

Bill No. CS/HB 1123

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

·
·
·
·
·

Senator King moved the following amendment to amendment (733266):

Senate Amendment (with title amendment)

On page 4, line 14,

insert:

Section 6. Release of employee information by employers.--

(1)(a) When a law enforcement officer, correctional officer, or correctional probation officer, or an agent thereof, is conducting a background investigation of an applicant for temporary or permanent employment or appointment as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer with an employing agency as defined in section 943.10(4), Florida Statutes, the applicant's current or former employer, or the employer's agent, shall provide to the officer or his or her agent conducting the background investigation employment information concerning the applicant. The investigating officer or his or her agent must present to

Bill No. CS/HB 1123

Amendment No. ____

1 the employer from whom the information is being sought
2 credentials demonstrating the investigating officer's
3 employment with the employing agency and an authorization form
4 for release of information which is designed and approved by
5 the Criminal Justice Standards and Training Commission.

6 (b) The authorization form for release of information
7 must:

8 1. Be either the original authorization or a copy or
9 facsimile of the original authorization;

10 2. Have been executed by the applicant no more than 1
11 year before the request;

12 3. Contain a statement that the authorization has been
13 specifically furnished to the presenting law enforcement
14 agency; and

15 4. Bear the authorized signature of the applicant.

16 (2) As used in this section, the term "employment
17 information" includes, but is not limited to, written
18 information relating to job applications, performance
19 evaluations, attendance records, disciplinary matters, reasons
20 for termination, and eligibility for rehire, and other
21 information relevant to an officer's performance, except
22 information that any other state or federal law prohibits
23 disclosing or information that is subject to a privilege that
24 could be invoked by the employer.

25 (3) This section does not require an employer to
26 maintain employment information other than that kept in the
27 ordinary course of business.

28 (4) An employer's refusal to disclose information to a
29 law enforcement agency in accordance with this section
30 constitutes grounds for a civil action for injunctive relief
31 requiring disclosure on the part of the employer.

Bill No. CS/HB 1123

Amendment No. ____

1 (5) An employer who releases employment information
2 pursuant to this section is presumed to have acted in good
3 faith and is not liable for that action without a showing that
4 the employer maliciously falsified the information.

5 (6) An employer may charge a reasonable fee to cover
6 the actual costs incurred by the employer in copying and
7 furnishing documents to law enforcement agencies as required
8 by this section.

9 Section 7. This act shall take effect October 1, 2000.

10

11

12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 On page 5, line 6, after the semicolon

15

16 insert:

17 providing specified requirements of employers
18 with respect to a background investigation of
19 an applicant for employment or appointment as a
20 full-time, part-time, or auxiliary law
21 enforcement officer, correctional officer, or
22 correctional probation officer; providing
23 requirements relating to an authorization to
24 release information; defining the term
25 "employment information"; providing for
26 injunctive relief; providing a presumption;
27 providing for fees to cover certain costs
28 incurred by the employer;

29

30

31