

1 A bill to be entitled
2 An act relating to public records and public meetings;
3 creating s. 1004.097, F.S.; providing an exemption
4 from public records requirements for any personal
5 identifying information, or any document containing
6 personal identifying information, of an applicant for
7 president, provost, or dean of any state university or
8 Florida College System institution; providing an
9 exemption from public meeting requirements for any
10 meeting held for the purpose of identifying or vetting
11 applicants for president, provost, or dean of any
12 state university or Florida College System institution
13 and for any portion of a meeting held for the purpose
14 of establishing qualifications of, or any compensation
15 framework to be offered to, such potential applicants
16 that would disclose personal identifying information
17 of an applicant or potential applicant; providing
18 applicability; requiring release of the names of
19 specified applicants within a certain timeframe;
20 providing for future legislative review and repeal of
21 the exemptions; providing a statement of public
22 necessity; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Section 1004.097, Florida Statutes, is created
27 to read:

28 | 1004.097 Information identifying applicants for president,
29 | provost, or dean at state universities and Florida College
30 | System institutions; public records exemption; public meeting
31 | exemption.

32 | (1) Any personal identifying information, or any document
33 | containing personal identifying information, of an applicant for
34 | president, provost, or dean of any state university or Florida
35 | College System institution is confidential and exempt from s.
36 | 119.07(1) and s. 24(a), Art. I of the State Constitution. This
37 | subsection is subject to the Open Government Sunset Review Act
38 | in accordance with s. 119.15 and shall stand repealed on October
39 | 2, 2018, unless reviewed and saved from repeal through
40 | reenactment by the Legislature.

41 | (2) Any meeting held for the purpose of identifying or
42 | vetting applicants for president, provost, or dean of any state
43 | university or Florida College System institution is exempt from
44 | s. 286.011 and s. 24(b), Art. I of the State Constitution. This
45 | exemption does not apply to a meeting held for the purpose of
46 | establishing qualifications of potential applicants or any
47 | compensation framework to be offered to potential applicants.
48 | However, any portion of such a meeting that would disclose
49 | personal identifying information of an applicant or potential
50 | applicant is exempt from s. 286.011 and s. 24(b), Art. I of the
51 | State Constitution. This subsection is subject to the Open
52 | Government Sunset Review Act in accordance with s. 119.15 and
53 | shall stand repealed on October 2, 2018, unless reviewed and
54 | saved from repeal through reenactment by the Legislature.

55 (3) Any meetings or interviews, held after a final group
56 of applicants has been established and held for the purpose of
57 making a final selection to fill the position of president,
58 provost, or dean of any state university or Florida College
59 System institution, are subject to the provisions of s. 286.011
60 and s. 24(b), Art. I of the State Constitution.

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

67 (5) All documents containing the personal identifying
68 information of any applicants who comprise a final group of
69 applicants pursuant to subsection (3) become subject to the
70 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
71 Constitution at the time the applicants' names are released
72 pursuant to subsection (4).

73 Section 2. It is the finding of the Legislature that it is
74 a public necessity that any personal identifying information, or
75 any document containing personal identifying information, of an
76 applicant for president, provost, or dean of any state
77 university or Florida College System institution be made
78 confidential and exempt from s. 119.07(1), Florida Statutes, and
79 s. 24(a), Art. I of the State Constitution. It is also the
80 finding of the Legislature that any meeting held for the purpose
81 of identifying or vetting applicants for president, provost, or
82 dean of any state university or Florida College System

83 institution and any portion of a meeting held for the purpose of
84 establishing qualifications of, or any compensation framework to
85 be offered to, such potential applicants that would disclose
86 personal identifying information of an applicant or potential
87 applicant be made exempt from s. 286.011, Florida Statutes, and
88 s. 24(b), Art. I of the State Constitution. The task of filling
89 the position of president, provost, or dean within a state
90 university or Florida College System institution is often
91 conducted by an executive search committee. Many, if not most,
92 applicants for such a position are currently employed at another
93 job at the time they apply and could jeopardize their current
94 positions if it were to become known that they were seeking
95 employment elsewhere. These exemptions from public records and
96 public meeting requirements are needed to ensure that such a
97 search committee can avail itself of the most experienced and
98 desirable pool of qualified applicants from which to fill the
99 position of president, provost, or dean of a state university or
100 Florida College System institution. If potential applicants fear
101 the possibility of losing their current jobs as a consequence of
102 attempting to progress along their chosen career path or simply
103 seeking different and more rewarding employment, failure to have
104 these safeguards in place could have a chilling effect on the
105 number and quality of applicants available to fill the position
106 of president, provost, or dean of a state university or Florida
107 College System institution.

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