

By the Committee on Governmental Oversight and Productivity;  
and Senator King

302-1126-00

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

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

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19           Section 1. Release of employee information by  
20 employers.--

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

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

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

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

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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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12                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
13   COMMITTEE SUBSTITUTE FOR  
14   Senate Bill 378

15 Changes requirement that the employer provide a complete  
16 employment record and other verifiable information to only  
17 requiring the employer to provide employment information.

18 Adds a definition of employment information.

19 Adds that section does not require employer to maintain  
20 employment information other than that kept in the ordinary  
21 course of business.

22 Adds that an employer's refusal to provide employment  
23 information constitutes grounds for a civil action for  
24 injunctive relief.

25 Adds that an employer who releases employment information is  
26 presumed to have acted in good faith and is not civilly liable  
27 unless it is shown that the employer maliciously falsified the  
28 information.

29 Adds that an employer may charge a reasonable fee to cover the  
30 actual costs incurred by the employer in providing documents  
31 to law enforcement agencies.