

1
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 terms "employing
12 agency" and "employment information"; providing
13 for injunctive relief; providing qualified
14 immunity from civil liability for release;
15 providing for fees to cover certain costs
16 incurred by the employer; providing an
17 effective date.

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

20
21 Section 1. Release of employee information by
22 employers.--

23 (1) As used in this section, the term:

24 (a) "Employing agency" has the same meaning ascribed
25 in section 943.10, Florida Statutes.

26 (b) "Employment information" includes, but is not
27 limited to, written information relating to job applications,
28 performance evaluations, attendance records, disciplinary
29 matters, reasons for termination, eligibility for rehire, and
30 other information relevant to an officer's performance, except
31 information that any other state or federal law prohibits

1 disclosing or information that is subject to a legally
2 recognized privilege the employer is otherwise entitled to
3 invoke.

4 (2)(a) When a law enforcement officer, correctional
5 officer, or correctional probation officer, or an agent
6 thereof, is conducting a background investigation of an
7 applicant for temporary or permanent employment or appointment
8 as a full-time, part-time, or auxiliary law enforcement
9 officer, correctional officer, or correctional probation
10 officer with an employing agency, the applicant's current or
11 former employer, or the employer's agent, shall provide to the
12 officer or his or her agent conducting the background
13 investigation employment information concerning the applicant.
14 The investigating officer or his or her agent must present to
15 the employer from whom the information is being sought
16 credentials demonstrating the investigating officer's
17 employment with the employing agency and an authorization form
18 for release of information which is designed and approved by
19 the Criminal Justice Standards and Training Commission.

20 (b) The authorization form for release of information
21 must:

22 1. Be either the original authorization or a copy or
23 facsimile of the original authorization;

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

26 3. Contain a statement that the authorization has been
27 specifically furnished to the employing agency presenting the
28 authorization; and

29 4. Bear the authorized signature of the applicant.
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1 (3) This section does not require an employer to
2 maintain employment information other than that kept in the
3 ordinary course of business.

4 (4) If an employer refuses to disclose information to
5 an employing agency in accordance with this section, the
6 employing agency has grounds for a civil action for injunctive
7 relief requiring disclosure by the employer.

8 (5) An employer who discloses employment information
9 under this section is immune from civil liability for such
10 disclosure or its consequences as provided in section 768.095,
11 Florida Statutes.

12 (6) An employer may charge a reasonable fee to cover
13 the actual costs incurred by the employer in copying and
14 furnishing documents to an employing agency as required by
15 this section.

16 Section 2. This act shall take effect upon becoming a
17 law.