

By Representative Jordan

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.

