By the Committees on Governmental Oversight and Accountability;
and Higher Education; and Senator Hays

585-01921-15                                              2015182c2

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 identifying
5          information of an applicant for president, provost, or
6          dean of a state university or Florida College System
7          institution; providing an exemption from public
8          meeting requirements for any portion of a meeting
9          which is held for the purpose of identifying or
10         vetting, or which would otherwise disclose identifying
11         information of, potential applicants for president,
12         provost, or dean; requiring that closed meetings be
13         reasonably noticed and be recorded; providing that the
14         recordings of closed portions of a meeting are exempt
15         from public records requirements; specifying that any
16         portion of a meeting held for the purpose of
17         establishing the qualifications of, or any
18         compensation framework to be offered to, potential
19         applicants are subject to public meetings
20         requirements; specifying that the identifying
21         information of final applicants is no longer exempt
22         from public records and public meetings requirements
23         for a minimum period before a final decision or vote;
24         providing for future legislative review and repeal of
25         the exemptions; providing a statement of public
26         necessity; providing an effective date.
27
28    Be It Enacted by the Legislature of the State of Florida:
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30      Section 1. Section 1004.097, Florida Statutes, is created

31  to read:

32      1004.097 Information identifying applicants for president,

33  provost, or dean at state universities or Florida College System

34  institutions; public records exemption; public meetings

35  exemption.—

36      (1) Any identifying information of an applicant for

37  president, provost, or dean of a state university or Florida

38  College System institution is exempt from s. 119.07(1) and s.

39  24(a), Art. I of the State Constitution.

40      (2)(a) Any portion of a meeting held for the purpose of

41  identifying or vetting a potential applicant for president,

42  provost, or dean of a state university or Florida College System

43  institution is exempt from s. 286.011 and s. 24(b), Art. I of

44  the State Constitution.

45      (b) Any portion of a meeting that would disclose

46  identifying information of an applicant for president, provost,

47  or dean of a state university or Florida College System

48  institution is exempt from s. 286.011 and s. 24(b), Art. I of

49  the State Constitution.

50      (c) Any portion of a meeting that is closed pursuant to

51  paragraph (a) or paragraph (b) must be reasonably noticed. A

52  complete recording must be made of any closed portion of a

53  meeting, and a closed portion of a meeting may not be held off

54  the record. The recording of the closed portion of a meeting is

55  exempt from s. 119.07(1) and s. 24(a), Art. I of the State

56  Constitution.

57      (d) Any portion of a meeting held for the purposes of

58  establishing the qualifications of potential applicants or

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59  establishing the compensation framework to be offered to
60  potential applicants must be open to the public and is subject
61  to s. 286.011 and s. 24(b), Art. I of the State Constitution.
62      (3) No later than 30 days before the date of the meeting at
63  which a final action or vote is to be taken regarding the
64  employment of an applicant, identifying information of the
65  applicants on whom a final action or vote is to be taken is no
66  longer exempt as provided under subsection (2).
67      (4) This section is subject to the Open Government Sunset
68  Review Act in accordance with s. 119.15 and shall stand repealed
69  on October 2, 2020, unless reviewed and saved from repeal
70  through reenactment by the Legislature.
71      Section 2. The Legislature finds that it is a public
72  necessity that any identifying information of an applicant for
73  president, provost, or dean of a state university or Florida
74  College System institution be exempt from s. 119.07(1), Florida
75  Statutes, and s. 24(a), Article I of the State Constitution. The
76  Legislature also finds that any portion of any meeting which is
77  held for the purpose of identifying or vetting applicants for
78  president, provost, or dean of a state university or Florida
79  College System institution or which would disclose identifying
80  information of an applicant be exempt from s. 286.011, Florida
81  Statutes, and s. 24(b), Article I of the State Constitution.
82  Identifying information of finalists is no longer exempt from
83  public records and public meetings requirements 30 days before
84  the date of the meeting at which a final action or vote occurs
85  regarding the hiring of a president, provost, or dean. The task
86  of filling the position of president, provost, or dean of a
87  state university or Florida College System institution is often

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88  conducted by an executive search committee. Many, if not most,

89  applicants for such a position are currently employed at another

90  job at the time they apply and disclosure of their applications

91  could jeopardize their current positions. These exemptions from

92  public records and public meeting requirements are needed to

93  ensure that the executive search committee can avail itself of

94  the most experienced and desirable pool of qualified applicants

95  from which to fill the position of president, provost, or dean

96  of a state university or Florida College System institution. If

97  potential applicants fear the possibility of losing their

98  current employment as a consequence of attempting to progress

99  along their chosen career path or seeking different and more

100  rewarding employment, failure to have these exemptions in place

101  could have a chilling effect on the number and quality of

102  applicants available to fill the position of president, provost,

103  or dean of a state university or Florida College System

104  institution.

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