

By Senator Klein

30-1057-06

1 A bill to be entitled
 2 An act relating to civil actions; amending s.
 3 768.096, F.S.; requiring that an employer meet
 4 all of the specified conditions that give the
 5 employer a presumption against negligent hiring
 6 in an action for civil damages resulting from
 7 an intentional tort committed by an employee;
 8 providing an effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Subsection (1) of section 768.096, Florida
 13 Statutes, is amended to read:
 14 768.096 Employer presumption against negligent
 15 hiring.--
 16 (1) In a civil action for the death of, or injury or
 17 damage to, a third person caused by the intentional tort of an
 18 employee, the ~~such~~ employee's employer is presumed not to have
 19 been negligent in hiring the ~~such~~ employee if, before hiring
 20 the employee, the employer conducted a background
 21 investigation of the prospective employee and the
 22 investigation did not reveal any information that reasonably
 23 demonstrated the unsuitability of the prospective employee for
 24 the particular work to be performed or for the employment in
 25 general. A background investigation under this section must
 26 include:
 27 (a) Obtaining a criminal background investigation on
 28 the prospective employee under subsection (2);
 29 (b) Making a reasonable effort to contact references
 30 and former employers of the prospective employee concerning
 31 the suitability of the prospective employee for employment;

1 (c) Requiring the prospective employee to complete a
2 job application form that includes questions concerning
3 whether he or she has ever been convicted of a crime,
4 including details concerning the type of crime, the date of
5 conviction and the penalty imposed, and whether the
6 prospective employee has ever been a defendant in a civil
7 action for intentional tort, including the nature of the
8 intentional tort and the disposition of the action;

9 (d) Obtaining, with written authorization from the
10 prospective employee, a check of the driver's license record
11 of the prospective employee if such a check is relevant to the
12 work the employee will be performing and if the record can
13 reasonably be obtained; and ~~or~~

14 (e) Interviewing the prospective employee.

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

17
18 *****

19 SENATE SUMMARY

20 Requires that an employer meet all of the specified
21 conditions that give the employer a presumption against
22 negligent hiring in an action for civil damages resulting
23 from an intentional tort committed by an employee.
24
25
26
27
28
29
30
31