

By the Committees on Criminal Justice; Governmental Oversight
and Productivity; and Senator King

307-1869-00

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

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

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

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

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

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

16 4. Bear the authorized signature of the applicant.

17 (2) As used in this section, the term "employment
18 information" includes, but is not limited to, written
19 information relating to job applications, performance
20 evaluations, attendance records, disciplinary matters, reasons
21 for termination, and eligibility for rehire, and other
22 information relevant to an officer's performance, except
23 information that any other state or federal law prohibits
24 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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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 CS/SB 378

15 Expands the list of people who may be provided the job
16 applicant's employment information to include an agent acting
17 on behalf of a law enforcement officer, correctional officer
18 or correctional probation officer.
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