

By Senator Passidomo

28-00725-17

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1                   A bill to be entitled  
 2           An act relating to public records and public meetings;  
 3           creating s. 1004.097, F.S.; providing an exemption  
 4           from public records requirements for any personal  
 5           identifying information of an applicant for president,  
 6           provost, or dean of a state university or Florida  
 7           College System institution; providing an exemption  
 8           from public meeting requirements for any meeting held  
 9           for the purpose of identifying or vetting applicants  
 10          for president, provost, or dean of a state university  
 11          or Florida College System institution and for any  
 12          portion of a meeting held for the purpose of  
 13          establishing qualifications of, or any compensation  
 14          framework to be offered to, such potential applicants  
 15          that would disclose personal identifying information  
 16          of an applicant or potential applicant; providing for  
 17          applicability; requiring release of the names of  
 18          specified applicants within a certain timeframe;  
 19          providing for future legislative review and repeal of  
 20          the exemptions; providing a statement of public  
 21          necessity; providing an effective date.

22  
 23 Be It Enacted by the Legislature of the State of Florida:

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 25           Section 1. Section 1004.097, Florida Statutes, is created  
 26 to read:

27           1004.097 Information identifying applicants for president,  
 28 provost, or dean at state universities and Florida College  
 29 System institutions; public records exemption; public meeting  
 30 exemption.—

31           (1) Any personal identifying information of an applicant  
 32 for president, provost, or dean of a state university or Florida

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33 College System institution is confidential and exempt from s.  
34 119.07(1) and s. 24(a), Art. I of the State Constitution.

35 (2) Any meeting held for the purpose of identifying or  
36 vetting applicants for president, provost, or dean of a state  
37 university or Florida College System institution is exempt from  
38 s. 286.011 and s. 24(b), Art. I of the State Constitution. This  
39 exemption does not apply to a meeting held for the purpose of  
40 establishing qualifications of potential applicants or any  
41 compensation framework to be offered to potential applicants.  
42 However, any portion of such a meeting that would disclose  
43 personal identifying information of an applicant or potential  
44 applicant is exempt from s. 286.011 and s. 24(b), Art. I of the  
45 State Constitution.

46 (3) Any meeting or interview held after a final group of  
47 applicants has been established and held for the purpose of  
48 making a final selection to fill the position of president,  
49 provost, or dean of a state university or Florida College System  
50 institution is subject to the provisions of s. 286.011 and s.  
51 24(b), Art. I of the State Constitution.

52 (4) The names of applicants who comprise a final group of  
53 applicants pursuant to subsection (3) must be released by the  
54 state university or Florida College System institution no later  
55 than 10 days before the date of the meeting at which final  
56 action or a vote is to be taken on the employment of the  
57 applicants.

58 (5) Any personal identifying information of applicants who  
59 comprise a final group of applicants pursuant to subsection (3)  
60 become subject to the provisions of s. 119.07(1) and s. 24(a),  
61 Art. I of the State Constitution at the time the names of such

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62 applicants are released pursuant to subsection (4).

63 (6) This section is subject to the Open Government Sunset  
64 Review Act in accordance with s. 119.15 and shall stand repealed  
65 on October 2, 2022, unless reviewed and saved from repeal  
66 through reenactment by the Legislature.

67 Section 2. The Legislature finds that it is a public  
68 necessity that any personal identifying information of an  
69 applicant for president, provost, or dean of a state university  
70 or Florida College System institution be made confidential and  
71 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
72 Article I of the State Constitution. It is also the finding of  
73 the Legislature that any meeting held for the purpose of  
74 identifying or vetting applicants for president, provost, or  
75 dean of a state university or Florida College System institution  
76 and any portion of a meeting held for the purpose of  
77 establishing qualifications of, or any compensation framework to  
78 be offered to, such potential applicants which would disclose  
79 personal identifying information of an applicant or potential  
80 applicant be made exempt from s. 286.011, Florida Statutes, and  
81 s. 24(b), Article I of the State Constitution. The task of  
82 filling the position of president, provost, or dean at a state  
83 university or Florida College System institution is often  
84 conducted by an executive search committee. Many, if not most,  
85 applicants for such a position are currently employed at another  
86 job at the time they apply and could jeopardize their current  
87 positions if it were to become known that they were seeking  
88 employment elsewhere. These exemptions from public records and  
89 public meeting requirements are needed to ensure that such a  
90 search committee can avail itself of the most experienced and

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91 desirable pool of qualified applicants from which to fill the  
92 position of president, provost, or dean of a state university or  
93 Florida College System institution. If potential applicants fear  
94 the possibility of losing their current jobs as a consequence of  
95 attempting to progress along their chosen career path or simply  
96 seeking different and more rewarding employment, failure to have  
97 these safeguards in place could have a chilling effect on the  
98 number and quality of applicants available to fill the position  
99 of president, provost, or dean of a state university or Florida  
100 College System institution.

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