



FIRST AMENDMENT FOUNDATION

336 East College Avenue, Suite 101 Tallahassee, FL 32301

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January 17, 2014

The Honorable Dave Kerner
Florida House of Representatives
1101 The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Re: HB 135 Public Records & Public Meetings/Postsecondary Education Executive Search

Dear Representative Kerner:

We are writing to express our opposition to HB 135, creating a public record exemption for personal identifying information of applicants for president, provost, or dean of a state university and Florida College System institutions. The proposed bill would also allow the closure of those portions of meeting held for the purpose of vetting such candidates. We believe this exemption is contrary to the public interest, Representative Kerner, and respectfully suggest it be withdrawn from further consideration.

According to the statement of public necessity, the exemptions are needed because most applicants are employed at the time of application and may fear losing their current position; as a result, the pool of qualified applicants may be diminished. In reality, Florida's universities have had great success in hiring university and college presidents in the Sunshine. President Eric J. Barron of Florida State University, and most recently President Elmira Mangum of Florida A&M University are model examples – and both were employed by other universities at the time of their application. We can cite numerous other examples, but the point is clear: The justification for this exemption is speculative at best, and is not supported by the facts. In fact, it presumes that our current presidents, provosts, and deans are not the best they could be.

It is our position that the proposed exemption is detrimental in many ways – shielding individuals with less than desired histories, eliminating qualified applicants who may have applied had they had access to the list of their competitors, and a landslide of unnecessary and detrimental legislation exempting applications from all public positions.

Floridians have made a great investment in the state's colleges and universities, and the process of selecting applicants for these posts is an issue of wide public interest and concern. Who applies for positions within the college system or a state university, their qualifications and accomplishments, who is selected and who is not, is vitally important public information, and to shield the selection process from public oversight and accountability is, we believe, bad public policy.

We appreciate your attention to our concerns on this issue, Representative Kerner. If you have any questions about our position, please don't hesitate to contact us.

Sincerely,



Barbara A. Petersen, President

cc: The Honorable Will Weatherford, Speaker, Florida House of Representatives
Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association