

Jan. 10, 2022



The Senate Education Committee
415 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Re: SB 520 Public Records and Public Meetings

The First Amendment Foundation writes to express its opposition to SB 520, which would exempt from public records the personal identifying information of an applicant for president of a state university or college. Florida's institutions have increased in rankings led by presidents selected in the Sunshine. The bill fails to justify the need for secrecy.

When Florida State University conducted a search for president last year, out-going President and former Speaker of the House, [John Thrasher remarked](#) that the search committee conducted an open and transparent process. Applauding the open process, former-President Thrasher stated that the search committee "deliberated hard, transparently, and I think they came up with the decision they thought was in the best interest of Florida State University." He also called it a "thorough, open and transparent process that all of you can be proud of."

The public necessity statement for SB 520 argues that a records exemption is needed for search committees to avail itself to the most experienced and qualified candidates. Yet, the firm conducting FSU's most recent search explained finalists were all leaders at esteemed institutions with extensive research backgrounds. The purported justification for SB 520 is not supported by past searches.

A review by the [University of Florida's Brechner Center for Freedom of Information](#) of presidents selected in open and closed searches found that there is no difference in the quality of applicants based on the openness of a search. The study analyzed presidents selected through an open process in Florida and Tennessee and though a closed process in Georgia. Not only did the study find no notable distinction between the quality of candidates, but also the study found that Georgia's closed

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searches led to more candidates hired from within an institution, who would have no fear of retaliation from their employer, or candidates from other Georgia schools. The result of Georgia's lack of transparency was more insider candidates, not higher quality candidates.

Finally, a candidate selected in the Sunshine has buy-in from the institution and the reassurance of a fair and open process. Faculty, students, alumni, and the public know the President's qualifications – and the qualifications of other applicants. In FSU's recent search, the public was aware of all other applicants and semi-finalists for president. Accordingly, the public was informed of and involved in the selection process, which resulted in the selection of a clearly outstanding candidate. In short, the current open process worked in the best interest of everyone. This has historically been the case. Florida universities have grown and succeeded under the leadership of presidents chosen through open and participatory selection.

The often-used excuse for legislation aimed at shrouding the selection process is that the best candidates will not apply if their application will be become public. That is just plain false in the academic world, and those who feel that way should not apply to lead a state university. If a person wants to hold a job that requires the highest levels of leadership, experience, confidence in decision-making and financial responsibility, that person should be prepared to be vetted thoroughly and must not fear public scrutiny. The need for secrecy does not outweigh the public's right of access to government records and meetings – a right enshrined in our state constitution.

Thank you for your consideration. Please don't hesitate to contact the Foundation if you have any questions or concerns.

With best regards,

FIRST AMENDMENT FOUNDATION



Pamela C. Marsh
Executive Director

cc: The Honorable Wilton Simpson, President, Florida Senate
Amy Hollyfield, Tampa Bay Times, Chair, First Amendment Foundation
Mr. Samuel Morley, General Counsel, Florida Press Association
Dana Banker, President, Florida Society of News Editors