



451504

LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AD/2R

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02/28/2012 09:35 AM

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Senator Benacquisto moved the following:

**Senate Amendment (with title amendment)**

Delete lines 13 - 30

and insert:

1012.81 Personnel records.—

(1) ~~Rules of~~ The State Board of Education shall adopt rules  
prescribing ~~prescribe~~ the content and custody of limited-access  
records that ~~which~~ a Florida College System institution may  
maintain on its employees. ~~Such records shall be limited to~~  
~~information reflecting evaluations of employee performance and~~  
~~shall be open to inspection only by the employee and by~~  
~~officials of the college who are responsible for supervision of~~  
~~the employee.~~ Such Limited-access employee records are



451504

14 confidential and exempt from the provisions of s. 119.07(1).  
15 Limited-access records include only the following:

16 (a) Records containing information reflecting academic  
17 evaluations of employee performance; however, the employee and  
18 officials of the institution responsible for supervision of the  
19 employee shall have access to such records.

20 (b) Records maintained for the purposes of any  
21 investigation of employee misconduct, including, but not limited  
22 to, a complaint against an employee and all information obtained  
23 pursuant to the investigation of such complaint; however, these  
24 records become public after the investigation ceases to be  
25 active or when the institution provides written notice to the  
26 employee who is the subject of the complaint that the  
27 institution has either:

28 1. Concluded the investigation with a finding not to  
29 proceed with disciplinary action;

30 2. Concluded the investigation with a finding to proceed  
31 with disciplinary action; or

32 3. Issued a letter of discipline.

33  
34 For the purpose of this paragraph, an investigation shall be  
35 considered active as long as it is continuing with a reasonable,  
36 good faith anticipation that a finding will be made in the  
37 foreseeable future. An investigation shall be presumed to be  
38 inactive if no finding is made within 90 days after the  
39 complaint is filed.

40 (c) Records maintained for the purposes of any disciplinary  
41 proceeding brought against an employee; however, these records  
42 shall be open to inspection by the employee and shall become



451504

43 public after a final decision is made in the proceeding.

44 (d) Records maintained for the purposes of any grievance  
45 proceeding brought by an employee for enforcement of a  
46 collective bargaining agreement or contract; however, these  
47 records shall be open to inspection by the employee and by  
48 officials of the institution conducting the grievance proceeding  
49 and shall become public after a final decision is made in the  
50 proceeding.

51 (2) Except as required for use by the president in the  
52 discharge of his or her official responsibilities, the custodian  
53 of limited-access employee records may release information from  
54 such records only upon authorization in writing from the  
55 employee or the president or upon order of a court of competent  
56 jurisdiction.

57  
58 ===== T I T L E A M E N D M E N T =====

59 And the title is amended as follows:

60 Delete lines 2 - 6

61 and insert:

62 An act relating to Florida College System personnel  
63 records; amending s. 1012.81, F.S.; specifying records  
64 that constitute limited-access records;