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HOUSE TO VOTE ON UNIVERSITY & COLLEGE PRESIDENT SEARCH EXEMPTION

The state of [Oregon](#)* is currently grappling with the costs of a closed-door search of a university president. The most recent president of Oregon State University, F. King Alexander, resigned after the release of a report documenting his mishandling of sexual misconduct and Title IX procedures during his tenure at Louisiana State University. [LSU board chairman told OSU](#) that Alexander misled his new employer about his role in the misconduct allegations and willingness to participate in an investigation in the matter. Alexander's handling of Title IX cases never came out during the hiring process, which was conducted in secret with limited public input.

According to Inside Higher Ed, Oregon will have to pay the former president his annual salary, \$630,000, in a lump sum within 30 days of his resignation and an additional \$40,000 moving expense.

OSU is only the most recent example of poor results from a [closed search](#) for university or college president. This is likely due to the minimal vetting and due diligence carried by search firms. [In a review of](#)



*Underlined words indicate links to articles and reports.

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contracts between headhunting firms and university and colleges, researchers found that only half of the agreements required the search firm to conduct on-list reference checks; less than a quarter included social media checks; just one-third of the contracts included provisions for criminal records checks and credit report checks. Thanks to Florida's public records and open search process, the public and the press can vet candidates when headhunters fail to do so. For instance, Miami Herald reporters uncovered evidence that a candidate for president of Miami Dade College mislead the search committee about her past experience.

Despite the record of secret searches across the country, Florida lawmakers are moving forward with legislation to close the searches for university and college presidents. **House Bill 997**, Sam Garrison (R-Orange Park), was approved by the House Education and Employment committee and will be considered by the entire chamber. The Senate companion, **Senate Bill 220**, Jeff Brandes (R-St. Petersburg), is in the Senate Rules committee.

This bill has reappeared in almost every legislative session since 2015. Each session, lawmakers claim secrecy is needed to attract a broader pool of candidates. This claim is meritless and ignores the hiring practice for university and college leaders and the fact that presidents selected in the Sunshine have propelled Florida's institutions to the top of national rankings. HB 997 will only benefit search firms carrying out presidential searches while leaving the public in the dark – and possibly leave Florida on the hook for a payout to a president who resigns in disgrace over past misconduct that was not investigated by a search firm.

Law Enforcement & Criminal Justice Records

House Bill 527, Christopher Benjamin (D-Miami Gardens), prohibits county or municipal detention facilities from unreasonably withholding permission to visit such facilities from a journalist or writer. The House Public Integrity and Elections Committee approved HB 527 unanimously, and it is now in the House Judiciary committee.

House Bill 643, Mike Gottlieb (D-Sunrise), was unanimously approved by the House Government Operations subcommittee. The bill exempts reinvestigation information generated during a new investigation by a conviction integrity unit within a state attorney's office. The exemption applies only during an active, ongoing, and good faith investigation of a claim of actual innocence and until the claim is no longer capable of further investigation. The bill is now in the House Judiciary committee.

Senate Bill 762, Dennis Baxley (R-Lady Lake), allows criminal conflict and civil regional conflict counsel to apply for a confidential registration certificate and apply for a registration license plate or decal under a fictitious name and exempts records

relating to the registration application for a license plate/decal under a fictitious name. The Senate Governmental Oversight and Accountability committee unanimously approved SB 762, and it is now in the Senate Rules committee.

Elections

House Bill 155, Cyndi Stevenson (R-Saint Augustine), makes confidential and exempts from public records the telephone number, email, and other information of voter registration applicants or voters. The House Public Integrity & Elections committee approved an amendment that makes the home address of voters accessible, which is an improvement. However, the bill still allows only certain limited political entities (*i.e.*, political parties, PACs, and candidates) to access the information that would continue to be withheld from the public. As a result, the bill would have no effect on the non-stop political solicitation calls, text, and emails during election.

