A bill to be entitled
An act relating to public records and meetings;
creating s. 1004.098, F.S.; providing an exemption
from public records requirements for identifying
information of an applicant for president or provost
of a state university or Florida College System
institution; providing an exemption from public
meeting requirements for any portion of a meeting held
for the purpose of identifying or vetting or otherwise
disclosing identifying information of such applicants;
requiring that closed meetings be reasonably noticed
and recorded; providing that the recordings of closed
portions of a meeting are exempt from public records
requirements; specifying that any portion of a meeting
held for purposes of establishing the qualifications
of, or any compensation framework to be offered to,
potential applicants is subject to public meetings
requirements; specifying that the identifying
information of final applicants is no longer exempt
from public records and public meetings requirements
within a specified period before a final action or
vote; providing for future legislative review and
repeal of the exemptions; providing a statement of
public necessity; providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

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

1004.098 Information identifying applicants for president or provost at state universities or Florida College System institutions; public records exemption; public meetings exemption.—

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

(2)(a) Any portion of a meeting held for the purpose of identifying or vetting a potential applicant for president or provost of a state university or Florida College System institution is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(b) Any portion of a meeting that would disclose identifying information of an applicant for president or provost of a state university or Florida College System institution is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(c) Any portion of a meeting that is closed pursuant to paragraph (a) or paragraph (b) must be reasonably noticed. A complete recording must be made of any closed portion of a
meeting, and a closed portion of a meeting may not be held off the record. The recording of the closed portion of a meeting is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(d) Any portion of a meeting held for purposes of establishing the qualifications of potential applicants or establishing the compensation framework to be offered to potential applicants must be open to the public and is subject to s. 286.011 and s. 24(b), Art. I of the State Constitution.

(3) No later than 30 days before the date of the meeting at which a final action or vote is to be taken regarding the employment of an applicant, identifying information of the applicants on whom a final action or vote is to be taken is no longer exempt as provided under subsections (1) and (2).

(4) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that any identifying information of an applicant for president or provost of a state university or Florida College System institution be exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature also finds that any portion of any meeting which is held for the purpose of identifying or vetting applicants for
president or provost of a state university or Florida College System institution or which would disclose identifying information of an applicant be exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution. Identifying information of finalists is no longer exempt from public records and public meetings requirements 30 days before the date of the meeting at which a final action or vote occurs regarding the hiring of a president or provost. The task of filling the position of president or provost of a state university or Florida College System institution is often conducted by an executive search committee. Many, if not most, applicants for such a position are currently employed at another job at the time they apply and disclosure of their applications could jeopardize their current positions. These exemptions from public records and public meeting requirements are needed to ensure that the executive search committee can avail itself of the most experienced and desirable pool of qualified applicants from which to fill the position of president or provost of a state university or Florida College System institution. If potential applicants fear the possibility of losing their current employment as a consequence of attempting to progress along their chosen career path or seeking different and more rewarding employment, failure to have these exemptions in place could have a chilling effect on the number and quality of applicants available to fill the position of president or
provost of a state university or Florida College System institution.

Section 3. This act shall take effect July 1, 2019.