

RECRUITMENTS CONDUCTED UNDER THE FLORIDA SUNSHINE LAW

KEY POINTS

The Florida Sunshine Law 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 with the exception of the judiciary and the state Legislature which has its own constitutional provision relating to access. The Florida Sunshine Law is governed under Florida Statute 286, Public Business; Miscellaneous Provisions.

BENEFITS OF A SUNSHINE RECRUITMENT

- The recruitment committee can rank, rate, cull and suggest applicants for hire.
- Recruitment committee members have the authority to screen applicants and determine which applicants to accept or reject from consideration.
- A closed recruitment, on the other hand, only allows committee members to gather information and provide candidate strengths and weaknesses to the hiring official. A closed recruitment limits a committee's ability to participate in the selection process of their colleagues.

KEY POINTS OF A SUNSHINE RECRUITMENT

1. All recruitments for Director level and above positions and faculty recruitments (not including adjunct, visiting positions, instructors, lecturers, and postdoctoral associates) must be conducted under the Florida Sunshine Law. Librarians are considered faculty.
2. The critical factors under the Florida Sunshine Law are:
 - a. All decisions must be made publicly.
 - b. Committee members cannot discuss or communicate outside of a publicly noticed meeting on any issue to be brought forward to the committee for decision.
 - i. Outside of the publicly noticed meetings, committee members can talk or communicate on procedures, timelines, and meeting dates, but anything related to decisions including candidate winnowing, qualifications, and criteria, must be done in public meetings.
 - ii. Staff members cannot be used as a liaison between committee members.
 - c. Minutes must be taken at all meetings and interviews.
 - d. Minutes must be available to the public, if requested. Florida Status 286.011 requires that minutes be "promptly recorded and such records shall be open to public inspection."
 - e. All meetings must be open to the public and anyone can attend. Even applicants can attend the noticed meetings. They do not have to identify themselves as applicants.
 - i. Meeting must be held in an accessible location.

- ii. The public must be given a reasonable opportunity to be heard on any issues or decisions coming before the committee. The committee can determine how this is handled. One option is to use the process used by the UWF Board of Trustees. A sign is displayed and a sign-in sheet provided for anyone wanting to make a three-minute public comment at the beginning of the meeting.
- f. All meetings must be reasonably publicized at least seven days in advance.
 - i. The announcement must include the date, time, location, contact information and the ADA statement.
 - ii. Publication is made on the [UWF Public Meetings webpage](#).
 - iii. The following statement must be included in each announcement: “ADA Statement: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this meeting is requested to advise UWF by contacting the UWF Human Resources at 850.474.2694 (Voice) or 850.857.6158 (TTY) at least 48 hours before the meeting.”
- 3. Meeting minutes record general information only.
 - a. The Human Resources website provides templates for creating minutes.
 - b. Discussions can be noted as “discussion was held” without providing specific details.
 - c. Minutes must include the names of committee members who attended, name of the person recording the minutes, time the meeting opened and closed, and general discussion subjects.
 - d. Motions are only required for the committee to approve candidates recommended to be brought forward in the interview process for phone interviews and campus interviews.
 - i. “A motion was made by [name] to bring forward the following candidates for phone interviews. [Name] seconded the motion. The motion was approved.” Candidate name should be listed in alphabetical order.
 - ii. “A motion was made by [name] to bring forward the following candidates for campus interviews. [Name] seconded the motion. The motion was approved.” Candidate names should be listed in alphabetical order.
- 4. Meeting minutes do not need to be approved by the committee.
- 5. Committee members are encouraged to attend all meetings (in person or via conference call). The conference phone number is for committee members only and should not be published.
- 6. Committee members cannot respond to emails or inquiries from applicants. Inquiries should be referred to Human Resources (850-474-2694).
- 7. The committee chair determines the method of scoring applications.
 - a. Option A - Mathematical Spreadsheet
 - i. This is not required but suggested as a best practice. Recruitment committee members can use it as a winnowing device for the initial applicant pool. Scores

are for discussion purposes only. The scores do not determine candidate eligibility for an interview.

b. Option B - Voting

- i. If a spreadsheet is not used, the committee can discuss each candidate at a publicly noticed meeting. Voting would still take place to move candidates forward in the interview process.

- 8. All applications are required to be reviewed and scored regardless of the application date until the pool is officially closed.
- 9. All requests for information from co-workers, staff, students and community regarding the search should be directed to Human Resources or the recruitment chair.
- 10. All public record requests should be directed to General Counsel.
- 11. Committee members must be careful in obtaining candidate information from the internet. Please ensure that the relevant information is sufficiently verified from a reliable source.
- 12. All documents created by recruitment committee members including reports, grids, reference checks, individual scoring spreadsheets and the master spreadsheet are considered public records. These records must be maintained. Notes made by committee members to aid in memory are exempt from the Sunshine Law.
- 13. A recruitment website does not need to be created. (Note: Websites are created for executive recruitments at the Dean, Vice President and Presidential level).
- 14. The meeting does not need an audio recording. Therefore, no technical support is needed.
- 15. Refreshments do not need to be provided to the recruitment committee.
- 16. An administrative/clerical staff member does not need to be assigned to a Sunshine Recruitment. (A recruitment committee member is assigned to take minutes and submit the 7-day public notice.)
- 17. Send hiring documents to Human Resources for retention.