

By the Committee on Higher Education; and Senator Hays

589-01633A-15

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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, including the name, of an
6 applicant for president, provost, or dean of a state
7 university or Florida College System institution;
8 providing an exemption from public meeting
9 requirements for any portion of a meeting held for the
10 purpose of identifying or vetting applicants for
11 president, provost, or dean of a state university or
12 Florida College System institution; providing an
13 exception for any portion of a meeting held for the
14 purpose of establishing the qualifications of, or any
15 compensation framework to be offered to, potential
16 applicants; providing applicability; requiring
17 reasonable notice of meetings; requiring release of
18 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 meetings

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30 exemption.—

31 (1) Any personal identifying information, including, but
32 not limited to, the name, of an applicant for president,
33 provost, or dean of a state university or Florida College System
34 institution is confidential and exempt from s. 119.07(1) and s.
35 24(a), Art. I of the State Constitution.

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

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

54 (4) The names of those included in the final group of
55 applicants pursuant to subsection (3) must be released by the
56 state university or Florida College System institution no later
57 than 10 days before the date of the meeting at which a final
58 action or vote is to be taken on the employment of the

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59 applicants.

60 (5) Any personal identifying information of those included
61 in the final group of applicants pursuant to subsection (3)
62 becomes subject to s. 119.07(1) and s. 24(a), Art. I of the
63 State Constitution when the names of such applicants are
64 released pursuant to subsection (4).

65 (6) This section is subject to the Open Government Sunset
66 Review Act in accordance with s. 119.15 and shall stand repealed
67 on October 2, 2020, unless reviewed and saved from repeal
68 through reenactment by the Legislature.

69 Section 2. The Legislature finds that it is a public
70 necessity that any personal identifying information, including
71 the name, of an applicant for president, provost, or dean of a
72 state university or Florida College System institution be made
73 confidential and exempt from s. 119.07(1), Florida Statutes, and
74 s. 24(a), Article I of the State Constitution. The Legislature
75 also finds that any portion of any meeting held for the purpose
76 of identifying or vetting applicants for president, provost, or
77 dean of a state university or Florida College System institution
78 and any portion of a meeting held for the purpose of
79 establishing qualifications of, or any compensation framework to
80 be offered to, such potential applicants which would disclose
81 personal identifying information of an applicant or potential
82 applicant be made exempt from s. 286.011, Florida Statutes, and
83 s. 24(b), Article I of the State Constitution. The task of
84 filling the position of president, provost, or dean of a state
85 university or Florida College System institution is often
86 conducted by an executive search committee. Many, if not most,
87 applicants for such a position are currently employed at another

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

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