

**STATE UNIVERSITY SYSTEM OF FLORIDA  
BOARD OF GOVERNORS**  
August 30, 2023

**SUBJECT:** Request for Attorney General Opinion

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**PROPOSED BOARD ACTION**

For Action

**AUTHORITY FOR BOARD OF GOVERNORS ACTION**

Article IX, Section 7, Florida Constitution; 16.01, Florida Statutes.

**BACKGROUND INFORMATION**

In light of the Board's oversight and governance role regarding the university presidential search and selection process, the Board will consider approval to submit a request to the Florida Office of Attorney General, to seek a legal opinion regarding whether a committee governed under the Sunshine Law can use a preference survey that is conducted off the record, outside of a meeting, and anonymously submitted by the committee members to a third party, in order to streamline discussions, is consistent with the requirements of the Sunshine Law.

Guidance on this question will determine whether and how BOG Regulation 1.002 must be amended to align with the appropriate interpretation of the law.

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Supporting Documentation:

None

Facilitator/Presenter:

Chair Lamb