

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Higher Education &
2 Workforce Subcommittee
3 Representative Combee offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

7 Section 1. Section 1004.097, Florida Statutes, is created
8 to read:

9 1004.097 Information identifying applicants for president,
10 provost, or dean at state universities or Florida College System
11 institutions; public records exemption; public meetings
12 exemption.—

13 (1) Any identifying information of an applicant for
14 president, provost, or dean of a state university or Florida
15 College System institution is exempt from s. 119.07(1) and s.
16 24(a), Art. I of the State Constitution.

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

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

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

34 (d) Any portion of a meeting held for the purpose of
35 establishing the qualifications of a potential applicant for
36 president, provost, or dean of a state university or Florida
37 College System institution or establishing the compensation
38 framework to be offered to a potential applicant must be open to
39 the public and is subject to s. 286.011 and s. 24(b), Art. I of
40 the State Constitution.

41 (3) No later than 30 days before the date of the meeting
42 at which a final action or vote is to be taken regarding the

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43 employment of an applicant for president, provost, or dean of a
44 state university or Florida College System institution,
45 identifying information of the applicant on whom a final action
46 or vote is to be taken is no longer exempt under subsections (1)
47 and (2).

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

52 Section 2. The Legislature finds that it is a public
53 necessity that any identifying information of an applicant for
54 president, provost, or dean of a state university or Florida
55 College System institution be made exempt from s. 119.07(1),
56 Florida Statutes, and s. 24(a), Article I of the State
57 Constitution. The Legislature also finds that any portion of a
58 meeting that is held for the purpose of identifying or vetting
59 an applicant for president, provost, or dean of a state
60 university or Florida College System institution or that would
61 disclose identifying information of such applicant be made
62 exempt from s. 286.011, Florida Statutes, and s. 24(b), Article
63 I of the State Constitution. The Legislature also finds that
64 identifying information of finalists shall no longer be exempt
65 from public records and public meetings requirements 30 days
66 before the date of the meeting at which a final action or vote
67 occurs regarding the hiring of such applicant. The task of
68 filling the position of president, provost, or dean of a state

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69 university or Florida College System institution is often
70 conducted by an executive search committee. Many, if not most,
71 applicants for such a position are currently employed at another
72 job at the time they apply, and disclosure of their applications
73 could jeopardize their current employment. These exemptions from
74 public records and public meetings requirements are needed to
75 ensure that the executive search committee can avail itself of
76 the most experienced and desirable pool of qualified applicants
77 from which to fill the position of president, provost, or dean
78 of a state university or Florida College System institution. If
79 potential applicants fear the possibility of losing their
80 current employment as a consequence of attempting to progress
81 along their chosen career path or seeking different and more
82 rewarding employment, the number and quality of applicants
83 available to fill the position of president, provost, or dean of
84 a state university or Florida College System institution would
85 be greatly diminished. Therefore, this exemption fulfills an
86 important state interest.

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

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T I T L E A M E N D M E N T

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Remove everything before the enacting clause and insert:

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A bill to be entitled

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94 An act relating to public records and meetings; creating s.
95 1004.097, F.S.; providing an exemption from public records
96 requirements for identifying information of an applicant for
97 president, provost, or dean of a state university or Florida
98 College System institution; providing an exemption from public
99 meeting requirements for any portion of a meeting held for the
100 purpose of identifying or vetting or otherwise disclosing
101 identifying information of such applicants; requiring that
102 closed meetings be reasonably noticed and recorded; providing
103 that the recordings of closed portions of a meeting are exempt
104 from public records requirements; specifying that any portion of
105 a meeting held for the purpose of establishing the
106 qualifications of, or any compensation framework to be offered
107 to, potential applicants is subject to public meetings
108 requirements; specifying that the identifying information of
109 final applicants is no longer exempt from public records and
110 public meetings requirements within a certain time period before
111 a final action or vote; providing for future legislative review
112 and repeal of the exemptions; providing a statement of public
113 necessity; providing an effective date.