

1 A bill to be entitled
 2 An act relating to personnel records; amending s.
 3 1012.81, F.S.; specifying what shall be included in
 4 limited-access records; providing an effective date.

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

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

10 1012.81 Personnel records.

11 (1) Rules of The State Board of Education shall adopt rules
 12 prescribing ~~prescribe~~ the content and custody of limited-access
 13 records that which a Florida College System institution may
 14 maintain on its employees. ~~Such records shall be limited to~~
 15 ~~information reflecting evaluations of employee performance and~~
 16 ~~shall be open to inspection only by the employee and by~~
 17 ~~officials of the college who are responsible for supervision of~~
 18 ~~the employee.~~ Such Limited-access employee records are
 19 confidential and exempt from the provisions of s. 119.07(1) and
 20 s. 24(a), Art. I of the State Constitution. Limited-access
 21 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 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
 30 records become public after the investigation ceases to be
 31 active or until 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 become public
 49 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 become public after a final decision is made in the
 56 proceeding.

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