 reports, GPS locator information, and audio or video recordings

50 relating to the incident under investigation, must be provided

51 to each firefighter who is the subject of the complaint before

52 he or she is interrogated. A firefighter may waive the rights

53 provided under this section and provide a voluntary statement at

54 any time after being informed of his or her right to review

55 witness statements.

56           (3) All interrogations and informal inquiries must shall be

57 conducted at a reasonable time of day, preferably when the

58 firefighter is on duty, unless the importance of the informal

59 inquiry, interrogation, or investigation is of such a nature

60 that immediate action is required.

61           (4) The firefighter under investigation shall be informed

62 of the name, rank, and unit or command of the officer in charge

63 of the informal inquiry or investigation, the interrogators, and

64 all persons present during any interrogation.

65           (5) Interrogation and informal inquiry sessions must shall

66 be of reasonable duration and the firefighter must be afforded

67 shall be permitted reasonable periods for rest and personal

68 necessities.



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

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

81           (8) An employee or officer of an employing agency may  
82 represent the agency, and an employee organization may represent  
83 any member of a bargaining unit desiring such representation in  
84 any proceeding to which this part applies. ~~If a collective~~  
85 ~~bargaining agreement provides for the presence of a~~  
86 ~~representative of the collective bargaining unit during~~  
87 ~~investigations or interrogations, such representative shall be~~  
88 ~~allowed to be present.~~

89           (9) ~~A~~ ~~No~~ firefighter may not ~~shall~~ be discharged,  
90 disciplined, demoted, denied promotion or seniority,  
91 transferred, reassigned, or otherwise disciplined or  
92 discriminated against in regard to his or her employment, or be  
93 threatened with any such treatment as retaliation for or by  
94 reason ~~solely~~ of his or her exercise of any of the rights  
95 granted or protected by this part.

96           (10) Any informal inquiry meeting conducted by supervisory  
97 or management personnel must be conducted within 72 hours of the



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98 initial allegation of misconduct. Any meeting regarding the  
99 allegation conducted more than 72 hours after the initial  
100 allegation is considered to be an interrogation. A firefighter  
101 may waive the rights provided under this section and voluntarily  
102 participate in an informal inquiry at any time.

103 Section 3. Section 112.825, Florida Statutes, is created to  
104 read:

105 112.825 Notice of disciplinary action.—

106 (1) A dismissal, demotion, transfer, reassignment, or other  
107 disciplinary action that might result in loss of pay or benefits  
108 or that might otherwise be considered a punitive measure may not  
109 be taken against a firefighter unless the firefighter is  
110 notified of the action and the reason for the action before the  
111 effective date of the action.

112 (2) A firefighter who is subject to disciplinary action  
113 that consists of suspension with loss of pay, demotion, or  
114 dismissal, or his or her representative, must, upon request, be  
115 given a complete copy of the investigative file, including the  
116 final investigative report and all evidence, by the employing  
117 agency. The firefighter must be given the opportunity to address  
118 the findings in the final investigative report with the  
119 employing agency before such disciplinary action is taken. The  
120 contents of the complaint and all information obtained pursuant  
121 to the subsequent investigation must remain confidential and  
122 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
123 Constitution as provided under s. 119.071(2)(k).

124 Section 4. This act shall take effect July 1, 2020.

125  
126 ===== T I T L E A M E N D M E N T =====



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127 And the title is amended as follows:

128 Delete everything before the enacting clause  
129 and insert:

130 A bill to be entitled

131 An act relating to the Firefighters' Bill of Rights;  
132 amending s. 112.81, F.S.; revising definitions;  
133 amending s. 112.82, F.S.; specifying application of  
134 certain rights of firefighters to informal inquiries;  
135 requiring that witnesses be interviewed and certain  
136 information be provided to a firefighter subjected to  
137 interrogation before an interrogation is conducted;  
138 authorizing a firefighter to provide a voluntary  
139 statement at any time after being informed of a  
140 certain right; specifying requirements and limitations  
141 with respect to informal inquiries; prohibiting a  
142 firefighter from being threatened with certain  
143 disciplinary action; requiring that a copy of the  
144 interrogation be provided to a firefighter within a  
145 specified timeframe, upon request; specifying  
146 requirements for informal inquiry meetings; creating  
147 s. 112.825, F.S.; requiring that a firefighter be  
148 notified and provided certain information before  
149 certain disciplinary actions are taken; requiring that  
150 a firefighter be given the opportunity to address  
151 certain findings; requiring that certain information  
152 be kept confidential and exempt in accordance with  
153 existing law; providing an effective date.