

By Senator Dean

3-02095-10

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1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public-records requirements for
4 criminal records, private investigator findings, and
5 information from reference checks obtained by the
6 Florida Vocational College for determining the moral
7 character of employees of the college; providing for
8 review and repeal of the exemption; providing a
9 statement of public necessity; providing a contingent
10 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. (1) The criminal records, private investigator
15 findings, and information from reference checks obtained by the
16 Florida Vocational College for determining the moral character
17 of employees of the college are confidential and exempt from the
18 provisions of s. 119.071, Florida Statutes, and s. 24(a), Art. I
19 of the State Constitution.

20 (2) Subsection (1) is subject to the Open Government Sunset
21 Review Act in accordance with s. 119.15, Florida Statutes, and
22 shall stand repealed on October 2, 2015, unless reviewed and
23 saved from repeal through reenactment by the Legislature.

24 Section 2. It is the finding of the Legislature that the
25 criminal records, private investigator findings, and information
26 from reference checks obtained by the Florida Vocational College
27 for determining the moral character of employees of the college
28 should be made confidential and exempt from public-records
29 requirements. Because of the possibility that information

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30 obtained by the college for determining the moral character of
31 employees of the school could be of a sensitive personal nature,
32 such an exemption is in keeping with an individual's expectation
33 to a right to privacy and is necessary in order to ensure that
34 the individual's information is not misused. In the case of
35 information obtained from private investigator findings and
36 reference checks, there exists the possibility that some
37 information obtained could be inaccurate or require further
38 verification. The release of such information could cause
39 unwarranted damage to the name or reputation of the individual
40 about whom the information was collected and could be used to
41 damage the good name of the college or persons associated with
42 the college. In extreme cases, the release of such information
43 could possibly jeopardize the individual's safety and welfare by
44 exposing him or her to potential harassment, intimidation, and
45 harm. Therefore, it is the finding of the Legislature that the
46 reasons set forth herein necessitate the exemption from public-
47 records requirements.

48 Section 3. This act shall take effect July 1, 2010, if SB
49 ___ or similar legislation is adopted in the same legislative
50 session or an extension thereof and becomes law.