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.; requiring that witnesses be					
5	interviewed and certain information be provided to a					
6	firefighter subjected to interrogation before the					
7	interrogation is conducted; authorizing a firefighter					
8	to provide a voluntary statement at any time after					
9	being informed of a certain right; prohibiting a					
10	firefighter from being threatened with certain					
11	disciplinary action during the course of an					
12	interrogation; requiring that a copy of the					
13	interrogation be provided to a firefighter within a					
14	specified timeframe, upon request; creating s.					
15	112.825, F.S.; requiring that a firefighter be					
16	notified and provided certain information before					
17	certain disciplinary actions are taken; requiring that					
18	a firefighter be given the opportunity to address					
19	ertain findings; requiring that certain information					
20	be kept confidential and exempt in accordance with					
21	existing law; providing an effective date.					
22						
23	Be It Enacted by the Legislature of the State of Florida:					
24						
25	Section 1. Subsections (3) and (6) of section 112.81,					
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26 Florida Statutes, are amended to read:

27

112.81 Definitions.-As used in this part:

28 (3) "Informal inquiry" means a meeting by supervisory or 29 management personnel with a firefighter about whom an allegation 30 of misconduct has come to the attention of such supervisory or 31 management personnel, the purpose of which meeting is to mediate 32 a complaint or discuss the facts to determine whether a formal 33 investigation should be commenced. The term does not include discussions such as safety sessions, normal operational fire 34 35 debriefings, and routine work-related discussions.

36 (6) "Interrogation" means the questioning of a firefighter 37 by an employing agency in connection with a formal investigation 38 or an administrative proceeding but <u>does shall</u> not include 39 arbitration or civil service proceedings. Questioning pursuant 40 to an informal inquiry <u>is considered</u> shall not be deemed to be 41 an interrogation for purposes of this part.

42 Section 2. Subsections (2), (6), (7), and (9) of section 43 112.82, Florida Statutes, are amended to read:

112.82 Rights of firefighters.—Whenever a firefighter is
subjected to an interrogation, such interrogation shall be
conducted pursuant to the terms of this section.

47 (2) <u>A</u> No firefighter <u>may not</u> shall be subjected to
48 interrogation without first receiving written notice <u>in</u> of
49 sufficient detail of the investigation in order to reasonably
50 apprise the firefighter of the nature of the investigation. The

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51 firefighter must shall be informed beforehand of the names of 52 all complainants. All identifiable witnesses must be interviewed 53 before the beginning of the interrogation of the firefighter, when possible. The complaint, all witness statements, and all 54 other existing evidence, including, but not limited to, incident 55 56 reports, GPS locator information, and audio or video recordings 57 relating to the incident under investigation, must be provided 58 to each firefighter who is the subject of the complaint before 59 he or she is interrogated. A firefighter may waive the rights 60 provided under this section and provide a voluntary statement at any time after being informed of his or her right to review 61 62 witness statements. The firefighter being interrogated may shall not be 63 (6) 64 subjected to offensive language; threatened with transfer, 65 dismissal, or disciplinary action; or offered any incentive as 66 an inducement to answer any questions. 67 (7) A complete record of any interrogation must shall be 68 made. τ Such record may be electronically recorded. and If a 69 transcript of the such interrogation is made, the firefighter 70 under investigation must receive a copy, upon request, without 71 charge. If the firefighter requests a copy of the transcript, it 72 must be provided within 72 hours, excluding weekends and 73 holidays, after the interrogation shall be entitled to a copy

74 75

(9) <u>A</u> No firefighter may not shall be discharged,

without charge. Such record may be electronically recorded.

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76	disciplined, demoted, denied promotion or seniority,					
77	transferred, reassigned, or otherwise disciplined or					
78	discriminated against in regard to his or her employment, or be					
79	threatened with any such treatment as retaliation for or by					
80	reason solely of his or her exercise of any of the rights					
81	granted or protected by this part.					
82	Section 3. Section 112.825, Florida Statutes, is created					
83	to read:					
84	112.825 Notice of disciplinary action					
85	(1) A dismissal, demotion, transfer, reassignment, or					
86	other disciplinary action that might result in loss of pay or					
87	benefits or that might otherwise be considered a punitive					
88	measure may not be taken against a firefighter unless the					
89	firefighter is notified of the action and the reason for the					
90	action before the effective date of the action.					
91	(2) A firefighter who is subject to disciplinary action					
92	that consists of suspension with loss of pay, demotion, or					
93	dismissal, or his or her representative, must, upon request, be					
94	given a complete copy of the investigative file, including the					
95	final investigative report and all evidence, by the employing					
96	agency. The firefighter must be given the opportunity to address					
97	the findings in the final investigative report with the					
98	employing agency before such disciplinary action is taken. The					
99	contents of the complaint and all information obtained pursuant					
100	0 to the subsequent investigation must remain confidential and					

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FLORIDA	HOUSE	OF REP	RESENTA	TIVES
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101 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

- 102 Constitution as provided under s. 119.071(2)(k).
- 103 Section 4. This act shall take effect July 1, 2020.

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