

Florida Laws and the Search and Screening Process Reference Guide

Florida Government in the Sunshine Law (Florida Statutes, Chapter 286)

What is the Florida Sunshine Law?

Florida's Government-in-the-Sunshine law protects the public from “closed door” decision making and provides a right of access to governmental proceedings at both the state and local levels. Virtually, all state and local collegial public bodies are covered by the open meetings requirements.

When are Search Committee Meetings subject to the Sunshine Law?

- a. If at least two members of the search committee are discussing search committee-related business, that discussion constitutes a meeting subject to the FL Sunshine Law.
- b. If a search committee has delegated authority to screen applicants and determine which applicants to reject from further consideration, the committee is performing a policy-based decision-making function; therefore, the meeting is subject to the FL Sunshine Law. Additionally, when a committee has a decision-making function, in addition to fact-finding, the Sunshine Law is applicable.

Note: *If you determine your search committee meetings are subject to Sunshine Law, all parties involved in the search must comply with each of the requirements of a Sunshine meeting as outlined below.*

Search Committees and the Sunshine Law

1. The meeting must be open to the public and held in a location that is easily accessible to everyone.
2. Reasonable notice of such meetings must be given.
 - i. Notice should be posted at least two (2) days prior to the scheduled meeting. Notice can be posted on University of Central Florida's (UCF) main website. For more information on placing a public notice, please contact Talent Acquisition via email at talent@ucf.edu.
 - ii. Notice should include the following information: Date, Time, and Location of meeting
3. Minutes of the meeting must be taken (these are not a verbatim transcript of discussions; rather, the minutes should capture the framework used by the committee to make decisions and a summary of the decisions made).
4. Members of the committee cannot discuss search committee business outside of official committee meetings.

Florida Public Records Law (Florida Statutes, Chapter 119)

What is the Florida Public Records Law?

The Florida Public Records Law creates a right of access to records made or received in connection with official business of a public body. This law provides that any records made or received by any public agency in the course of its official business are available for inspection, unless specifically exempted by the Florida Legislature.

Note: *Over the years, the definition of what constitutes “public records” has come to include not just traditional written documents such as emails, papers, maps and books, but also tapes, photographs, film, sound recordings and records stored in computers.*

Search Committees and the Public Records Law

Documents related to the search are considered public records, with the exception of personal notes for recall purposes. A public record is any document, in any form (paper, email, text, etc.) made or received in connection with the transaction of university business. Any member of the public is entitled to inspect and/or copy public records sent or “received” by the university. Also, all search records are required to be maintained for a period of four years (4) ([UCF Records Retention Schedule](#)).

A committee member’s jotted, personal notes used in meetings, such as those made during phone call reference checks, usually are not public unless committee members share them with others or submit them as their vote.

The designated search manager and the search committee chairperson are responsible for ensuring that all search-related documentation is collected and maintained per federal and state requirements.

When search firms are engaged as part of the search process, they are required to collect and maintain search records in a legally compliant manner on behalf of the university. Please see OIE Search Firms guidance document, <https://oie.ucf.edu/documents/SearchFirms.pdf>.

Search Firms, Public Records & the Public Records Law

Documents created or received by a private entity on its own behalf are not public records. This means that search firm records sent, received, or maintained by the search firm on its own behalf, and not on behalf of the university in connection with a particular search, are not public records. For example, if a search firm maintains its own database of CVs, those documents are not public records.

However, CVs (or other application materials) gathered by the search firm for a particular university search are considered public records and are open to inspection even if those materials are maintained on the search firm’s database. In other words, if a candidate submits a CV or other information to the search firm for a particular university search, that information is a public record. The fact that the information is on a secure intranet site rather than a UCF platform does **not** remove the public record designation. Prior to the candidate submission of CV’s or related materials to the search firm for consideration, the candidate can remain anonymous and not subject to public records requests.

Search firms can interview candidates by phone or video conference, take personal notes of all relevant information, and maintain the confidentiality of that information so long as the search firms do not provide university officials with access to these materials for a particular search.

Search firms can have one-on-one discussions with other search firm members to discuss the results of their conversations with candidates without violating the FL Sunshine Law.

Responding to a Request for Public Records

It is the policy of the University of Central Florida to comply with Florida's public records law and Florida’s retention schedules for public records. Any University of Central Florida department, office or employee must accept public records requests when asked.

When a request for public records is initiated, the department, office or employee should send a copy of the public records request to the UCF Custodian of Public Records which is the Office of the General Counsel before fulfilling the request. The Office of the General Counsel will provide guidance in

determining what records are exempt from disclosure. For guidance on this process, please contact the Office of the General Counsel at (407) 823-2482 or email at gcounsel@ucf.edu.