

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 of an applicant for president,
6 provost, or dean of any state university or Florida
7 College System institution; providing an exemption
8 from public meeting requirements for any meeting held
9 for the purpose of identifying or vetting applicants
10 for president, provost, or dean of any state
11 university or Florida College System institution and
12 for any portion of a meeting held for the purpose of
13 establishing qualifications of, or any compensation
14 framework to be offered to, such potential applicants
15 that would disclose personal identifying information
16 of an applicant or potential applicant; providing
17 applicability; requiring release of the names of
18 specified applicants within a certain timeframe;
19 providing for future legislative review and repeal of
20 the exemptions; providing a statement of public
21 necessity; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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

27 1004.097 Information identifying applicants for president,
28 provost, or dean at state universities and Florida College

29 System institutions; public records exemption; public meeting
30 exemption.

31 (1) Any personal identifying information of an applicant
32 for president, provost, or dean of any state university or
33 Florida College System institution is confidential and exempt
34 from s. 119.07(1) and s. 24(a), Art. I of the State
35 Constitution.

36 (2) Any meeting held for the purpose of identifying or
37 vetting applicants for president, provost, or dean of any state
38 university or Florida College System institution is exempt from
39 s. 286.011 and s. 24(b), Art. I of the State Constitution. This
40 exemption does not apply to a meeting held for the purpose of
41 establishing qualifications of potential applicants or any
42 compensation framework to be offered to potential applicants.
43 However, any portion of such a meeting that would disclose
44 personal identifying information of an applicant or potential
45 applicant is exempt from s. 286.011 and s. 24(b), Art. I of the
46 State Constitution.

47 (3) Any meeting or interview held after a final group of
48 applicants has been established and held for the purpose of
49 making a final selection to fill the position of president,
50 provost, or dean of any state university or Florida College
51 System institution is subject to the provisions of s. 286.011
52 and s. 24(b), Art. I of the State Constitution.

53 (4) The names of any applicants who comprise a final group
54 of applicants pursuant to subsection (3) must be released by the
55 state university or Florida College System institution no later
56 than 21 days before the date of the meeting at which final

57 | action or vote is to be taken on the employment of the
58 | applicants.

59 | (5) Any personal identifying information of applicants who
60 | comprise a final group of applicants pursuant to subsection (3)
61 | become subject to the provisions of s. 119.07(1) and s. 24(a),
62 | Art. I of the State Constitution at the time the names of such
63 | applicants are released pursuant to subsection (4).

64 | (6) This section is subject to the Open Government Sunset
65 | Review Act in accordance with s. 119.15 and shall stand repealed
66 | on October 2, 2018, unless reviewed and saved from repeal
67 | through reenactment by the Legislature.

68 | Section 2. The Legislature finds that it is a public
69 | necessity that any personal identifying information of an
70 | applicant for president, provost, or dean of any state
71 | university or Florida College System institution be made
72 | confidential and exempt from s. 119.07(1), Florida Statutes, and
73 | s. 24(a), Art. I of the State Constitution. It is also the
74 | finding of the Legislature that any meeting held for the purpose
75 | of identifying or vetting applicants for president, provost, or
76 | dean of any state university or Florida College System
77 | institution and any portion of a meeting held for the purpose of
78 | establishing qualifications of, or any compensation framework to
79 | be offered to, such potential applicants that would disclose
80 | personal identifying information of an applicant or potential
81 | applicant be made exempt from s. 286.011, Florida Statutes, and
82 | s. 24(b), Art. I of the State Constitution. The task of filling
83 | the position of president, provost, or dean within a state
84 | university or Florida College System institution is often

85 conducted by an executive search committee. Many, if not most,
86 applicants for such a position are currently employed at another
87 job at the time they apply and could jeopardize their current
88 positions if it were to become known that they were seeking
89 employment elsewhere. These exemptions from public records and
90 public meeting requirements are needed to ensure that such a
91 search committee can avail itself of the most experienced and
92 desirable pool of qualified applicants from which to fill the
93 position of president, provost, or dean of a state university or
94 Florida College System institution. If potential applicants fear
95 the possibility of losing their current jobs as a consequence of
96 attempting to progress along their chosen career path or simply
97 seeking different and more rewarding employment, failure to have
98 these safeguards in place could have a chilling effect on the
99 number and quality of applicants available to fill the position
100 of president, provost, or dean of a state university or Florida
101 College System institution.

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