Senate Bill 1704, Doug Broxson (R-Pensacola), was unanimously approved by the Senate Governmental Oversight and Accountability committee. The bill exempts certain records held by a supervisor of elections that, if disclosed, would facilitate unauthorized access to data or unauthorized modification, disclosure, or destruction of information related to security of election technologies.

Education

House Bill 311, David Silvers (D-West Palm Beach), expands the exemption for examination and assessment instruments for tests given to assess kindergarten readiness and certify educators, in addition to other tests. The bill also creates a new exemption for examinations administered by a Florida College System or State University or the Florida Department of Education. The House Education and Employment committee unanimously approved the bill, and the House will consider the bill on second reading. The Senate version, Senate Bill 1456, Ray Rodrigues (R-Fort Myers), was unanimously approved by the Senate Education committee and is now in the Senate Governmental Oversight and Accountability committee.

Court Records

Senate Bill 1508, Lauren Book (D-Plantation), was unanimously approved by the Senate Judiciary committee. The bill, which would be known as "Serena's Law", requires a county recorder or clerk of court to make known on a publicly available website the identity of an adult against whom an injunction for protection against domestic violence, sexual violence, or stalking is entered and the fact that a protective injunction has been entered

against a respondent or defendant. It is now in the Senate Appropriations committee. The House versions, House Bill 1229, Jenna Persons-Mulicka (R-Fort Myers), unanimously passed the House Civil Justice and Property Rights subcommittee.

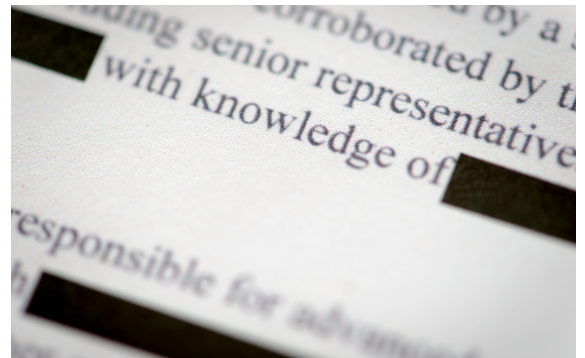
Senate Bill 468, Randolph Bracy (D-Orlando), permits courts to expunge misdemeanor convictions for possessing 20 grams or less of cannabis. **Senate Bill 470** makes confidential and exempts records expunged under this statute. The Senate Criminal Justice committee voted in favor of both bills, which are now in the Senate Appropriations committee.

House Bill 1193, Vance Arthur Aloupis (R-Miami), allows a tenant to ask a court to seal records of an eviction under certain circumstances, and **House Bill 1195** creates a public records exemption for any sealed records. Both bills unanimously passed the House Justice Appropriations committee.

Senate Bill 166, Keith Perry (R-Gainesville), exempts and makes confidential nonjudicial records of the arrest of a minor who has successfully completed a diversion program and has had the record sealed or expunged. The bill was unanimously approved by the Senate Appropriations committee.

Agency Records

House Bill 379, Mike Giallombardo (R-Cape Coral), was unanimously approved by the House Commerce committee and is now on the House calendar. The bill exempts certain information held by an economic development agency administering state or federally funded small business loan program. An agency can release the information in an aggregated and anonymized format. This exemption would preclude oversight of public loan programs. The Senate Governmental Oversight and Accountability committee approved an amendment to narrow **Senate Bill 968**, George Gainer (R-Panama City). As amended, only the tax returns, credit history, credit reports, and credit scores would be exempt. The names of loan recipients would be available, which is an improvement, letting more sunshine in.



House Bill 619, Webster Barnaby (R-Orange City), unanimously passed the House Commerce committee and is now on the House calendar. HB 619 exempts and makes confidential, in part, information received by the Office of Financial Regulation in an application for a de novo banking charter, such as personal identifying information – including the names – of a shareholder, subscriber, proposed officer, or proposed director of the applicant bank when such information has been marked by the applicant as confidential. The bill would make oversight of Florida-regulated banks more difficult; the public will have no way to know who was responsible when a bank fails or is involved in money laundering.

