By the Committees on Governmental Oversight and Accountability; and Higher Education; and Senator Hays

A bill to be entitled
An act relating to public records and meetings; creating s. 1004.097, F.S.; providing an exemption from public records requirements for identifying information of an applicant for president, provost, or dean of a state university or Florida College System institution; providing an exemption from public meeting requirements for any portion of a meeting which is held for the purpose of identifying or vetting, or which would otherwise disclose identifying information of, potential applicants for president, provost, or dean; requiring that closed meetings be reasonably noticed and be recorded; providing that the recordings of closed portions of a meeting are exempt from public records requirements; specifying that any portion of a meeting held for the purpose of establishing the qualifications of, or any compensation framework to be offered to, potential applicants are subject to public meetings requirements; specifying that the identifying information of final applicants is no longer exempt from public records and public meetings requirements for a minimum period before a final decision or vote; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Section 1004.097, Florida Statutes, is created to read:

1004.097 Information identifying applicants for president, provost, or dean at state universities or Florida College System institutions; public records exemption; public meetings exemption.—

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

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

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

(c) Any portion of a meeting that is closed pursuant to paragraph (a) or paragraph (b) must be reasonably noticed. A complete recording must be made of any closed portion of a meeting, and a closed portion of a meeting may not be held off the record. The recording of the closed portion of a meeting is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

(4) This section is subject to the Open Government Sunset
Review Act in accordance with s. 119.15 and shall stand repealed
on October 2, 2020, unless reviewed and saved from repeal
through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public
necessity that any identifying information of an applicant for
president, provost, or dean of a state university or Florida
College System institution be exempt from s. 119.07(1), Florida
Statutes, and s. 24(a), Article I of the State Constitution. The
Legislature also finds that any portion of any meeting which is
held for the purpose of identifying or vetting applicants for
president, provost, or dean of a state university or Florida
College System institution or which would disclose identifying
information of an applicant be exempt from s. 286.011, Florida
Statutes, and s. 24(b), Article I of the State Constitution.
Identifying information of finalists is no longer exempt from
public records and public meetings requirements 30 days before
the date of the meeting at which a final action or vote occurs
regarding the hiring of a president, provost, or dean. The task
of filling the position of president, provost, or dean of a
state university or Florida College System institution is often
conducted by an executive search committee. Many, if not most, applicants for such a position are currently employed at another job at the time they apply and disclosure of their applications could jeopardize their current positions. These exemptions from public records and public meeting requirements are needed to ensure that the executive search committee can avail itself of the most experienced and desirable pool of qualified applicants from which to fill the position of president, provost, or dean of a state university or Florida College System institution. If potential applicants fear the possibility of losing their current employment as a consequence of attempting to progress along their chosen career path or seeking different and more rewarding employment, failure to have these exemptions in place could have a chilling effect on the number and quality of applicants available to fill the position of president, provost, or dean of a state university or Florida College System institution.

Section 3. This act shall take effect October 1, 2015.