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LEGISLATIVE ACTION

Senate

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House

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The Committee on Governmental Oversight and Accountability  
(Diaz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

1004.098 Applicants for president of a state university or  
Florida College System institution; public records exemption;  
public meetings exemption.—

(1)(a) Any personal identifying information of an applicant



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11 for president of a state university or Florida College System  
12 institution is confidential and exempt from s. 119.07(1) and s.  
13 24(a), Art. I of the State Constitution.

14 (b) The personal identifying information of an applicant  
15 included in a final group of applicants for president of a state  
16 university or Florida College System institution is no longer  
17 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
18 of the State Constitution at least 21 days before the date of a  
19 meeting at which an interview of an applicant will be conducted  
20 or at which final action or a vote is to be taken on the offer  
21 of the employment of an applicant as president.

22 (2) (a) Any portion of a meeting held for the purpose of  
23 identifying or vetting applicants for president of a state  
24 university or Florida College System institution, including any  
25 portion of a meeting that would disclose personal identifying  
26 information of such applicants, is exempt from s. 286.011 and s.  
27 24(b), Art. I of the State Constitution.

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

33 (c) The public meeting exemption provided in paragraph (a)  
34 does not apply to:

35 1. Any portion of a meeting held for the purpose of  
36 establishing qualifications for the position or establishing any  
37 compensation framework to be offered to an applicant for  
38 president of a state university or Florida College System  
39 institution.



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40           2. Any meeting held after a final group of applicants for  
41 president of a state university or Florida College System  
42 institution has been established at which an interview of an  
43 applicant is conducted or at which final action or a vote is to  
44 be taken on the offer of the employment of an applicant as  
45 president.

46           (3) This section is subject to the Open Government Sunset  
47 Review Act in accordance with s. 119.15 and shall stand repealed  
48 on October 2, 2025, unless reviewed and saved from repeal  
49 through reenactment by the Legislature.

50           Section 2. The Legislature finds that it is a public  
51 necessity that any personal identifying information of an  
52 applicant for president of a state university or Florida College  
53 System institution be made confidential and exempt from s.  
54 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State  
55 Constitution. The Legislature also finds that it is a public  
56 necessity that any portion of a meeting held for the purpose of  
57 identifying or vetting applicants for president of a state  
58 university or Florida College System institution, including any  
59 portion of a meeting that would disclose personal identifying  
60 information of such applicants, be made exempt from s. 286.011,  
61 Florida Statutes, and s. 24(b), Art. I of the State  
62 Constitution, and that the recording of such meeting be made  
63 exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I  
64 of the State Constitution. The task of filling the position of  
65 president of a state university or Florida College System  
66 institution is often conducted by an executive search committee.  
67 Many, if not most, applicants for such a position are currently  
68 employed at another job at the time they apply and could



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69 jeopardize their current positions if it were to become known  
70 that they were seeking employment elsewhere. These exemptions  
71 from public records and public meeting requirements are needed  
72 to ensure that such a search committee can avail itself of the  
73 most experienced and desirable pool of qualified applicants from  
74 which to fill the position of president of a state university or  
75 Florida College System institution. If potential applicants fear  
76 the possibility of losing their current jobs as a consequence of  
77 attempting to progress along their chosen career path or simply  
78 seeking different and more rewarding employment, failure to have  
79 these safeguards in place could have a chilling effect on the  
80 number and quality of applicants available to fill the position  
81 of president of a state university or Florida College System  
82 institution.

83 Section 3. This act shall take effect July 1, 2020.

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

87 And the title is amended as follows:

88 Delete everything before the enacting clause  
89 and insert:

90 An act relating to public records and public meetings; creating  
91 s. 1004.098, F.S.; providing an exemption from public records  
92 requirements for any personal identifying information of an  
93 applicant for president of a state university or Florida College  
94 System institution; specifying that personal identifying  
95 information of applicants who comprise a final group of  
96 applicants is no longer confidential and exempt at a time  
97 certain; providing an exemption from public meeting requirements



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98 for any portion of a meeting held for the purpose of identifying  
99 or vetting applicants for president of a state university or  
100 Florida College System institution, including any portion of a  
101 meeting that would disclose identifying information of such  
102 applicants; requiring a recording to be made of any portion of a  
103 closed meeting and providing that no portion of a closed meeting  
104 may be held off the record; providing that the recording of any  
105 closed portion of a meeting is exempt from public record  
106 requirements; specifying that certain meetings are not exempt  
107 from public meeting requirements; providing for future  
108 legislative review and repeal of the exemptions; providing a  
109 statement of public necessity; providing an effective date