

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 held by a state university or a Florida
8 College System institution; specifying when the
9 personal identifying information of applicants who are
10 in the final group of applicants is no longer
11 confidential and exempt; providing an exemption from
12 public meeting requirements for any portion of a
13 meeting held for the purpose of identifying or vetting
14 applicants for president of a state university or a
15 Florida College System institution, including any
16 portion of a meeting which would disclose certain
17 personal identifying information of such applicants;
18 requiring that a recording be made of any portion of a
19 closed meeting which would disclose personal
20 identifying information of such applicants; providing
21 that no portion of a closed meeting may be held off
22 the record; providing that the recording of any closed
23 portion of a meeting is exempt from public records
24 requirements; specifying that certain meetings are not
25 exempt from public meeting requirements; providing for

26 future legislative review and repeal of the
 27 exemptions; providing a statement of public necessity;
 28 providing an effective date.

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

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

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

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

43 (b) Notwithstanding paragraph (a), the personal
 44 identifying information of an applicant included in the final
 45 group of applicants for president of a state university or a
 46 Florida College System institution is no longer confidential and
 47 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 48 Constitution beginning at the earlier of the date the final
 49 group of applicants to be considered for president is
 50 established or 21 days before the date of a meeting at which an

51 interview of an applicant will be conducted or at which final
52 action or a vote is to be taken on the offer of the employment
53 of an applicant as president.

54 (2)(a) Any portion of a meeting held for the purpose of
55 identifying or vetting applicants for president of a state
56 university or a Florida College System institution, including
57 any portion of a meeting which would disclose personal
58 identifying information of such applicants which is otherwise
59 confidential and exempt under subsection (1), is exempt from s.
60 286.011 and s. 24(b), Art. I of the State Constitution.

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

66 (c) The exemption provided in paragraph (a) does not apply
67 to:

68 1. Any portion of a meeting held for the purpose of
69 establishing qualifications for the position or establishing any
70 compensation framework to be offered to an applicant for
71 president of a state university or a Florida College System
72 institution.

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

76 (3) This section is subject to the Open Government Sunset
77 Review Act in accordance with s. 119.15 and shall stand repealed
78 on October 2, 2027, unless reviewed and saved from repeal
79 through reenactment by the Legislature.

80 Section 2. The Legislature finds that it is a public
81 necessity that any personal identifying information of an
82 applicant for president of a state university or a Florida
83 College System institution held by a state university or a
84 Florida College System institution be made confidential and
85 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
86 Article I of the State Constitution. The Legislature also finds
87 that it is a public necessity that any portion of a meeting held
88 for the purpose of identifying or vetting applicants for
89 president of a state university or a Florida College System
90 institution, including any portion of a meeting which would
91 disclose personal identifying information of such applicants, be
92 made exempt from s. 286.011, Florida Statutes, and s. 24(b),
93 Article I of the State Constitution, and that the recording of
94 such meeting be made exempt from s. 119.07(1), Florida Statutes,
95 and s. 24(a), Article I of the State Constitution. The task of
96 filling the position of president of a state university or a
97 Florida College System institution is often conducted by an
98 executive search committee. Many, if not most, applicants for
99 such a position are currently employed at another job at the
100 time they apply and could jeopardize their current positions if

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101 it were to become known that they were seeking employment
102 elsewhere. These exemptions from public records and public
103 meetings requirements are needed to ensure that a search
104 committee can avail itself of a pool of the most experienced and
105 qualified applicants from which to fill the position. If
106 potential applicants fear the possibility of losing their
107 current jobs as a consequence of attempting to progress along
108 their chosen career path or simply seeking different and more
109 rewarding employment, failure to have these safeguards in place
110 could have a chilling effect on the number and quality of
111 applicants available to fill the position of president of a
112 state university or a Florida College System institution.

113 Section 3. This act shall take effect July 1, 2022.