

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 age,
9 race, and gender of all qualified applicants
10 considered and the personal identifying information of
11 applicants who are in the final group of applicants
12 are no longer confidential and exempt; providing an
13 exemption from public meetings requirements for any
14 portion of a meeting held for the purpose of
15 identifying or vetting applicants for president of a
16 state university or a Florida College System
17 institution, including any portion of a meeting which
18 would disclose certain personal identifying
19 information of such applicants; requiring that a
20 recording be made of any portion of a closed meeting
21 which would disclose personal identifying information
22 of such applicants; providing that no portion of a
23 closed meeting may be held off the record; providing
24 that the recording of any closed portion of a meeting
25 is exempt from public records requirements; specifying

26 | that certain meetings are not exempt from public
 27 | meeting requirements; providing for future legislative
 28 | review and repeal of the exemptions; providing a
 29 | statement of public necessity; providing an effective
 30 | date.

31 |
 32 | Be It Enacted by the Legislature of the State of Florida:

33 |
 34 | Section 1. Section 1004.098, Florida Statutes, is created
 35 | to read:

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

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

45 | (b) Notwithstanding paragraph (a), the age, race, and
 46 | gender of all applicants who met the minimum qualifications
 47 | established for the position by a state university or a Florida
 48 | College System institution who were considered and the personal
 49 | identifying information of an applicant included in the final
 50 | group of applicants for president of a state university or a

51 Florida College System institution are no longer confidential
52 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
53 Constitution beginning at the earlier of the date the final
54 group of applicants to be considered for president is
55 established or 21 days before the date of a meeting at which an
56 interview of an applicant will be conducted or at which final
57 action or a vote is to be taken on the offer of the employment
58 of an applicant as president.

59 (2)(a) Any portion of a meeting held for the purpose of
60 identifying or vetting applicants for president of a state
61 university or a Florida College System institution, including
62 any portion of a meeting which would disclose personal
63 identifying information of such applicants which is otherwise
64 confidential and exempt under subsection (1), is exempt from s.
65 286.011 and s. 24(b), Art. I of the State Constitution.

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

71 (c) The exemption provided in paragraph (a) does not apply
72 to:

73 1. Any portion of a meeting held for the purpose of
74 establishing qualifications for the position or establishing any
75 compensation framework to be offered to an applicant for

76 president of a state university or a Florida College System
77 institution.

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

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

85 Section 2. The Legislature finds that it is a public
86 necessity that any personal identifying information of an
87 applicant for president of a state university or a Florida
88 College System institution held by a state university or a
89 Florida College System institution be made confidential and
90 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
91 Article I of the State Constitution. The Legislature also finds
92 that it is a public necessity that any portion of a meeting held
93 for the purpose of identifying or vetting applicants for
94 president of a state university or a Florida College System
95 institution, including any portion of a meeting which would
96 disclose personal identifying information of such applicants, be
97 made exempt from s. 286.011, Florida Statutes, and s. 24(b),
98 Article I of the State Constitution, and that the recording of
99 such meeting be made exempt from s. 119.07(1), Florida Statutes,
100 and s. 24(a), Article I of the State Constitution. The task of

101 filling the position of president of a state university or a
102 Florida College System institution is often conducted by an
103 executive search committee. Many, if not most, applicants for
104 such a position are currently employed at another job at the
105 time they apply and could jeopardize their current positions if
106 it were to become known that they were seeking employment
107 elsewhere. These exemptions from public records and public
108 meetings requirements are needed to ensure that a search
109 committee can avail itself of a pool of the most experienced and
110 qualified applicants from which to fill the position. If
111 potential applicants fear the possibility of losing their
112 current jobs as a consequence of attempting to progress along
113 their chosen career path or simply seeking different and more
114 rewarding employment, failure to have these safeguards in place
115 could have a chilling effect on the number and quality of
116 applicants available to fill the position of president of a
117 state university or a Florida College System institution.

118 Section 3. This act shall take effect upon becoming a law.