

By Senator Diaz

36-00599A-20

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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 any personal  
5       identifying information of an applicant for president  
6       of a state university or Florida College System  
7       institution; providing an exemption from public  
8       meeting requirements for any meeting held for the  
9       purpose of identifying or vetting applicants for  
10      president of a state university or Florida College  
11      System institution and for any portion of a meeting  
12      held for the purpose of establishing qualifications  
13      of, or any compensation framework to be offered to,  
14      such potential applicants which would disclose  
15      personal identifying information of an applicant or  
16      potential applicant; providing applicability;  
17      requiring release of the names of specified applicants  
18      within a certain timeframe; providing for future  
19      legislative review and repeal of the exemptions;  
20      providing a statement of public necessity; providing  
21      an effective date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

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

27       1004.098 Information identifying applicants for president  
28 at state universities and Florida College System institutions;  
29 public records exemption; public meeting exemption.-

36-00599A-20

2020774\_\_

30       (1) Any personal identifying information of an applicant  
31 for president of a state university or Florida College System  
32 institution is confidential and exempt from s. 119.07(1) and s.  
33 24(a), Art. I of the State Constitution.

34       (2) Any meeting held for the purpose of identifying or  
35 vetting applicants for president of a state university or  
36 Florida College System institution is exempt from s. 286.011 and  
37 s. 24(b), Art. I of the State Constitution. This exemption does  
38 not apply to a meeting held for the purpose of establishing  
39 qualifications of potential applicants or any compensation  
40 framework to be offered to potential applicants. However, any  
41 portion of such a meeting which would disclose personal  
42 identifying information of an applicant or potential applicant  
43 is exempt from s. 286.011 and s. 24(b), Art. I of the State  
44 Constitution.

45       (3) Any meeting or interview held after a final group of at  
46 least three applicants has been established which is conducted  
47 for the purpose of making a final selection to fill the position  
48 of president of a state university or Florida College System  
49 institution is subject to s. 286.011 and s. 24(b), Art. I of the  
50 State Constitution.

51       (4) The names of the three or more applicants who comprise  
52 a final group of applicants pursuant to subsection (3) must be  
53 released by the state university or Florida College System  
54 institution no later than 21 days before the date of the meeting  
55 at which final action or voting is to occur on the employment of  
56 the applicants.

57       (5) Any personal identifying information of the three or  
58 more applicants who comprise a final group of applicants

36-00599A-20

2020774\_\_

59 pursuant to subsection (3) becomes subject to s. 119.07(1) and  
60 s. 24(a), Art. I of the State Constitution at the time the names  
61 of such applicants are released pursuant to subsection (4).

62 (6) This section is subject to the Open Government Sunset  
63 Review Act in accordance with s. 119.15 and shall stand repealed  
64 on October 2, 2025, unless reviewed and saved from repeal  
65 through reenactment by the Legislature.

66 Section 2. The Legislature finds that it is a public  
67 necessity that any personal identifying information of an  
68 applicant for president of a state university or Florida College  
69 System institution be made confidential and exempt from s.  
70 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
71 State Constitution. The Legislature also finds that any meeting  
72 held for the purpose of identifying or vetting applicants for  
73 president of a state university or Florida College System  
74 institution and any portion of a meeting held for the purpose of  
75 establishing qualifications of, or any compensation framework to  
76 be offered to, such potential applicants which would disclose  
77 personal identifying information of an applicant or potential  
78 applicant be made exempt from s. 286.011, Florida Statutes, and  
79 s. 24(b), Article I of the State Constitution. The task of  
80 filling the position of president of a state university or  
81 Florida College System institution is often conducted by an  
82 executive search committee. Many, if not most, applicants for  
83 such a position are currently employed at another job at the  
84 time they apply, and their current positions could be  
85 jeopardized if it were to become known that they were seeking  
86 employment elsewhere. These exemptions from public records and  
87 public meeting requirements are needed to ensure that an

36-00599A-20

2020774\_\_

88 executive search committee can avail itself of the most  
89 experienced and desirable pool of qualified applicants from  
90 which to fill the position of president of a state university or  
91 Florida College System institution. If potential applicants fear  
92 the possibility of losing their current jobs as a consequence of  
93 attempting to further their careers or simply seeking different  
94 and more rewarding employment, failure to have these safeguards  
95 in place could have a chilling effect on the number and quality  
96 of applicants available to fill the position of president of a  
97 state university or Florida College System institution.

98 Section 3. This act shall take effect upon becoming a law.