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1                   A bill to be entitled  
2           An act relating to Florida College System personnel  
3           records; amending s. 1012.81, F.S.; specifying records  
4           that constitute limited-access records; providing an  
5           effective date.

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

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9           Section 1. Section 1012.81, Florida Statutes, is amended to  
10          read:

11           1012.81 Personnel records.—

12           (1) Rules of The State Board of Education shall adopt rules  
13          ~~prescribing~~ ~~prescribe~~ the content and custody of limited-access  
14          records ~~that~~ ~~which~~ a Florida College System institution may  
15          maintain on its employees. ~~Such records shall be limited to~~  
16          ~~information reflecting evaluations of employee performance and~~  
17          ~~shall be open to inspection only by the employee and by~~  
18          ~~officials of the college who are responsible for supervision of~~  
19          ~~the employee.~~ Such Limited-access employee records are  
20          confidential and exempt from the provisions of s. 119.07(1).  
21          Limited-access records include only the following:

22           (a) Records containing information reflecting academic  
23          evaluations of employee performance; however, the employee and  
24          officials of the institution responsible for supervision of the  
25          employee shall have access to such records.

26           (b) Records maintained for the purposes of any  
27          investigation of employee misconduct, including, but not limited  
28          to, a complaint against an employee and all information obtained  
29          pursuant to the investigation of such complaint; however, these

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30 records become public after the investigation ceases to be  
31 active or when the institution provides written notice to the  
32 employee who is the subject of the complaint that the  
33 institution has either:

34 1. Concluded the investigation with a finding not to  
35 proceed with disciplinary action;

36 2. Concluded the investigation with a finding to proceed  
37 with disciplinary action; or

38 3. Issued a letter of discipline.

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40 For the purpose of this paragraph, an investigation shall be  
41 considered active as long as it is continuing with a reasonable,  
42 good faith anticipation that a finding will be made in the  
43 foreseeable future. An investigation shall be presumed to be  
44 inactive if no finding is made within 90 days after the  
45 complaint is filed.

46 (c) Records maintained for the purposes of any disciplinary  
47 proceeding brought against an employee; however, these records  
48 shall be open to inspection by the employee and shall become  
49 public after a final decision is made in the proceeding.

50 (d) Records maintained for the purposes of any grievance  
51 proceeding brought by an employee for enforcement of a  
52 collective bargaining agreement or contract; however, these  
53 records shall be open to inspection by the employee and by  
54 officials of the institution conducting the grievance proceeding  
55 and shall become public after a final decision is made in the  
56 proceeding.

57 (2) Except as required for use by the president in the  
58 discharge of his or her official responsibilities, the custodian

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59 of limited-access employee records may release information from  
60 such records only upon authorization in writing from the  
61 employee or the president or upon order of a court of competent  
62 jurisdiction.

63 Section 2. This act shall take effect July 1, 2012.