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1                   A bill to be entitled  
2     An act relating to public records and public 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 a Florida College System  
7     institution held by a state university or a Florida  
8     College System institution; specifying when the age,  
9     race, and gender of all qualified applicants  
10    considered and the personal identifying information of  
11    applicants who are in the final group of applicants  
12    are no longer confidential and exempt; providing an  
13    exemption from public meetings requirements for any  
14    portion of a meeting held for the purpose of  
15    identifying or vetting applicants for president of a  
16    state university or a Florida College System  
17    institution, including any portion of a meeting which  
18    would disclose certain personal identifying  
19    information of such applicants; requiring that a  
20    recording be made of any portion of a closed meeting  
21    which would disclose personal identifying information  
22    of such applicants; providing that no portion of a  
23    closed meeting may be held off the record; providing  
24    that the recording of any closed portion of a meeting  
25    is exempt from public records requirements; specifying  
26    that certain meetings are not exempt from public  
27    meeting requirements; providing for future legislative  
28    review and repeal of the exemptions; providing a  
29    statement of public necessity; providing an effective

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30 date.

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

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

36 1004.098 Applicants for president of a state university or  
37 Florida College System institution; public records exemption;  
38 public meetings exemption.-

39 (1) (a) Any personal identifying information of an applicant  
40 for president of a state university or a Florida College System  
41 institution held by a state university or a Florida College  
42 System institution is confidential and exempt from s. 119.07(1)  
43 and s. 24(a), Art. I of the State Constitution.

44 (b) Notwithstanding paragraph (a), the age, race, and  
45 gender of all applicants who met the minimum qualifications  
46 established for the position by a state university or Florida  
47 College System institution who were considered and the personal  
48 identifying information of an applicant included in the final  
49 group of applicants for president of a state university or a  
50 Florida College System institution are no longer confidential  
51 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
52 Constitution beginning at the earlier of the date the final  
53 group of applicants to be considered for president is  
54 established or 21 days before the date of a meeting at which an  
55 interview of an applicant will be conducted or at which final  
56 action or a vote is to be taken on the offer of the employment  
57 of an applicant as president.

58 (2) (a) Any portion of a meeting held for the purpose of

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59 identifying or vetting applicants for president of a state  
60 university or a Florida College System institution, including  
61 any portion of a meeting which would disclose personal  
62 identifying information of such applicants which is otherwise  
63 confidential and exempt under subsection (1), is exempt from s.  
64 286.011 and s. 24(b), Art. I of the State Constitution.

65 (b) A complete recording must be made of any portion of a  
66 meeting which is closed pursuant to paragraph (a), and any  
67 closed portion of such meeting may not be held off the record.  
68 The recording of the closed portion of a meeting is exempt from  
69 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

70 (c) The exemption provided in paragraph (a) does not apply  
71 to:

72 1. Any portion of a meeting held for the purpose of  
73 establishing qualifications for the position or establishing any  
74 compensation framework to be offered to an applicant for  
75 president of a state university or a Florida College System  
76 institution.

77 2. Any meeting that is held after a final group of  
78 applicants for president of a state university or a Florida  
79 College System institution has been established.

80 (3) This section is subject to the Open Government Sunset  
81 Review Act in accordance with s. 119.15 and shall stand repealed  
82 on October 2, 2027, unless reviewed and saved from repeal  
83 through reenactment by the Legislature.

84 Section 2. The Legislature finds that it is a public  
85 necessity that any personal identifying information of an  
86 applicant for president of a state university or a Florida  
87 College System institution held by a state university or a

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88 Florida College System institution be made confidential and  
89 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
90 Article I of the State Constitution. The Legislature also finds  
91 that it is a public necessity that any portion of a meeting held  
92 for the purpose of identifying or vetting applicants for  
93 president of a state university or a Florida College System  
94 institution, including any portion of a meeting which would  
95 disclose personal identifying information of such applicants, be  
96 made exempt from s. 286.011, Florida Statutes, and s. 24(b),  
97 Article I of the State Constitution, and that the recording of  
98 such meeting be made exempt from s. 119.07(1), Florida Statutes,  
99 and s. 24(a), Article I of the State Constitution. The task of  
100 filling the position of president of a state university or a  
101 Florida College System institution is often conducted by an  
102 executive search committee. Many, if not most, applicants for  
103 such a position are currently employed at another job at the  
104 time they apply and could jeopardize their current positions if  
105 it were to become known that they were seeking employment  
106 elsewhere. These exemptions from public records and public  
107 meetings requirements are needed to ensure that a search  
108 committee can avail itself of a pool of the most experienced and  
109 qualified applicants from which to fill the position. If  
110 potential applicants fear the possibility of losing their  
111 current jobs as a consequence of attempting to progress along  
112 their chosen career path or simply seeking different and more  
113 rewarding employment, failure to have these safeguards in place  
114 could have a chilling effect on the number and quality of  
115 applicants available to fill the position of president of a  
116 state university or a Florida College System institution.

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