

By Senator Hooper

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1 A bill to be entitled
2 An act relating to the Firefighters' Bill of Rights;
3 amending s. 112.81, F.S.; revising definitions;
4 amending s. 112.82, F.S.; expanding the rights of
5 firefighters to include informal inquiries;
6 prohibiting firefighters from being threatened with
7 transfer, dismissal, or disciplinary action during an
8 interrogation; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

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

14 112.81 Definitions.—As used in this part:

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

24 (4) "Formal investigation" means the process of
25 investigation ordered by supervisory or management personnel to
26 determine whether a, ~~after the supervisory personnel have~~
27 ~~previously determined that the firefighter must shall~~ be
28 disciplined, reprimanded, suspended, or removed, during which
29 ~~the~~ questioning of the a firefighter is conducted for the

16-01012A-21

2021970__

30 purpose of gathering evidence of misconduct.

31 Section 2. Section 112.82, Florida Statutes, is amended to
32 read:

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

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

42 (2) A ~~No~~ firefighter may not ~~shall~~ be subjected to
43 interrogation without first receiving written notice of
44 sufficient detail of the investigation in order to reasonably
45 apprise the firefighter of the nature of the investigation. The
46 firefighter shall be informed beforehand of the names of all
47 complainants.

48 (3) All interrogations and informal inquiries must ~~shall~~ be
49 conducted at a reasonable time of day, preferably when the
50 firefighter is on duty, unless the importance of the
51 interrogation or investigation is of such a nature that
52 immediate action is required.

53 (4) The firefighter under investigation shall be informed
54 of the name, rank, and unit or command of the officer in charge
55 of the investigation, the interrogators, and all persons present
56 during any interrogation.

57 (5) Interrogation and informal inquiry sessions shall be of
58 reasonable duration and the firefighter shall be permitted

16-01012A-21

2021970__

59 reasonable periods for rest and personal necessities.

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

64 (7) A complete record of any interrogation shall be made,
65 and if a transcript of such interrogation is made, the
66 firefighter under investigation shall be entitled to a copy
67 without charge. Such record may be electronically recorded.

68 (8) An employee or officer of an employing agency may
69 represent the agency, and an employee organization may represent
70 any member of a bargaining unit desiring such representation and
71 be present ~~in any proceeding to which this part applies. If a~~
72 ~~collective bargaining agreement provides for the presence of a~~
73 ~~representative of the collective bargaining unit during~~ informal
74 inquiries, or formal investigations or interrogations, ~~such~~
75 ~~representative shall be allowed to be present.~~

76 (9) A ~~No~~ firefighter may not ~~shall~~ be discharged,
77 disciplined, demoted, denied promotion or seniority,
78 transferred, reassigned, or otherwise disciplined or
79 discriminated against in regard to his or her employment, or be
80 threatened with any such treatment as retaliation for or by
81 reason solely of his or her exercise of any of the rights
82 granted or protected by this part.

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