

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Higher Education Committee

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BILL: SB 878

INTRODUCER: Senator Benacquisto

SUBJECT: Personnel Records

DATE: January 30, 2012

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	deMarsh-Mathues	HE	<b>Favorable</b>
2.			GO	
3.				
4.				
5.				
6.				

**I. Summary:**

This bill would narrow the public records exemption for Florida College System institution personnel records to make the performance evaluation of a college president public.

This bill amends s. 1012.81, Florida Statutes.

**II. Present Situation:**

Section 1001.64(19), F.S., requires each Florida College System institution board of trustees to appoint, suspend, or remove the president of the institution. The board of trustees must conduct annual evaluations of the president in accordance with rules of the State Board of Education (SBE) and submit the evaluations to the SBE for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.45, F.S., and the performance of the president in achieving the annual and long-term goals and objectives established in the Florida College System institution's employment accountability program implemented pursuant to s.1012.86, F.S.

Under s. 1012.81, F.S., SBE rules must prescribe the content and custody of limited-access records which a Florida College System institution may maintain on its employees.<sup>1</sup> Such records shall be limited to information reflecting evaluations of employee performance and shall be open to inspection only by the employee and by officials of the college who are responsible

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<sup>1</sup> Rule 6A-14.047, F.A.C., provides that personnel records will contain dates of appointment, periods of employment, contract status, duties performed, records of leave, and evidence of factors used to calculate salary, retirement system records, and related documentation as determined by the college. Readable at:

<https://www.flrules.org/gateway/RuleNo.asp?title=COMMUNITY%20COLLEGES&ID=6A-14.047>

for supervision of the employee. Such limited-access employee records are confidential and exempt from the provisions of s. 119.07(1), F.S.

The records relating to the evaluation of a president's performance could be more than a single evaluation report and could include any document related to evaluation of the president's performance including performance-related e-mails, counseling letters, etc.

### **III. Effect of Proposed Changes:**

This bill would make the performance evaluation of a Florida College System institution's president a public record. There could be both positive and negative consequences to making the records public. A confidential evaluation would permit a frank appraisal of the president's performance to be used as information to help the president improve his or her performance. Knowing that an evaluation may be published in newspapers and on the Internet could lead the evaluators to be more cautious about their evaluation. However, a reason for making the evaluation public is that the college president is a public employee who is a leader in his or her community, likely involved in economic development and workforce issues, and making his or her evaluation public would inform the public regarding the performance of an important community leader.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

Florida College System institutions would incur the cost of providing the records to the public. The cost should be negligible.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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