

By Senator Hays

11-00966-14

2014728__

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:

24
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

11-00966-14

2014728__

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

11-00966-14

2014728__

59 comprise a final group of applicants pursuant to subsection (3)
60 becomes 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),
72 Article I of the State Constitution. It is also the finding of
73 the Legislature that any meeting held for the purpose of
74 identifying or vetting applicants for president, provost, or
75 dean of a state university or Florida College System institution
76 and any portion of a meeting held for the purpose of
77 establishing qualifications of, or any compensation framework to
78 be offered to, such potential applicants which would disclose
79 personal identifying information of an applicant or potential
80 applicant be made exempt from s. 286.011, Florida Statutes, and
81 s. 24(b), Article I of the State Constitution. The task of
82 filling the position of president, provost, or dean of a state
83 university or Florida College System institution is often
84 conducted by an executive search committee. Many, if not most,
85 applicants for such a position are currently employed at another
86 job at the time they apply and could jeopardize their current
87 positions if it were to become known that they were seeking

11-00966-14

2014728__

88 employment elsewhere. These exemptions from public records and
89 public meeting requirements are needed to ensure that the search
90 committee can avail itself of the most experienced and desirable
91 pool of qualified applicants from which to fill the position of
92 president, provost, or dean of a state university or Florida
93 College System institution. If potential applicants fear the
94 possibility of losing their current employment as a consequence
95 of attempting to progress along their chosen career path or
96 simply seeking different and more rewarding employment, failure
97 to have these safeguards in place could have a chilling effect
98 on the number and quality of applicants available to fill the
99 position of president, provost, or dean of a state university or
100 Florida College System institution.

101 Section 3. This act shall take effect October 1, 2014.