

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Judicial Oversight offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

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

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

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

(b) "Employment information" includes, but is not limited to, written information relating to job applications, performance evaluations, attendance records, disciplinary matters, reasons for termination, eligibility for rehire, and other information relevant to an officer's performance, except information that any other state or federal law prohibits disclosing or information that is subject to a legally recognized privilege the employer is otherwise entitled to invoke.

(2)(a) When a law enforcement officer, correctional

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

16 (b) The authorization form for release of information
17 must:

18 1. Be either the original authorization or a copy or
19 facsimile of the original authorization;

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

22 3. Contain a statement that the authorization has been
23 specifically furnished to the employing agency presenting the
24 authorization; and

25 4. Bear the authorized signature of the applicant.

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

29 (4) If an employer refuses to disclose information to
30 an employing agency in accordance with this section, the
31 employing agency has grounds for a civil action for injunctive

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1 relief requiring disclosure by the employer.

2 (5) An employer who releases employment information
3 pursuant to this section is presumed to have acted in good
4 faith and is not liable for that action without a showing that
5 the employer maliciously falsified the information.

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

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

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14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 remove from the title of the bill: the entire title

17
18 and insert in lieu thereof:

19 A bill to be entitled
20 An act relating to release of employee
21 information by employers; providing specified
22 requirements of employers with respect to a
23 background investigation of an applicant for
24 employment or appointment as a full-time,
25 part-time, or auxiliary law enforcement
26 officer, correctional officer, or correctional
27 probation officer; providing requirements
28 relating to an authorization to release
29 information; defining the terms "employing
30 agency" and "employment information"; providing
31 for injunctive relief; providing a presumption;

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providing qualified immunity from civil
liability for release; providing for fees to
cover certain costs incurred by the employer;
providing an effective date.