

By the Committee on Governmental Oversight and Productivity;
and Senator Garcia

302-1892-01

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 until a candidate

9 is nominated; providing for future review and

10 repeal; providing a finding of public

11 necessity; providing an effective date.

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

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15 Section 1. Section 229.0055, Florida Statutes, is

16 created to read:

17 229.005 Certain information exempt from disclosure.--

18 (1) Information that would identify an applicant for

19 the position of:

20 (a) The Commissioner of Education and which is in the

21 possession of the Florida Board of Education,

22 (b) A president of a state university and which is in

23 the possession of the university board of trustees, or

24 (c) A president of a community college and which is in

25 the possession of a community college board of trustees

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27 is confidential and exempt from the provisions of s. 119.07(1)

28 and s. 24(a), Art. I of the State Constitution. Upon the

29 nomination of a candidate, all files, interviews, meetings,

30 appearances, and comments of the nominee, but not other

31 applicants, shall be open to the public.

1 (2) Any meeting or portion of a meeting in which
2 information that would identify an applicant under subsection
3 (1) is discussed is exempt from the provisions of s. 286.011
4 and s. 24(b), Art. I of the State Constitution, except that
5 after a candidate is nominated, any meeting or portion of a
6 meeting in which the nominee is discussed shall be open to the
7 public.

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10 repealed on October 2, 2006, unless reviewed and saved from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

13 Section 2. The Legislature finds that it is a public
14 necessity that information that would identify an applicant
15 for the position of Commissioner of Education, president of a
16 state university, or president of a public community college
17 be held confidential and exempt. Disclosure of information
18 that would identify an applicant could threaten or harm an
19 applicant's current professional position if the applicant's
20 present employer were to become aware of the application. As a
21 result, an applicant could be discouraged from pursuing an
22 available position, which would reduce the size of the pool of
23 available applicants. A limitation on the number of qualified
24 applicants seeking these positions could have a significant
25 impact on the effective and efficient administration of
26 programs and services offered by these entities. Thus, the
27 harm from providing access to and disclosure of information
28 that would identify an applicant prior to the time a candidate
29 is nominated significantly outweighs any public benefit that
30 could be derived from providing access to this information at
31 an earlier date. The Legislature also notes that, once a

1 candidate has been nominated, it is necessary for a full and
2 adequate review of the qualifications of the nominee that
3 records and meetings related to that nominee must be open to
4 the public.

5 Section 3. This act shall take effect on the same date
6 as Committee Substitute for Senate Bill 2108 or similar
7 legislation relating to education governance, if such
8 legislation is adopted during the 2001 Regular Session or an
9 extension thereof and becomes law.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 SB 894

14 Makes confidential and exempt information that would identify
15 an applicant for the position of the Commissioner of
16 Education, or a president of a state university or community
college.

17 Closes meetings at which information is discussed that would
identify an applicant.

18 Provides that, once a candidate is nominated, the nominee's
19 records are open and meetings at which information related to
nominee is discussed are open.

20 Provides for review and repeal.

21 Provides a statement of public necessity.

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