

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) An ~~The~~ interrogation must ~~shall~~ take place at the
 44 facility where the investigating officer is assigned, or at the
 45 facility that ~~which~~ has jurisdiction over the place where the
 46 incident under investigation allegedly occurred, as designated
 47 by the investigating officer.

48 (2) A ~~No~~ firefighter may not ~~shall~~ be subjected to
 49 interrogation without first receiving written notice in ~~of~~
 50 sufficient detail of the formal investigation in order to

51 reasonably apprise the firefighter of the nature of the
52 investigation. The firefighter must ~~shall~~ be informed beforehand
53 of the names of all complainants.

54 (3) All interrogations must ~~shall~~ be conducted at a
55 reasonable time of day, preferably when the firefighter is on
56 duty, unless the importance of the interrogation ~~or~~
57 ~~investigation~~ is of such a nature that immediate action is
58 required.

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

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

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

72 (7) A complete record of any interrogation must ~~shall~~ be
73 made, and if a transcript of such interrogation is made, the
74 firefighter under formal investigation is ~~shall be~~ entitled to a
75 copy of the transcript without charge. Such record may be

76 | electronically recorded.

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

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

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