

By Senator Brandes

24-00341-21

2021220__

1 A bill to be entitled
2 An act relating to public records and public meetings;
3 creating s. 1004.098, F.S.; providing an exemption
4 from public records requirements for any personal
5 identifying information of an applicant for president
6 of a state university or a Florida College System
7 institution; specifying that personal identifying
8 information of applicants who are in the final group
9 of applicants is no longer confidential and exempt at
10 a time certain; providing an exemption from public
11 meeting requirements for any portion of a meeting held
12 for the purpose of identifying or vetting applicants
13 for president of a state university or a Florida
14 College System institution, including any portion of a
15 meeting which would disclose identifying information
16 of such applicants; requiring that a recording be made
17 of any portion of a closed meeting which would
18 disclose identifying information of such applicants;
19 providing that no portion of a closed meeting may be
20 held off the record; providing that the recording of
21 any closed portion of a meeting is exempt from public
22 records requirements; specifying that certain meetings
23 are not exempt from public meeting requirements;
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:
29

24-00341-21

2021220__

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

32 1004.098 Applicants for president of a state university or
33 Florida College System institution; public records exemption;
34 public meetings exemption.-

35 (1) (a) Any personal identifying information of an applicant
36 for president of a state university or a Florida College System
37 institution is confidential and exempt from s. 119.07(1) and s.
38 24(a), Art. I of the State Constitution.

39 (b) Notwithstanding paragraph (a), the personal identifying
40 information of an applicant included in the final group of
41 applicants for president of a state university or a Florida
42 College System institution is no longer confidential and exempt
43 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
44 during the period beginning 21 days before the date of a meeting
45 at which an interview of an applicant will be conducted or at
46 which final action or a vote is to be taken on the offer of the
47 employment of an applicant as president.

48 (2) (a) Any portion of a meeting held for the purpose of
49 identifying or vetting applicants for president of a state
50 university or a Florida College System institution, including
51 any portion of a meeting which would disclose personal
52 identifying information of such applicants, is exempt from s.
53 286.011 and s. 24(b), Art. I of the State Constitution.

54 (b) A complete recording must be made of any portion of a
55 meeting which is closed pursuant to paragraph (a), and any
56 closed portion of such meeting may not be held off the record.
57 The recording of the closed portion of a meeting is exempt from
58 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

24-00341-21

2021220__

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

61 1. Any portion of a meeting held for the purpose of
62 establishing qualifications for the position or establishing any
63 compensation framework to be offered to an applicant for
64 president of a state university or a Florida College System
65 institution.

66 2. Any meeting that is held after a final group of
67 applicants for president of a state university or a Florida
68 College System institution has been established and at which an
69 interview of an applicant is conducted or at which final action
70 or a vote is to be taken on the offer of the employment of an
71 applicant as president.

72 (3) This section is subject to the Open Government Sunset
73 Review Act in accordance with s. 119.15 and shall stand repealed
74 on October 2, 2026, unless reviewed and saved from repeal
75 through reenactment by the Legislature.

76 Section 2. The Legislature finds that it is a public
77 necessity that any personal identifying information of an
78 applicant for president of a state university or a Florida
79 College System institution be made confidential and exempt from
80 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
81 State Constitution. The Legislature also finds that it is a
82 public necessity that any portion of a meeting held for the
83 purpose of identifying or vetting applicants for president of a
84 state university or a Florida College System institution,
85 including any portion of a meeting which would disclose personal
86 identifying information of such applicants, be made exempt from
87 s. 286.011, Florida Statutes, and s. 24(b), Article I of the

24-00341-21

2021220__

88 State Constitution, and that the recording of such meeting be
89 made exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
90 Article I of the State Constitution. The task of filling the
91 position of president of a state university or a Florida College
92 System institution is often conducted by an executive search
93 committee. Many, if not most, applicants for such a position are
94 currently employed at another job at the time they apply and
95 could jeopardize their current positions if it were to become
96 known that they were seeking employment elsewhere. These
97 exemptions from public records and public meeting requirements
98 are needed to ensure that such a search committee can avail
99 itself of the most experienced and desirable pool of qualified
100 applicants from which to fill the position of president of a
101 state university or a Florida College System institution. If
102 potential applicants fear the possibility of losing their
103 current jobs as a consequence of attempting to progress along
104 their chosen career path or simply seeking different and more
105 rewarding employment, failure to have these safeguards in place
106 could have a chilling effect on the number and quality of
107 applicants available to fill the position of president of a
108 state university or a Florida College System institution.

109 Section 3. This act shall take effect July 1, 2021.