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To: CVB/TDC Board of Directors
From: Cole Davis, Board Attorney
Subject: CEO/President Selection Process
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Purpose and Overview

The purpose of this memo is to provide the Board with an overview of the evaluation and selection processes of the CVB President/CEO at the Board's March 10 meeting. This memo is intended to provide guidance on legal compliance and to suggest paths toward achieving the Board's collective will in reaching this decision.

Your key procedural decision point, during the meeting, is whether to include individual, one-on-one Board member interviews during a recess, or to proceed directly to public consideration and interviews only. Because the Sunshine Law focuses on "the decision-making process," the safest approach is to decide and announce the process on the record before any interviewing or scoring begins.

This memorandum provides options for the evaluation process and then addresses lawful voting mechanics by paper ballot, including the practical differences between (a) ranked-choice tabulation, (b) Borda scoring voting, and (c) a simple-majority selection (with a runoff if needed). The overriding goal is a process that is transparent, defensible, and efficient.

1. Proposed Process with Optional Individual Interviews

This option is designed to preserve the Board's ability to conduct one-on-one, 15 to 20-minute interviews between each Board member and each candidate, while still ensuring that the Board's collective deliberations, any panel-style questioning, and all voting occur in the open meeting. The key legal constraint is that the recess cannot be used, intentionally or inadvertently, as a substitute for public Board discussion.

Meeting flow.

Step 1. Shortlist approval and process selection in open session. When the shortlist agenda item is reached, take a motion to (a) accept the composite shortlist as presented for purposes of interviews and selection processes at the meeting. Immediately after shortlist approval, take a second motion selecting “Option one,” including (i) recess for individual interviews, (ii) reconvening time and location, (iii) whether public interviews will be conducted, and if so, who will be interviewed publicly, and (iv) the voting method.

Step 2. Recess for one-on-one interviews (optional).

1. Announce the meeting is in recess, state clearly there is no Board discussion occurring during the recess, and announce the time certain when the meeting will reconvene in the noticed location. With six candidates and six available interview rooms, the cleanest logistics are a “candidates stay put, Board members rotate” model. Providing each Board member the chance to interview individually, each candidate uses a 20-minute block (15 minutes of interview, 5 minutes of transition); the recess is roughly 180 minutes.

Step 3. Reconvene (if necessary) and conduct public consideration.

1. Reconvene the public meeting at the announced time. Minutes should reflect the reconvening and location.
2. Decide how to conduct any public interviews. If the Board intends to interview only certain candidates publicly, the selection of who will be publicly interviewed should be made by the Board.
3. Provide the public a reasonable opportunity to be heard on the selection proposition before the final vote.

Step 4. Paper-ballot evaluation and selection.

Following public interviews (if any), proceed to the paper-ballot vote described in the voting section below, with all votes attributable to the voting member and announced in open session.

2. Voting and tabulation procedures for paper ballots

General rule.

A secret ballot is not permissible for a Sunshine-covered board. Florida open-government guidance states that secret ballots violate the Sunshine Law. However, written ballots are permissible if (a) the votes are cast openly at a public meeting, (b) the ballot identifies the voter and the selection, and (c) the ballots are retained and available for public inspection as public records.

Section A. Ballot form.

Staff will provide a ballot that includes: meeting date, voter printed name, voter signature, and either (i) selected candidate, or (ii) ranked order for ranked-choice voting.

Section B. Public announcement.

After ballots are marked and collected, the person tallying should announce, in open session, the names of the persons who voted and their votes. Florida guidance indicates that simply preserving ballots as public records does not satisfy the “open at all times” requirement if individual votes are not announced at the meeting. [23]

Section C. Retention.

Ballots, tally sheets, and any tabulation worksheet used to declare a winner should be treated as public records and retained in accordance with applicable retention schedules.

Section D. Voting Methods:

- 1. Ranked-choice voting method.** Tally first-choice rankings. If one candidate receives a majority of ballots cast that candidate is selected. If no candidate has a majority, eliminate the lowest first-choice vote-getter. Each ballot for an eliminated candidate is assigned to that voter’s next-ranked candidate who remains in the race. Repeat until a candidate reaches a majority, or the ballots are exhausted, and only two candidates remain, with the first-place vote getter winning.
- 2. Borda Count Method.** Each position on the ballot is assigned a set point value. For 6 candidates, a first-place vote is assigned 6 points, a second-place vote 5 points, and so on down the line. Each ballot ranks the candidates in order and then tabulates the highest-scoring candidate based on the assigned points. The highest scoring candidate is the winner.
- 3. Simple-majority method with runoff.** The simplest approach is a single-selection paper ballot for one candidate, followed by a runoff if no one obtains a majority.