

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 finalists  
9           are 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          selection of three finalists, all files, interviews, meetings,  
30          appearances, and comments of the finalists, but not other  
31          applicants, shall be open to the public. The records of all

1 applicants shall be open to the public three years after the  
2 closing date for filing an application for the position.

3 (2) Any meeting or portion of a meeting in which  
4 information that would identify an applicant under subsection  
5 (1) is discussed is exempt from the provisions of s. 286.011  
6 and s. 24(b), Art. I of the State Constitution, except that  
7 after three finalists are selected, any meeting or portion of  
8 a meeting in which one or more of the finalists are discussed  
9 shall be open to the public. Tape recordings, minutes and  
10 other records of applicants other than the finalists shall be  
11 open three years after the closing date for filing an  
12 application for the position.

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15 repealed on October 2, 2006, unless reviewed and saved from  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

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

1 harm from providing access to and disclosure of information  
2 that would identify an applicant other than the finalists  
3 significantly outweighs any public benefit that could be  
4 derived from providing access to this information at an  
5 earlier date. The Legislature also notes that, once the  
6 finalists have been selected, it is necessary for a full and  
7 adequate review and comparison of the finalists, that all  
8 records and meetings related to one or more of the finalists  
9 must be open to the public. The Legislature further finds  
10 that, to ensure that other applicants who are not finalists  
11 are given adequate protection while still providing public  
12 oversight over the entire selection process, a three-year  
13 period of closure of records and tape recordings and other  
14 records of meetings, is sufficient to protect applicants and  
15 to permit public oversight.

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

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