

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 in  
80 | any proceeding to which this part applies. If a collective  
81 | bargaining agreement provides for the presence of a  
82 | representative of the collective bargaining unit during  
83 | investigations or interrogations, such representative shall be  
84 | 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.