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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.