

CHAPTER 2022-15

Committee Substitute for Senate Bill No. 520

An act relating to public records and public meetings; creating s. 1004.098, F.S.; providing an exemption from public records requirements for any personal identifying information of an applicant for president of a state university or a Florida College System institution held by a state university or a Florida College System institution; specifying when the age, race, and gender of all qualified applicants considered and the personal identifying information of applicants who are in the final group of applicants are no longer confidential and exempt; providing an exemption from public meetings requirements for any portion of a meeting held for the purpose of identifying or vetting applicants for president of a state university or a Florida College System institution, including any portion of a meeting which would disclose certain personal identifying information of such applicants; requiring that a recording be made of any portion of a closed meeting which would disclose personal identifying information of such applicants; providing that no portion of a closed meeting may be held off the record; providing that the recording of any closed portion of a meeting is exempt from public records requirements; specifying that certain meetings are not exempt from public meeting requirements; 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 Applicants for president of a state university or Florida College System institution; public records exemption; public meetings exemption.

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

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

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

(b) A complete recording must be made of any portion of a meeting which is closed pursuant to paragraph (a), and any closed portion of such 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.

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

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

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

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

Section 2. The Legislature finds that it is a public necessity that any personal identifying information of an applicant for president of a state university or a Florida College System institution held by a state university or a Florida College System institution be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature also finds that it is a public necessity that any portion of a meeting held for the purpose of identifying or vetting applicants for president of a state university or a Florida College System institution, including any portion of a meeting which would disclose personal identifying information of such applicants, be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution, and that the recording of such meeting be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The task of filling the position of president of a state university or a 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 could jeopardize their current positions if it were to become known that they were seeking employment elsewhere. These exemptions from public records and public meetings requirements are needed to ensure that a search committee can avail itself of a pool of the most experienced and qualified applicants from which to fill the position. If

potential applicants fear the possibility of losing their current jobs as a consequence of attempting to progress along their chosen career path or simply seeking different and more rewarding employment, failure to have these safeguards in place could have a chilling effect on the number and quality of applicants available to fill the position of president of a state university or a Florida College System institution.

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

Approved by the Governor March 15, 2022.

Filed in Office Secretary of State March 15, 2022.