

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 certain personal
5 identifying information of an applicant for president
6 of a state university or a Florida College System
7 institution; specifying when the personal identifying
8 information of applicants is no longer confidential
9 and exempt; providing an exemption from public meeting
10 requirements for any portion of a meeting held for the
11 purpose of identifying or vetting applicants for
12 president of a state university or Florida College
13 System institution, including any portion of a meeting
14 that would disclose identifying information of such
15 applicants; requiring a recording to be made of any
16 portion of a closed meeting and providing that no
17 portion of a closed meeting may be held off the
18 record; providing that the recording of any closed
19 portion of a meeting is exempt from public records
20 requirements; specifying that certain meetings are not
21 exempt from public meeting requirements; providing for
22 future legislative review and repeal of the
23 exemptions; providing a statement of public necessity;
24 providing an effective date.

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26 Be It Enacted by the Legislature of the State of Florida:

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

30 1004.098 Applicants for president of a state university or
 31 Florida College System institution; public records exemption;
 32 public meetings exemption.—

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

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

49 (2) (a) Any portion of a meeting held for the purpose of
 50 identifying or vetting applicants for president of a state

51 university or a Florida College System institution, including
52 any portion of a meeting which would disclose personal
53 identifying information of such applicants which is otherwise
54 confidential and exempt under subsection (1), is exempt from s.
55 286.011 and s. 24(b), Art. I of the State Constitution.

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

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

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

68 2. Any meeting that is held after a final group of
69 applicants for president of a state university or a Florida
70 College System institution has been established.

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

75 Section 2. The Legislature finds that it is a public

76 | necessity that any personal identifying information of an
77 | applicant for president of a state university or a Florida
78 | College System institution held by a state university or a
79 | Florida College System institution be made confidential and
80 | exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
81 | Article I of the State Constitution. The Legislature also finds
82 | that it is a public necessity that any portion of a meeting held
83 | for the purpose of identifying or vetting applicants for
84 | president of a state university or a Florida College System
85 | institution, including any portion of a meeting which would
86 | disclose personal identifying information of such applicants, be
87 | made exempt from s. 286.011, Florida Statutes, and s. 24(b),
88 | Article I of the State Constitution, and that the recording of
89 | such meeting be made exempt from s. 119.07(1), Florida Statutes,
90 | and s. 24(a), Article I of the State Constitution. The task of
91 | filling the position of president of a state university or a
92 | Florida College System institution is often conducted by an
93 | executive search committee. Many, if not most, applicants for
94 | such a position are currently employed at another job at the
95 | time they apply and could jeopardize their current positions if
96 | it were to become known that they were seeking employment
97 | elsewhere. These exemptions from public records and public
98 | meeting requirements are needed to ensure that such a search
99 | committee can avail itself of the most experienced and desirable
100 | pool of qualified applicants from which to fill the position of

101 president of a state university or a Florida College System
102 institution. If potential applicants fear the possibility of
103 losing their current jobs as a consequence of attempting to
104 progress along their chosen career path or simply seeking
105 different and more rewarding employment, failure to have these
106 safeguards in place could have a chilling effect on the number
107 and quality of applicants available to fill the position of
108 president of a state university or a Florida College System
109 institution.

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

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