

By the Committee on Governmental Oversight and Accountability;
and Senator Diaz

585-03768-20

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1 A bill to be entitled
2 An act relating to public records and public meetings;
3 creating s. 1004.098, F.S.; providing an exemption
4 from public records requirements for any personal
5 identifying information of an applicant for president
6 of a state university or Florida College System
7 institution; specifying that personal identifying
8 information of applicants who comprise a final group
9 of applicants is no longer confidential and exempt at
10 a time certain; providing an exemption from public
11 meeting requirements for any portion of a meeting held
12 for the purpose of identifying or vetting applicants
13 for president of a state university or Florida College
14 System institution, including any portion of a meeting
15 that would disclose identifying information of such
16 applicants; requiring a recording to be made of any
17 portion of a closed meeting; providing that no portion
18 of a closed meeting may be held off the record;
19 providing that the recording of any closed portion of
20 a meeting is exempt from public record requirements;
21 specifying that certain meetings are not exempt from
22 public meeting requirements; providing for future
23 legislative review and repeal of the exemptions;
24 providing a statement of public necessity; providing
25 an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Section 1004.098, Florida Statutes, is created

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30 to read:

31 1004.098 Applicants for president of a state university or
32 Florida College System institution; public records exemption;
33 public meetings exemption.-

34 (1) (a) Any personal identifying information of an applicant
35 for president of a state university or Florida College System
36 institution is confidential and exempt from s. 119.07(1) and s.
37 24(a), Art. I of the State Constitution.

38 (b) The personal identifying information of an applicant
39 included in a final group of applicants for president of a state
40 university or Florida College System institution is no longer
41 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
42 of the State Constitution at least 21 days before the date of a
43 meeting at which an interview of an applicant will be conducted
44 or at which final action or a vote is to be taken on the offer
45 of the employment of an applicant as president.

46 (2) (a) Any portion of a meeting held for the purpose of
47 identifying or vetting applicants for president of a state
48 university or Florida College System institution, including any
49 portion of a meeting that would disclose personal identifying
50 information of such applicants, is exempt from s. 286.011 and s.
51 24(b), Art. I of the State Constitution.

52 (b) A complete recording must be made of any portion of a
53 meeting that is closed pursuant to paragraph (a), and any closed
54 portion of such meeting may not be held off the record. The
55 recording of the closed portion of a meeting is exempt from s.
56 119.07(1) and s. 24(a), Art. I of the State Constitution.

57 (c) The public meeting exemption provided in paragraph (a)
58 does not apply to:

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59 1. Any portion of a meeting held for the purpose of
60 establishing qualifications for the position or establishing any
61 compensation framework to be offered to an applicant for
62 president of a state university or Florida College System
63 institution.

64 2. Any meeting held after a final group of applicants for
65 president of a state university or Florida College System
66 institution has been established at which an interview of an
67 applicant is conducted or at which final action or a vote is to
68 be taken on the offer of the employment of an applicant as
69 president.

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

74 Section 2. The Legislature finds that it is a public
75 necessity that any personal identifying information of an
76 applicant for president of a state university or Florida College
77 System institution be made confidential and exempt from s.
78 119.07(1), Florida Statutes, and s. 24(a), Article I of the
79 State Constitution. The Legislature also finds that it is a
80 public necessity that any portion of a meeting held for the
81 purpose of identifying or vetting applicants for president of a
82 state university or Florida College System institution,
83 including any portion of a meeting that would disclose personal
84 identifying information of such applicants, be made exempt from
85 s. 286.011, Florida Statutes, and s. 24(b), Article I of the
86 State Constitution, and that the recording of such meeting be
87 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),

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88 Article I of the State Constitution. The task of filling the
89 position of president of a state university or Florida College
90 System institution is often conducted by an executive search
91 committee. Many, if not most, applicants for such a position are
92 currently employed at another job at the time they apply and
93 could jeopardize their current positions if it were to become
94 known that they were seeking employment elsewhere. These
95 exemptions from public records and public meeting requirements
96 are needed to ensure that such a search committee can avail
97 itself of the most experienced and desirable pool of qualified
98 applicants from which to fill the position of president of a
99 state university or Florida College System institution. If
100 potential applicants fear the possibility of losing their
101 current jobs as a consequence of attempting to progress along
102 their chosen career path or simply seeking different and more
103 rewarding employment, failure to have these safeguards in place
104 could have a chilling effect on the number and quality of
105 applicants available to fill the position of president of a
106 state university or Florida College System institution.

107 Section 3. This act shall take effect July 1, 2020.