

1 A bill to be entitled

2 An act relating to public records and meetings;
3 creating s. 1004.097, F.S.; providing an exemption
4 from public records requirements for identifying
5 information of an applicant for president, provost, or
6 dean 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; specifying that any portion of a meeting
15 held for the purpose of establishing the
16 qualifications of, or any compensation framework to be
17 offered to, potential applicants is subject to public
18 meetings requirements; specifying 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.

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

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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

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 the purpose of
56 establishing the qualifications of a potential applicant for
57 president, provost, or dean of a state university or Florida
58 College System institution or establishing the compensation
59 framework to be offered to a potential applicant must be open to
60 the public and is subject to s. 286.011 and s. 24(b), Art. I of
61 the State Constitution.

62 (3) No later than 30 days before the date of the meeting
63 at which a final action or vote is to be taken regarding the
64 employment of an applicant for president, provost, or dean of a
65 state university or Florida College System institution,
66 identifying information of the applicant on whom a final action
67 or vote is to be taken is no longer exempt under subsections (1)
68 and (2).

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70 Review Act in accordance with s. 119.15 and shall stand repealed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

73 Section 2. The Legislature finds that it is a public
74 necessity that any identifying information of an applicant for
75 president, provost, or dean of a state university or Florida
76 College System institution be made exempt from s. 119.07(1),
77 Florida Statutes, and s. 24(a), Article I of the State
78 Constitution. The Legislature also finds that any portion of a

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

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105 a state university or Florida College System institution would
106 be greatly diminished. Therefore, this exemption fulfills an
107 important state interest.

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