

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 a 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 a state university  
11 or Florida College System institution and for any  
12 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 for  
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 a state university or Florida  
33 College System institution is confidential and exempt from s.  
34 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

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

63       (6) This section is subject to the Open Government Sunset  
64 Review Act in accordance with s. 119.15 and shall stand repealed  
65 on October 2, 2019, unless reviewed and saved from repeal  
66 through reenactment by the Legislature.

67       Section 2. The Legislature finds that it is a public  
68 necessity that any personal identifying information of an  
69 applicant for president, provost, or dean of a state university  
70 or Florida College System institution be made confidential and  
71 exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I  
72 of the State Constitution. It is also the finding of the  
73 Legislature that any meeting held for the purpose of identifying  
74 or vetting applicants for president, provost, or dean of a state  
75 university or Florida College System institution and any portion  
76 of a meeting held for the purpose of establishing qualifications  
77 of, or any compensation framework to be offered to, such

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

101 Section 3. This act shall take effect upon becoming a law.