

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>      </u>	(Y/N)
ADOPTED AS AMENDED	<u>      </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>      </u>	(Y/N)
FAILED TO ADOPT	<u>      </u>	(Y/N)
WITHDRAWN	<u>      </u>	(Y/N)
OTHER	<u>      </u>	

1 Committee/Subcommittee hearing bill: Higher Education &  
 2 Workforce Subcommittee  
 3 Representative Tobia offered the following:

**Amendment**

6 Remove everything after the enacting clause and insert:  
 7 Section 1. Section 1004.097, Florida Statutes, is created to  
 8 read:

9 1004.097 Information identifying applicants for president,  
 10 provost, or dean at state universities and Florida College  
 11 System institutions; public records exemption; public meeting  
 12 exemption.

13 (1) Any personal identifying information or any document  
 14 containing personal identifying information of an applicant for  
 15 president, provost, or dean of any state university or Florida  
 16 College System institution is confidential and exempt from s.  
 17 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
 18 subsection is subject to the Open Government Sunset Review Act  
 19 in accordance with s. 119.15 and shall stand repealed on October

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20 2, 2018, unless reviewed and saved from repeal through  
21 reenactment by the Legislature.

22 (2) Any meetings made for the purpose of identifying or  
23 vetting applicants for president, provost, or dean of any state  
24 university or Florida College System institution are exempt from  
25 s. 286.011 and s. 24(b), Art. I of the State Constitution. This  
26 exemption does not apply to meetings held for the purpose of  
27 establishing qualifications of potential applicants or any  
28 compensation framework to be offered to potential applicants;  
29 however, any portion of such a meeting that would disclose  
30 personal identifying information of an applicant or potential  
31 applicant is exempt from s. 286.011 and s. 24(b), Art. I of the  
32 State Constitution. This subsection is subject to the Open  
33 Government Sunset Review Act in accordance with s. 119.15 and  
34 shall stand repealed on October 2, 2018, unless reviewed and  
35 saved from repeal through reenactment by the Legislature.

36 (3) Any meetings or interviews, held after a final group of  
37 applicants has been established and held for the purpose of  
38 making a final selection to fill the position of president,  
39 provost, or dean, are subject to the provisions of s. 286.011  
40 and s. 24(b), Art. I of the State Constitution.

41 (4) The names of any applicants who comprise a final group  
42 pursuant to subsection (3) must be released by the state  
43 university or Florida College System institution no later than  
44 10 days before the date of the meeting at which final action or  
45 vote is to be taken on the employment of the applicants.

46 (5) All documents containing the personal identifying  
47 information of any applicants who comprise a final group

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48 pursuant to subsection (3) become subject to the provisions of  
49 s. 119.07(1) and s. 24(a), Art. I of the State Constitution at  
50 the time the applicants' names are released pursuant to  
51 subsection (4).

52 Section 2. It is the finding of the Legislature that it is  
53 a public necessity that information contained in an application  
54 provided to an executive search committee, or information  
55 otherwise obtained by an executive search committee, regarding  
56 an applicant for a position within a Florida College System  
57 institution or a state university be made confidential and  
58 exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I  
59 of the State Constitution. The task of filling a vacant position  
60 within a Florida College System institution or a state  
61 university is often conducted by an executive search committee.  
62 Many, if not most, applicants for such a position are currently  
63 employed at another job at the time they apply and could  
64 jeopardize their current positions if it were to become known  
65 that they were seeking employment elsewhere. This exemption is  
66 needed to ensure that such a search committee can avail itself  
67 of the most experienced and desirable pool of qualified  
68 applicants from which to fill the position. If potential  
69 applicants fear the possibility of losing their current jobs as  
70 a consequence of attempting to progress along their chosen  
71 career path or simply seeking different and more rewarding  
72 employment, failure to have this safeguard in place could have a  
73 chilling effect on the number and quality of applicants  
74 available to fill a position.

75 Section 3. This act shall take effect October 1, 2013.