

By Senator Hill

1-2019-04

1 A bill to be entitled
2 An act relating to public records; amending s.
3 311.12, F.S.; creating an exemption from
4 public-records requirements for documents
5 produced during a background investigation of
6 an individual seeking employment at, or regular
7 access to, a seaport in this state; providing
8 for future legislative review and repeal;
9 providing findings of public necessity;
10 providing a contingent effective date.

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

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14 Section 1. Subsection (7) is added to section 311.12,
15 Florida Statutes, to read:

16 311.12 Seaport security standards.--

17 (7) All documents made or produced during the
18 background investigation of an individual seeking employment
19 at, or regular access to, a seaport in this state are
20 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
21 of the State Constitution.

22 Section 2. Subsection (7) of section 311.12, Florida
23 Statutes, is subject to the Open Government Sunset Review Act
24 of 1995 in accordance with section 119.15, Florida Statutes,
25 and shall stand repealed on October 2, 2009, unless reviewed
26 and saved from repeal through reenactment by the Legislature.

27 Section 3. The Legislature finds that it is a public
28 necessity to exempt from public disclosure all documents made
29 or produced during a background investigation of an individual
30 seeking employment at, or regular access to, a seaport in this
31 state. The information obtained by the Department of Law

1 Enforcement is sensitive information used to determine whether
2 the individual poses a terrorism security risk to the seaports
3 of this state. Because of the extensive criminal background
4 checks required by state and federal laws, the information
5 derived by these security investigations should not be made
6 available to the public, including the individual's
7 employer. The Legislature finds that any information collected
8 for applicants applying for employment at, or access to,
9 restricted areas of the seaport, or information constituting
10 grounds for denial of a Uniform Port Access Credential Card
11 may be used only for making determinations for employment or
12 access under this section. An individual's employer may only
13 be informed of whether the individual was issued the Uniform
14 Port Access Credential Card under section 311.12, Florida
15 Statutes. Furthermore, confidentiality of the
16 employment-screening information is mandated by federal law
17 during the process to issue the federal maritime
18 transportation security card, Pub.L. No. 107-295, s. 70105(e).

19 Section 4. This act shall take effect on the same date
20 that SB ____ or similar legislation takes effect, if such
21 legislation is adopted in the same legislative session or an
22 extension thereof and becomes law.

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25 SENATE SUMMARY

26 Creates an exemption from public-records requirements for
27 documents produced during a background investigation of
28 an individual seeking employment at, or regular access
29 to, a seaport in this state. Provides for future
30 legislative review and repeal under the Open Government
31 Sunset Review Act of 1995. Provides findings of public
necessity. (See bill for details.)