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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.