

CHAPTER 2022-110

House Bill No. 31

An act relating to firefighter inquiries and investigations; amending s. 112.81, F.S.; reordering and revising definitions; amending s. 112.82, F.S.; providing that firefighters have certain rights during an informal inquiry and not just an interrogation; providing that a firefighter may not be subjected to certain disciplinary action during an informal inquiry or interrogation; providing an effective date.

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

Section 1. Section 112.81, Florida Statutes, is amended to read:

112.81 Definitions.—As used in this part:

(3)(1) “Firefighter” means a person who is certified in compliance with s. 633.408 and who is employed solely within the fire department or public safety department of an employing agency as a full-time firefighter whose primary responsibility is the prevention and extinguishment of fires; the protection of life and property; and the enforcement of municipal, county, and state fire prevention codes and laws pertaining to the prevention and control of fires.

(2) “Employing agency” means any municipality or the state or any political subdivision thereof, including authorities and special districts, which employs firefighters.

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

(4) “Formal investigation” means the process of investigation ordered by supervisory or management personnel, ~~to determine if after the supervisory personnel have previously determined that the firefighter should~~ shall be disciplined, reprimanded, suspended, or removed, during which the questioning of a firefighter is conducted for the purpose of gathering evidence of misconduct.

(1)(5) “Administrative proceeding” means any nonjudicial hearing which may result in the recommendation, approval, or order of disciplinary action against, or suspension or discharge of, a firefighter.

(6) “Interrogation” means the questioning of a firefighter by an employing agency in connection with a formal investigation or an administrative

proceeding but does shall not include arbitration or civil service proceedings. The term does not include questioning during pursuant to an informal inquiry shall not be deemed to be an interrogation.

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

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

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

(2) A No firefighter may not shall be subjected to interrogation without first receiving written notice in of sufficient detail of the formal investigation in order to reasonably apprise the firefighter of the nature of the investigation. The firefighter must shall be informed beforehand of the names of all complainants.

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

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

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

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

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

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

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

Section 3. This act shall take effect July 1, 2022.

Approved by the Governor May 12, 2022.

Filed in Office Secretary of State May 12, 2022.