

1 A bill to be entitled
2 An act relating to release of employee
3 information by employers; amending s. 768.095,
4 F.S.; expanding provisions relating to employer
5 immunity from liability and disclosure of
6 information regarding former employees to
7 include immunity from liability for current
8 employers and disclosure of information with
9 respect to current employees; providing
10 specified requirements of employers with
11 respect to a background investigation of an
12 applicant for employment or appointment as a
13 full-time, part-time, or auxiliary law
14 enforcement officer, correctional officer, or
15 correctional probation officer; providing
16 requirements with respect to an authorization
17 to release information; providing a penalty for
18 noncompliance; providing an effective date.

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

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22 Section 1. Section 768.095, Florida Statutes, is
23 amended to read:

24 768.095 Employer immunity from liability; disclosure
25 of information regarding former or current employees.--An
26 employer who discloses information about a former or current
27 employee's job performance to a prospective employer of the
28 former or current employee upon request of a ~~the~~ prospective
29 employer or of the former or current employee is presumed to
30 be acting in good faith and, unless lack of good faith is
31 shown by clear and convincing evidence, is immune from civil

1 liability for such disclosure or its consequences. For
2 purposes of this section, the presumption of good faith is
3 rebutted upon a showing that the information disclosed by a
4 ~~the~~ former or current employer was knowingly false or
5 deliberately misleading, was rendered with malicious purpose,
6 or violated any civil right of the former or current employee
7 protected under chapter 760.

8 Section 2. (1) When a law enforcement, correctional,
9 or correctional probation officer is conducting a background
10 investigation of an applicant for temporary or permanent
11 employment or appointment as a full-time, part-time, or
12 auxiliary law enforcement, correctional, or correctional
13 probation officer with an employing agency as defined in ss.
14 943.10(4), the applicant's current or former employer, or the
15 employer's agent, shall provide to the officer conducting the
16 background investigation the complete employment record of the
17 applicant and, to the extent known, any other verifiable
18 information which would lead one to believe that the applicant
19 fails to meet the minimum qualifications as set forth in s.
20 943.13. The investigating officer must present to the current
21 or former employer credentials demonstrating employment with
22 the employing agency. Upon the presentation of an
23 authorization for release of information form that must be
24 designed and approved by the Criminal Justice Standards and
25 Training Commission, the employer shall provide to the
26 investigating officer the requested information, which may
27 include a copy of the complete employment record or portion
28 thereof. The form must:

29 (a) Be either the original authorization or a copy or
30 facsimile of the original authorization.

1 (b) Have been executed by the applicant no more than 1
2 year prior to the request.

3 (c) Contain a statement that the authorization has
4 been specifically furnished to the presenting law enforcement
5 agency.

6 (d) Bear the notarized signature of the applicant.

7 (2) Whoever fails to comply with the provisions of
8 this section commits a noncriminal violation, punishable by a
9 fine of up to \$500.

10 Section 3. This act shall take effect upon becoming a
11 law.