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January 6, 2020

The Honorable Manny Diaz  
The Florida Senate  
404 S. Monroe Street, Room 306 SOB  
Tallahassee, FL 32399-1100

Re: SB 774 Exemption/University President Searches

Dear Senator Diaz:

I am writing to express the First Amendment Foundation's opposition to the proposed exemption for personal identifying information of applicants for state university presidents and meetings at which such applicants are identified and vetted. It is our position that SB 774 is contrary to the public interest, and we respectfully suggest it be withdrawn from further consideration.

According to the statement of public necessity, the exemptions for information identifying applicants for the position of state university president and certain meetings related to such applicants 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 limited. In reality, Florida's universities have had great success in hiring university and college presidents in the Sunshine. In 2019, there were 74 applicants for the position of president at the Florida State College at Jacksonville, 71 of whom were from out of state. This statistic alone calls into question the stated necessity for the exemption, but there are many other examples as well. University of Florida's Dr. W. Kent Fuchs and Dr. David Szymanski at the University of North Florida are good examples—both are, by all accounts, serving their respective institutions well and both were employed by other universities at the time of their application. It is a common and expected occurrence in academia for professors, administrators and leadership to apply for open positions at other universities for a variety of reasons, personal and professional. 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—and former—presidents are not the best they could have been.

The proposed exemption is detrimental in many ways—shielding individuals with less than desired histories and eliminating qualified applicants who may have applied had they had access to the list of their competitors are just two of our concerns. In addition, we believe that passage of this exemption is likely to create a landslide of unnecessary legislation exempting applications of all public positions.

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

We appreciate your attention to our concerns on this issue. If you have any questions about our position, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Pamela C. Marsh". The signature is fluid and cursive, with a small dot at the end.

Pamela C. Marsh, President

Cc: The Honorable Jose Oliva, Speaker, Florida House of Representatives  
Mr. Jim Baltzelle, Associated Press, Chair, First Amendment Foundation  
Mr. Samuel Morley, General Counsel, Florida Press Association  
Ms. Lisa Nellessen Savage, Chair, Florida Society of News Editors