

1                                   A bill to be entitled  
 2           An act relating to civil actions; amending s. 768.096,  
 3           F.S.; requiring that an employer meet all of the specified  
 4           conditions that give the employer a presumption against  
 5           negligent hiring in an action for civil damages resulting  
 6           from an intentional tort committed by an employee;  
 7           providing an effective date.

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

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 11           Section 1. Subsection (1) of section 768.096, Florida  
 12           Statutes, is amended to read:

13           768.096 Employer presumption against negligent hiring.--

14           (1) In a civil action for the death of, or injury or  
 15           damage to, a third person caused by the intentional tort of an  
 16           employee, the ~~such~~ employee's employer is presumed not to have  
 17           been negligent in hiring the ~~such~~ employee if, before hiring the  
 18           employee, the employer conducted a background investigation of  
 19           the prospective employee and the investigation did not reveal  
 20           any information that reasonably demonstrated the unsuitability  
 21           of the prospective employee for the particular work to be  
 22           performed or for the employment in general. A background  
 23           investigation under this section must include:

24           (a) Obtaining a criminal background investigation on the  
 25           prospective employee under subsection (2);

26           (b) Making a reasonable effort to contact references and  
 27           former employers of the prospective employee concerning the  
 28           suitability of the prospective employee for employment;

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29           (c) Requiring the prospective employee to complete a job  
30 application form that includes questions concerning whether he  
31 or she has ever been convicted of a crime, including details  
32 concerning the type of crime, the date of conviction and the  
33 penalty imposed, and whether the prospective employee has ever  
34 been a defendant in a civil action for intentional tort,  
35 including the nature of the intentional tort and the disposition  
36 of the action;

37           (d) Obtaining, with written authorization from the  
38 prospective employee, a check of the driver's license record of  
39 the prospective employee if such a check is relevant to the work  
40 the employee will be performing and if the record can reasonably  
41 be obtained; and ~~or~~

42           (e) Interviewing the prospective employee.

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