

By Senator Brandes

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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
9 personal identifying information of applicants who are
10 in the final group of applicants is no longer
11 confidential and exempt; providing an exemption from
12 public meeting requirements for any portion of a
13 meeting held for the purpose of identifying or vetting
14 applicants for president of a state university or a
15 Florida College System institution, including any
16 portion of a meeting which would disclose certain
17 personal identifying information of such applicants;
18 requiring that a recording be made of any portion of a
19 closed meeting which would disclose personal
20 identifying information of such applicants; providing
21 that no portion of a closed meeting may be held off
22 the record; providing that the recording of any closed
23 portion of a meeting is exempt from public records
24 requirements; specifying that certain meetings are not
25 exempt from public meeting requirements; providing for
26 future legislative review and repeal of the
27 exemptions; providing a statement of public necessity;
28 providing an effective date.
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30 Be It Enacted by the Legislature of the State of Florida:

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

34 1004.098 Applicants for president of a state university or
35 Florida College System institution; public records exemption;
36 public meetings exemption.-

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

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

53 (2) (a) Any portion of a meeting held for the purpose of
54 identifying or vetting applicants for president of a state
55 university or a Florida College System institution, including
56 any portion of a meeting which would disclose personal
57 identifying information of such applicants which is otherwise
58 confidential and exempt under subsection (1), is exempt from s.

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59 286.011 and s. 24(b), Art. I of the State Constitution.

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

65 (c) The exemption provided in paragraph (a) does not apply
66 to:

67 1. Any portion of a meeting held for the purpose of
68 establishing qualifications for the position or establishing any
69 compensation framework to be offered to an applicant for
70 president of a state university or a Florida College System
71 institution.

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

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

79 Section 2. The Legislature finds that it is a public
80 necessity that any personal identifying information of an
81 applicant for president of a state university or a Florida
82 College System institution held by a state university or a
83 Florida College System institution be made confidential and
84 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
85 Article I of the State Constitution. The Legislature also finds
86 that it is a public necessity that any portion of a meeting held
87 for the purpose of identifying or vetting applicants for

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

112 Section 3. This act shall take effect July 1, 2022.