

By Senator Hays

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1 A bill to be entitled
2 An act relating to public records and 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 the qualifications of, or any
14 compensation framework to be offered to, such
15 potential applicants which would disclose personal
16 identifying information of an applicant or potential
17 applicant; providing applicability; requiring release
18 of the names of specified applicants within a certain
19 timeframe; providing for future legislative review and
20 repeal of the exemptions; providing a statement of
21 public 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 or Florida College System
29 institutions; public records exemption; public meeting

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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 the 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 for the purpose of making a
48 final selection to fill the position of president, provost, or
49 dean of a state university or Florida College System institution
50 is subject to s. 286.011 and s. 24(b), Art. I of the State
51 Constitution.

52 (4) The names of those included in the 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 10 days before the date of the meeting at which a final
56 action or vote is to be taken on the employment of the
57 applicants.

58 (5) Any personal identifying information of those included

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59 in the final group of applicants pursuant to subsection (3)
60 becomes subject to s. 119.07(1) and s. 24(a), Art. I of the
61 State Constitution when the names of such applicants are
62 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, 2020, 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. The Legislature also finds
73 that any meeting held for the purpose of identifying or vetting
74 applicants for president, provost, or dean of a state university
75 or Florida College System institution and any portion of a
76 meeting held for the purpose of establishing qualifications of,
77 or any compensation framework to be offered to, such potential
78 applicants which would disclose personal identifying information
79 of an applicant or potential applicant be made exempt from s.
80 286.011, Florida Statutes, and s. 24(b), Article I of the State
81 Constitution. The task of filling the position of president,
82 provost, or dean of a state university or Florida College System
83 institution is often conducted by an executive search committee.
84 Many, if not most, applicants for such a position are currently
85 employed at another job at the time they apply and disclosure of
86 their applications could jeopardize their current positions.
87 These exemptions from public records and public meeting

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

100 Section 3. This act shall take effect October 1, 2015.