## Florida Senate - 2000

 ${\bf By}$  the Committees on Criminal Justice; Governmental Oversight and Productivity; and Senator King

1A bill to be entitled2An act relating to release of employee3information by employers; providing specified4requirements of employers with respect to a5background investigation of an applicant for6employment or appointment as a full-time,7part-time, or auxiliary law enforcement8officer, correctional officer, or correctional9probation officer; providing requirements10relating to an authorization to release11information; defining the term "employment12information; providing for injunctive relief;13providing a presumption; providing for fees to14cover certain costs incurred by the employer;15providing an effective date.16		307-1869-00
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31 investigation employment information concerning the applicant.		
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CODING:Words stricken are deletions; words underlined are additions.

1 The investigating officer or his or her agent must present to the employer from whom the information is being sought 2 3 credentials demonstrating the investigating officer's employment with the employing agency and an authorization form 4 5 for release of information which is designed and approved by б the Criminal Justice Standards and Training Commission. 7 The authorization form for release of information (b) 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 4. Bear the authorized signature of the applicant. 16 17 (2) As used in this section, the term "employment information" includes, but is not limited to, written 18 19 information relating to job applications, performance 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 24 disclosing. (3) This section does not require an employer to 25 26 maintain employment information other than that kept in the 27 ordinary course of business. (4) An employer's refusal to disclose information to a 28 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. 2

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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.
11	
12	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
13	<u>CS/SB 378</u>
14	
15	Expands the list of people who may be provided the job applicant's employment information to include an agent acting
16	on behalf of a law enforcement officer, correctional officer or correctional probation officer.
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