

By the Committee on Governmental Operations and
 Representative Tullis

1 A bill to be entitled
 2 An act relating to release of employee
 3 information by employers; providing specified
 4 requirements applicable to employers with
 5 respect to a background investigation of an
 6 applicant for employment or appointment as a
 7 full-time, part-time, or auxiliary law
 8 enforcement officer, correctional officer, or
 9 correctional probation officer; requiring the
 10 investigating officer to present an
 11 authorization form for release of information
 12 and providing requirements with respect
 13 thereto; defining "employment information";
 14 providing for injunctive relief; providing a
 15 presumption; providing for fees to cover
 16 certain costs incurred by the employer;
 17 providing an effective date.

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

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 21 Section 1. Release of employee information by
 22 employers.--

23 (1)(a) When a law enforcement officer, correctional
 24 officer, or correctional probation officer is conducting a
 25 background investigation of an applicant for temporary or
 26 permanent employment or appointment as a full-time, part-time,
 27 or auxiliary law enforcement officer, correctional officer, or
 28 correctional probation officer with an employing agency as
 29 defined in s. 943.10(4), Florida Statutes, the applicant's
 30 current or former employer, or the employer's agent, shall
 31 provide to the officer conducting the background investigation

1 employment information concerning the applicant. The
2 investigating officer must present to the employer from whom
3 the information is being sought credentials demonstrating the
4 investigating officer's employment with the employing agency
5 and an authorization form for release of information which is
6 designed and approved by the Criminal Justice Standards and
7 Training Commission.
8 (b) The authorization form for release of information
9 must:
10 1. Be either the original authorization or a copy or
11 facsimile of the original authorization;
12 2. Have been executed by the applicant no more than 1
13 year before the request;
14 3. Contain a statement that the authorization has been
15 specifically furnished to the presenting law enforcement
16 agency; and
17 4. Bear the authorized signature of the applicant.
18 (2) As used in this section, "employment information"
19 includes, but is not limited to, written information relating
20 to job applications, performance evaluations, attendance
21 records, disciplinary matters, reasons for termination, and
22 eligibility for rehire, and other information relevant to an
23 officer's performance, except information that any other state
24 or federal law prohibits disclosing.
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.

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 2. This act shall take effect upon becoming a
10 law.

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