By Senator Diaz

A bill to be entitled
An act relating to public records and meetings;
creating s. 1004.098, F.S.; providing an exemption
from public records requirements for any personal
identifying information of an applicant for president
of a state university or Florida College System
institution; providing an exemption from public
meeting requirements for any meeting held for the
purpose of identifying or vetting applicants for
president of a state university or Florida College
System institution and for any portion of a meeting
held for the purpose of establishing qualifications
of, or any compensation framework to be offered to,
such potential applicants which would disclose
personal identifying information of an applicant or
potential applicant; providing applicability;
requiring release of the names of specified applicants
within a certain timeframe; providing for future
legislative review and repeal of the exemptions;
providing a statement of public necessity; providing
an effective date.

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

Section 1. Section 1004.098, Florida Statutes, is created
to read:
1004.098 Information identifying applicants for president
at state universities and Florida College System institutions;
public records exemption; public meeting exemption.—
(1) Any personal identifying information of an applicant for president of a state university or Florida College System institution is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) Any meeting held for the purpose of identifying or vetting applicants for president of a state university or Florida College System institution is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. This exemption does not apply to a meeting held for the purpose of establishing qualifications of potential applicants or any compensation framework to be offered to potential applicants. However, any portion of such a meeting which would disclose personal identifying information of an applicant or potential applicant is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(3) Any meeting or interview held after a final group of at least three applicants has been established which is conducted for the purpose of making a final selection to fill the position of president of a state university or Florida College System institution is subject to s. 286.011 and s. 24(b), Art. I of the State Constitution.

(4) The names of the three or more applicants who comprise a final group of applicants pursuant to subsection (3) must be released by the state university or Florida College System institution no later than 21 days before the date of the meeting at which final action or voting is to occur on the employment of the applicants.

(5) Any personal identifying information of the three or more applicants who comprise a final group of applicants
pursuant to subsection (3) becomes subject to s. 119.07(1) and s. 24(a), Art. I of the State Constitution at the time the names of such applicants are released pursuant to subsection (4).

(6) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that any personal identifying information of an applicant for president of a state university or Florida College System institution be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature also finds that any meeting held for the purpose of identifying or vetting applicants for president of a state university or Florida College System institution and any portion of a meeting held for the purpose of establishing qualifications of, or any compensation framework to be offered to, such potential applicants which would disclose personal identifying information of an applicant or potential applicant be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution. The task of filling the position of president of a state university or Florida College System institution is often conducted by an executive search committee. Many, if not most, applicants for such a position are currently employed at another job at the time they apply, and their current positions could be jeopardized if it were to become known that they were seeking employment elsewhere. These exemptions from public records and public meeting requirements are needed to ensure that an
executive search committee can avail itself of the most experienced and desirable pool of qualified applicants from which to fill the position of president of a state university or Florida College System institution. If potential applicants fear the possibility of losing their current jobs as a consequence of attempting to further their careers or simply seeking different and more rewarding employment, failure to have these safeguards in place could have a chilling effect on the number and quality of applicants available to fill the position of president of a state university or Florida College System institution.

Section 3. This act shall take effect upon becoming a law.