Senate Bill 654, Jennifer Bradley (R-Orange Park), creates an exemption for information received or maintained by Department of Military Affairs that is stored or transmitted on a Department of Defense Network or communications device or pertains to the Department of Defense. SB 654 was unanimously approved by the Senate Military and Veterans Affairs, Space and Domestic Security committee. The House Government operations committee unanimously voted in favor of an amendment to **House Bill 1069**, Bobby Payne (R-Palatka), to the public necessity statement. The amendment did not affect the exemption.

Senate Bill 1824, Bobby Powell (D-West Palm Beach), creates an exemption for information from a person or a business provided to the Division of Emergency Management or local emergency management agency for the purpose of receiving assistance with emergency planning. In addition, SB 1824 exempts an after-action report, defined as "a report containing observations of a disaster, an incident, an emergency, or an exercise and recommendations identifying specific corrective actions for post-event improvements", and an "emergency response assessment reports", or any report analyzing and evaluating the response of first responders before, during, or after a disaster. The Senate Military and Veterans Affairs, Space and Domestic Security committee unanimously passed the bill, and it is now in the Senate Governmental Oversight and Accountability committee.

Senate Bill 1836, Tina Polsky (D-Boca Raton), was amended by the Senate Regulated industries committee to exempt the name of certain lottery prize winners for 90 days. At the end of the 90 days, the name of winners becomes public. The amendment allows winners to take necessary safety precautions before public disclosure and ensures that the public can access the names winners and detect any suspicious patterns of lottery winnings. **House Bill 1395**, Tracie Davis (D-Jacksonville), was similarly amended and approved by the House Government Operations subcommittee.

Senate Bill 844, Ed Hooper (R-Palm Harbor), in part permits clerks of court to enter access agreements to permit certain individuals to access otherwise exempt property records. The Senate Community Affairs approved an amendment to clarify that conducting a title search is the only valid purpose for requesting redacted information and to remove financial institutions as an eligible party to access exempt information.

House Bill 971, Fiona McFarland (R-Sarasota), exempts and makes confidential all information received by the Department of Legal Affairs pursuant to a notification of a security breach or violation of HB 969, regulating businesses' use of consumer data. This bill makes investigative information confidential, although criminal intelligence information or criminal investigation information pursuant to Fla. Stat. § 119.071(2)(c) is only exempt – not confidential. The bill was unanimously approved by the House Government Operations subcommittee.

House Bill 1315, Chip LaMarca (R-Lighthouse Point), exempts drivers' secure login held by the Department of Highway Safety and Motor Vehicles for using digital driver's license and identification cards, known as Florida Smart ID and geolocation data held by DHSMV. The House Government Operations subcommittee unanimously voted in favor of the bill.

House Bill 1359, Chuck Brannan III (R-Lake City), exempts and makes confidential information received by the Department of Highway Safety and Motor Vehicles pursuant to investigations of the Department, including investigations of improperly issued certificates of title. Information is exempt until an investigation ceases to be active or administrative action taken by the Department has concluded or been made part of any hearing or court proceeding. The House Government Operations subcommittee unanimously approved the bill, and it is now in the House Commerce committee.

House Bill 1399, Andrew Learned (D-Riverview), was unanimously approved by the House Government Operations subcommittee and is now in the House State Affairs committee. The bill exempts and makes confidential certain information held by the Department related to shellfish processing facilities, audit records, and aquaculture production records. The companion, Senate Bill 1634, Jason Brodeur (R-Lake Mary), was unanimously approved by the Senate Governmental Oversight and Accountability committee and is now in the Senate Rules committee.

The House unanimously voted in favor of **House Bill 327**, Bob Rommel (R-Naples), which exempts the addresses and phone number of individuals seeking shelter or assistance from an agency during an emergency.

