

By Representative Edwards

1 A bill to be entitled
2 An act relating to law enforcement background
3 investigations; amending s. 768.095, F.S.,
4 relating to employer immunity with respect to
5 disclosure of information regarding former
6 employees; requiring disclosure by a former or
7 current employer of certain information
8 authorized for release by an applicant for a
9 law enforcement officer position, under
10 specified circumstances; defining the offense
11 of violating such disclosure requirements for
12 law enforcement background investigations, and
13 providing penalties therefor; providing an
14 effective date.

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

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18 Section 1. Section 768.095, Florida Statutes, is
19 amended to read:20 768.095 Employer immunity from liability; disclosure
21 of information regarding ~~former~~ employees.--22 (1) An employer who discloses information about a
23 former employee's job performance to a prospective employer of
24 the former employee upon request of the prospective employer
25 or of the former employee is presumed to be acting in good
26 faith and, unless lack of good faith is shown by clear and
27 convincing evidence, is immune from civil liability for such
28 disclosure or its consequences. For purposes of this section,
29 the presumption of good faith is rebutted upon a showing that
30 the information disclosed by the former employer was knowingly
31 false or deliberately misleading, was rendered with malicious

1 purpose, or violated any civil right of the former employee
2 protected under chapter 760.

3 (2)(a) When a law enforcement background investigator
4 is conducting a background investigation of an applicant for
5 temporary or permanent employment or appointment as a
6 full-time, part-time, or auxiliary law enforcement officer,
7 pursuant to s. 943.133, the applicant's current or former
8 employer, or the employer's agent, shall have an affirmative
9 duty to provide the complete employment history of the
10 applicant with the employer and other pertinent information
11 requested of the applicant, to the extent known by the
12 employer. The employer shall provide such information upon
13 the presentation by the investigator of an authority for
14 release of information that has been executed by the
15 applicant, with the applicant's signature notarized.

16 (b) A person who violates this subsection commits a
17 misdemeanor of the second degree, punishable as provided in s.
18 775.082 or s. 775.083.

19 Section 2. This act shall take effect October 1, 1998.

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22 HOUSE SUMMARY

23 Requires disclosure by a former or current employer of
24 certain information authorized for release by the
25 applicant for temporary or permanent employment or
26 appointment as a full-time, part-time, or auxiliary law
27 enforcement officer. Defines the offense of violating
28 such disclosure requirements for law enforcement
29 background investigations, and provides penalties.
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