

1 A bill to be entitled
 2 An act relating to firefighter inquiries and
 3 investigations; amending s. 112.81, F.S.; revising
 4 definitions; amending s. 112.82, F.S.; providing that
 5 firefighters have certain rights during an informal
 6 inquiry and not just an interrogation; providing that
 7 a firefighter may not be subjected to certain
 8 disciplinary action during an informal inquiry or
 9 interrogation; providing an effective date.

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 11 Be It Enacted by the Legislature of the State of Florida:

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 13 Section 1. Subsections (3), (4), and (6) of section
 14 112.81, Florida Statutes, are amended to read:

15 112.81 Definitions.—As used in this part:

16 (3) "Informal inquiry" means a meeting by supervisory or
 17 management personnel with a firefighter about whom an allegation
 18 of misconduct has come to the attention of such supervisory or
 19 management personnel, the purpose of which meeting is to mediate
 20 a complaint or discuss the facts to determine whether a formal
 21 investigation should be commenced. The term does not include
 22 routine work-related discussions, such as safety sessions or
 23 normal operational fire debriefings.

24 (4) "Formal investigation" means the process of
 25 investigation ordered by supervisory or management personnel, to

26 | ~~determine if after the supervisory personnel have previously~~
 27 | ~~determined that the firefighter should~~ shall be disciplined,
 28 | reprimanded, suspended, or removed, during which the questioning
 29 | of a firefighter is conducted for the purpose of gathering
 30 | evidence of misconduct.

31 | (6) "Interrogation" means the questioning of a firefighter
 32 | by an employing agency in connection with a formal investigation
 33 | or an administrative proceeding but does ~~shall~~ not include
 34 | arbitration or civil service proceedings. The term does not
 35 | include questioning during ~~pursuant to~~ an informal inquiry ~~shall~~
 36 | ~~not be deemed to be an interrogation.~~

37 | Section 2. Section 112.82, Florida Statutes, is amended to
 38 | read:

39 | 112.82 Rights of firefighters.—Whenever a firefighter is
 40 | subjected to an informal inquiry or interrogation, the inquiry
 41 | or ~~such~~ interrogation must ~~shall~~ be conducted in accordance with
 42 | ~~pursuant to the terms of~~ this section.

43 | (1) The informal inquiry or interrogation must ~~shall~~ take
 44 | place at the facility where the supervisory or management
 45 | personnel or investigating officer is assigned, or, once a
 46 | formal investigation begins, at the facility which has
 47 | jurisdiction over the place where the incident under
 48 | investigation allegedly occurred, as designated by the
 49 | investigating officer.

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

51 | interrogation without first receiving written notice in ~~of~~
52 | sufficient detail of the formal investigation in order to
53 | reasonably apprise the firefighter of the nature of the
54 | investigation. The firefighter must ~~shall~~ be informed beforehand
55 | of the names of all complainants.

56 | (3) All informal inquiries and interrogations must ~~shall~~
57 | be 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 formal investigation is of such a
60 | nature that immediate action is required.

61 | (4) The firefighter under formal investigation must ~~shall~~
62 | be informed of the name, rank, and unit or command of the
63 | officer in charge of the investigation, the interrogators, and
64 | all persons present during any interrogation.

65 | (5) Informal inquiries and interrogation sessions must
66 | ~~shall~~ be of reasonable duration and the firefighter must ~~shall~~
67 | be permitted reasonable periods for rest and personal
68 | necessities.

69 | (6) During an informal inquiry or interrogation, the
70 | firefighter may ~~being interrogated~~ ~~shall~~ not be subjected to
71 | offensive language; threatened with a transfer, suspension,
72 | dismissal, or other disciplinary action; or offered any
73 | incentive as an inducement to answer any questions.

74 | (7) A complete record of any interrogation must ~~shall~~ be
75 | made, and if a transcript of such interrogation is made, the

76 firefighter under formal investigation ~~is shall be~~ entitled to a
77 copy of the transcript without charge. Such record may be
78 electronically recorded.

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

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

94 Section 3. This act shall take effect July 1, 2021.