

1                   A bill to be entitled  
2           An act relating to public records and meetings;  
3           creating s. 1004.098, F.S.; providing an exemption  
4           from public records requirements for identifying  
5           information of an applicant for president or provost  
6           of a state university or Florida College System  
7           institution; providing an exemption from public  
8           meeting requirements for any portion of a meeting held  
9           for the purpose of identifying or vetting or otherwise  
10          disclosing identifying information of such applicants;  
11          requiring that closed meetings be reasonably noticed  
12          and recorded; providing that the recordings of closed  
13          portions of a meeting are exempt from public records  
14          requirements; providing that any portion of a meeting  
15          held for purposes of establishing the qualifications  
16          of, or any compensation framework to be offered to,  
17          potential applicants is subject to public meetings  
18          requirements; providing that the identifying  
19          information of final applicants is no longer exempt  
20          from public records and public meetings requirements  
21          within a specified period before a final action or  
22          vote; providing for future legislative review and  
23          repeal of the exemptions; providing a statement of  
24          public necessity; providing an effective date.  
25

HB 7115

2019

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

27

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

30 1004.098 Information identifying applicants for president  
31 or provost at state universities or Florida College System  
32 institutions; public records exemption; public meetings  
33 exemption.—

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

38 (2) (a) Any portion of a meeting held for the purpose of  
39 identifying or vetting a potential applicant for president or  
40 provost of a state university or Florida College System  
41 institution is exempt from s. 286.011 and s. 24(b), Art. I of  
42 the State Constitution.

43 (b) Any portion of a meeting that would disclose  
44 identifying information of an applicant for president or provost  
45 of a state university or Florida College System institution is  
46 exempt from s. 286.011 and s. 24(b), Art. I of the State  
47 Constitution.

48 (c) Any portion of a meeting that is closed pursuant to  
49 paragraph (a) or paragraph (b) must be reasonably noticed. A  
50 complete recording must be made of any closed portion of a

51 meeting, and a closed portion of a meeting may not be held off  
52 the record. The recording of the closed portion of a meeting is  
53 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
54 Constitution.

55 (d) Any portion of a meeting held for purposes of  
56 establishing the qualifications of potential applicants or  
57 establishing the compensation framework to be offered to  
58 potential applicants must be open to the public and is subject  
59 to s. 286.011 and s. 24(b), Art. I of the State Constitution.

60 (3) No later than 30 days before the date of the meeting  
61 at which a final action or vote is to be taken regarding the  
62 employment of an applicant, identifying information of the  
63 applicants on whom a final action or vote is to be taken is no  
64 longer exempt as provided under subsections (1) and (2).

65 (4) This section is subject to the Open Government Sunset  
66 Review Act in accordance with s. 119.15 and shall stand repealed  
67 on October 2, 2024, unless reviewed and saved from repeal  
68 through reenactment by the Legislature.

69 Section 2. The Legislature finds that it is a public  
70 necessity that any identifying information of an applicant for  
71 president or provost of a state university or Florida College  
72 System institution be exempt from s. 119.07(1), Florida  
73 Statutes, and s. 24(a), Article I of the State Constitution. The  
74 Legislature also finds that any portion of any meeting which is  
75 held for the purpose of identifying or vetting applicants for

76 | president or provost of a state university or Florida College  
77 | System institution or which would disclose identifying  
78 | information of an applicant be exempt from s. 286.011, Florida  
79 | Statutes, and s. 24(b), Article I of the State Constitution.  
80 | Identifying information of finalists is no longer exempt from  
81 | public records and public meetings requirements 30 days before  
82 | the date of the meeting at which a final action or vote occurs  
83 | regarding the hiring of a president or provost. The task of  
84 | filling the position of president or provost of a state  
85 | university or Florida College System institution is often  
86 | conducted by an executive search committee. Many, if not most,  
87 | applicants for such a position are currently employed at another  
88 | job at the time they apply and disclosure of their applications  
89 | could jeopardize their current positions. These exemptions from  
90 | public records and public meeting requirements are needed to  
91 | ensure that the executive search committee can avail itself of  
92 | the most experienced and desirable pool of qualified applicants  
93 | from which to fill the position of president or provost of a  
94 | state university or Florida College System institution. If  
95 | potential applicants fear the possibility of losing their  
96 | current employment as a consequence of attempting to progress  
97 | along their chosen career path or seeking different and more  
98 | rewarding employment, failure to have these exemptions in place  
99 | could have a chilling effect on the number and quality of  
100 | applicants available to fill the position of president or

HB 7115

2019

101 | provost of a state university or Florida College System  
102 | institution.

103 |       Section 3. This act shall take effect July 1, 2019.