

By Representatives Lynn, Melvin, Waters, Wallace, Dockery,  
Lacasa, Murman, Maygarden, Johnson, Andrews and Kilmer

1                                   A bill to be entitled  
2           An act relating to public records; creating s.  
3           229.0055, F.S.; providing an exemption from  
4           public records requirements for identifying  
5           information regarding applicants for the  
6           position of Commissioner of Education,  
7           president of a state university, or president  
8           of a public community college; providing a  
9           criminal penalty for the release of such  
10          information; providing for future review and  
11          repeal; providing a finding of public  
12          necessity; providing an effective date.

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

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16           Section 1. Section 229.0055, Florida Statutes, is  
17 created to read:

18           229.005 Certain information exempt from disclosure.--  
19           (1) Any identifying information regarding applicants  
20 for the position of Commissioner of Education, president of a  
21 state university, or president of a public community college  
22 is confidential and exempt from the provisions of s. 119.07(1)  
23 and s. 24(a), Art. I of the State Constitution. Any meeting or  
24 portion of meeting wherein such information is discussed is  
25 exempt from the provisions of s. 286.011 and s. 24(b), Art. I  
26 of the State Constitution.

27           (2) Any person, other than an applicant who discloses  
28 his or her own candidacy for one of the positions identified  
29 in subsection (1), who knowingly and willfully makes public or  
30 discloses to any unauthorized person any information made  
31 confidential and exempt pursuant to the provisions of this

1 section commits a first degree misdemeanor, punishable as  
2 provided in s. 775.082 or s. 775.083.

3 (3) This section is subject to the Open Government  
4 Sunset Review Act of 1995 in accordance with s. 119.15 and is  
5 repealed on October 2, 2006, unless reviewed and saved from  
6 repeal through reenactment by the Legislature before that  
7 date.

8 Section 2. The Legislature finds that it is a public  
9 necessity that identifying information relating to applicants  
10 for the position of Commissioner of Education, president of a  
11 state university, or president of a public community college  
12 be held confidential and exempt because disclosure of such  
13 information could result in the release of sensitive, personal  
14 information regarding an applicant, thereby discouraging  
15 potential candidates from pursuing such positions. This in  
16 turn could have a chilling effect on the pool of suitable  
17 candidates who might otherwise express interest in such  
18 positions, thereby severely limiting the ability of the state  
19 to hire a highly qualified individual because release of such  
20 information compromises the privacy of potential applicants  
21 and may do harm to their current personal and professional  
22 status. Any limitation on the number of qualified applicants  
23 seeking such positions could have a significant impact on the  
24 effective and efficient administration of programs and  
25 services offered by these entities. Thus, the harm from  
26 providing access to, and disclosure of, this information  
27 significantly outweighs any public benefit that could be  
28 derived from public access to this information.

29 Section 3. This act shall take effect on the same date  
30 as HB \_\_\_\_ or similar legislation relating to education  
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1 governance, if such legislation is adopted during the 2001  
2 Regular Session or an extension thereof and becomes a law.

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5 HOUSE SUMMARY

6 Provides an exemption from public records requirements  
7 for identifying information regarding applicants for the  
8 position of Commissioner of Education, president of a  
9 state university, or president of a public community  
10 college. Provides a criminal penalty for the release of  
11 such information. Provides for future review and repeal.  
12 Provides a finding of public necessity.

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