

Committee Substitute for Senate Bill No. 252

An act relating to release of employee information by employers; providing specified requirements of employers with respect to a background investigation of an applicant for employment or appointment as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer; providing requirements relating to an authorization to release information; defining the terms “employing agency” and “employment information”; providing for injunctive relief; providing qualified immunity from civil liability for release; providing for fees to cover certain costs incurred by the employer; providing an effective date.

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

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 officer, or correctional probation officer, or an agent thereof, is conducting a background investigation of an applicant for temporary or permanent employment or appointment as a full-time, part-time, or auxiliary law enforcement officer, correctional officer, or correctional probation officer with an employing agency, the applicant’s current or former employer, or the employer’s agent, shall provide to the officer or his or her agent conducting the background investigation employment information concerning the applicant. The investigating officer or his or her agent must present to the employer from whom the information is being sought credentials demonstrating the investigating officer’s employment with the employing agency and an authorization form for release of information which is designed and approved by the Criminal Justice Standards and Training Commission.

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

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

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

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

4. Bear the authorized signature of the applicant.

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

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

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

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

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

Approved by the Governor May 31, 2001.

Filed in Office Secretary of State May 31, 2001.