



458574

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/17/2020	.	
	.	
	.	
	.	

The Committee on Governmental Oversight and Accountability
(Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1004.098, Florida Statutes, is created
to read:

1004.098 Applicants for president of a state university or
Florida College System institution; public records exemption;
public meetings exemption.—

(1)(a) Any personal identifying information of an applicant



458574

11 for president of a state university or Florida College System
12 institution is confidential and exempt from s. 119.07(1) and s.
13 24(a), Art. I of the State Constitution.

14 (b) The personal identifying information of an applicant
15 included in a final group of applicants for president of a state
16 university or Florida College System institution is no longer
17 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
18 of the State Constitution at least 21 days before the date of a
19 meeting at which an interview of an applicant will be conducted
20 or at which final action or a vote is to be taken on the offer
21 of the employment of an applicant as president.

22 (2) (a) Any portion of a meeting held for the purpose of
23 identifying or vetting applicants for president of a state
24 university or Florida College System institution, including any
25 portion of a meeting that would disclose personal identifying
26 information of such applicants, is exempt from s. 286.011 and s.
27 24(b), Art. I of the State Constitution.

28 (b) A complete recording must be made of any portion of a
29 meeting that is closed pursuant to paragraph (a), and any closed
30 portion of such meeting may not be held off the record. The
31 recording of the closed portion of a meeting is exempt from s.
32 119.07(1) and s. 24(a), Art. I of the State Constitution.

33 (c) The public meeting exemption provided in paragraph (a)
34 does not apply to:

35 1. Any portion of a meeting held for the purpose of
36 establishing qualifications for the position or establishing any
37 compensation framework to be offered to an applicant for
38 president of a state university or Florida College System
39 institution.



458574

40 2. Any meeting held after a final group of applicants for
41 president of a state university or Florida College System
42 institution has been established at which an interview of an
43 applicant is conducted or at which final action or a vote is to
44 be taken on the offer of the employment of an applicant as
45 president.

46 (3) This section is subject to the Open Government Sunset
47 Review Act in accordance with s. 119.15 and shall stand repealed
48 on October 2, 2025, unless reviewed and saved from repeal
49 through reenactment by the Legislature.

50 Section 2. The Legislature finds that it is a public
51 necessity that any personal identifying information of an
52 applicant for president of a state university or Florida College
53 System institution be made confidential and exempt from s.
54 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State
55 Constitution. The Legislature also finds that it is a public
56 necessity that any portion of a meeting held for the purpose of
57 identifying or vetting applicants for president of a state
58 university or Florida College System institution, including any
59 portion of a meeting that would disclose personal identifying
60 information of such applicants, be made exempt from s. 286.011,
61 Florida Statutes, and s. 24(b), Art. I of the State
62 Constitution, and that the recording of such meeting be made
63 exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I
64 of the State Constitution. The task of filling the position of
65 president of a state university or Florida College System
66 institution is often conducted by an executive search committee.
67 Many, if not most, applicants for such a position are currently
68 employed at another job at the time they apply and could



458574

69 jeopardize their current positions if it were to become known
70 that they were seeking employment elsewhere. These exemptions
71 from public records and public meeting requirements are needed
72 to ensure that such a search committee can avail itself of the
73 most experienced and desirable pool of qualified applicants from
74 which to fill the position of president of a state university or
75 Florida College System institution. If potential applicants fear
76 the possibility of losing their current jobs as a consequence of
77 attempting to progress along their chosen career path or simply
78 seeking different and more rewarding employment, failure to have
79 these safeguards in place could have a chilling effect on the
80 number and quality of applicants available to fill the position
81 of president of a state university or Florida College System
82 institution.

83 Section 3. This act shall take effect July 1, 2020.

84
85

86 ===== T I T L E A M E N D M E N T =====

87 And the title is amended as follows:

88 Delete everything before the enacting clause
89 and insert:

90 An act relating to public records and public meetings; creating
91 s. 1004.098, F.S.; providing an exemption from public records
92 requirements for any personal identifying information of an
93 applicant for president of a state university or Florida College
94 System institution; specifying that personal identifying
95 information of applicants who comprise a final group of
96 applicants is no longer confidential and exempt at a time
97 certain; providing an exemption from public meeting requirements



458574

98 for any portion of a meeting held for the purpose of identifying
99 or vetting applicants for president of a state university or
100 Florida College System institution, including any portion of a
101 meeting that would disclose identifying information of such
102 applicants; requiring a recording to be made of any portion of a
103 closed meeting and providing that no portion of a closed meeting
104 may be held off the record; providing that the recording of any
105 closed portion of a meeting is exempt from public record
106 requirements; specifying that certain meetings are not exempt
107 from public meeting requirements; providing for future
108 legislative review and repeal of the exemptions; providing a
109 statement of public necessity; providing an effective date