The House unanimously approved **House Bill 1055**, Tommy Gregory (R-Bradenton). The bill would create a uniform process to exempt trade secret information. However, the definition of trade secret does not exclude contract terms and the amount of money paid to third party contractors. The bill will do nothing to keep private entities from seeking to withhold price terms and bids from public records. As noted below, the Senate is moving forward with twenty bills to reinstate trade secret exemptions subject to the Open Government Sunset Review this session. This bill will only lead to more exemptions for trade secrets, and thus more confusion and misapplication of the law.



Home Address Exemptions

House Bill 679, David Smith (R-Winter Springs), exempts the home addresses and other identifying information of current or former judicial assistants. HB 679 unanimously passed the Civil Justice & Property Rights subcommittee and is now in the Government Operations subcommittee.

House Bill 1355, Kristen Aston Arrington (D-Kissimmee), exempts the home addresses, photographs, and other personal identifying information of current and former county attorneys and assistant county attorneys. The House Civil Justice & Property Rights subcommittee unanimously approved HB 1355 and it now in the Government Operations subcommittee.

Senate Bill 1488, Kelli Stargel (R-Lakeland) exempts the home addresses and personal information of current members of the Senate, House of Representatives, and cabinet officers. It also exempts the names and places of employment of legislators and Cabinet officers' spouses and children. The Senate Governmental Oversight and Accountability committee approved an amendment that requires a legislator or cabinet officer to submit a written request for confidentiality. The amendment does nothing to address the underlying issues with the bill: no oversight of lawmakers living in the district they are elected to represent or accountability of conflicts of interests between officials and their spouses and adult children. The bill passed 5-1 with Sen. Victor Torres (D-Kissimmee) voting no.



Open Government Sunset Review Update

The House State Affairs committee passed two OGSR bills, and both bills are on the House calendar. **House Bill 7003**, House Government Operations subcommittee, reinstates exemption for confidential proprietary business information provided to the Florida State Boxing Commission pursuant to an audit of the boxing promoter's business records. **House Bill 7007**, House Government Operations subcommittee, exempts and make confidential information held by the Department of Agriculture and Consumer Services as part of a joint investigation with another state or federal agency.

House Bill 7037, House Government Operations subcommittee, exempts financial information of private entity applicants to the State Infrastructure Bank (SIB). The exemption is based on the unsupported speculation that private entities may be unwilling to apply to the SIB if information is public. However, Department of Transportation records show no applicants applied in the year following the introduction of the exemption and no difference in the number of applicants in the three years before and after the exemption was enacted. This evidence shows that while private entities may not be unwilling to apply to the SIB, but applicants' failure to apply is not due to a fear their information will become public. Thus, the exemption does meet the constitutional justification of necessity. **HB 7037** unanimously passed the House Insurance & Banking subcommittee and heads to the House State Affairs committee. The Senate Governmental Oversight and Accountability unanimously approved, the Senate companion, **Senate Bill 7004**, Senate Transportation committee.

The Senate Government Oversight and Accountability committee also approved:

- **Senate Bill 7014**, Senate Banking and Insurance Committee, exempts proprietary business information contained in filings to the Office of Insurance Regulation.
- **Senate Bill 7022**, Senate Regulated Industries Committees, exempts proprietary confidential business information submitted to the board of directors of the E911 Board or Division of State Technology within the Department of Management Services.
- **Senate Bill 7036**, Senate Agriculture Committee, exempts and makes confidential information held by the Department of Agriculture and Consumer Services as part of a joint investigation with another state or federal agency.
- **Senate Bill 7050**, Senate Community Affairs, exempts unsolicited proposals received by a public entity.

The Senate Governmental Oversight and Accountability Committee unanimously approved **20 bills** to reinstate exemptions for trade secret information held by agencies. The trade secret exemptions have been abused and misapplied to withhold public information. Unless the definition of trade secrets is narrowed, FAF opposes all of these OGSR bills.

The House unanimously voted in favor of two OGSRs:

- **House Bill 7009**, reinstates the exemption for juvenile criminal history compiled by the Criminal Justice Information program from interstate sources.
- **House Bill 7001**, saves from repeal an exemption for meetings held by the Interstate Commission of Nurse Licensure Compact Administrators at which exempt information is discussed.