



1 with s. 119.15 and shall stand repealed on October 2, 2011,  
2 unless reviewed and saved from repeal through reenactment by  
3 the Legislature.

4       Section 2. (1) The Legislature finds that it is a  
5 public necessity to exempt from public-records requirements  
6 all user identifications and passwords held by the Commission  
7 on Ethics pursuant to s. 112.3152, Florida Statutes. The  
8 public-records exemption is necessary to ensure accountability  
9 for the filing of false or inaccurate information. Under  
10 current law, certain individuals must certify and bear  
11 responsibility for the correctness of each statement or report  
12 filed with the commission under pain of personal criminal  
13 prosecution or administrative fine. The law uses the physical  
14 signatures of such individuals on the paper statements or  
15 reports as evidence of attestation to the veracity of the  
16 statement or report. Electronic reporting eliminates the  
17 evidentiary advantages of hard-copy signatures by persons  
18 submitting statements or reports, so the provisions of law  
19 creating the electronic filing system provide for the issuance  
20 of secure "sign-on" information to the individuals designated  
21 and provide that such individuals are responsible for all  
22 filing using such "sign-on" credentials unless they have  
23 notified the commission that their credentials have been  
24 compromised. Without a public-records exemption for this  
25 information, there would be no accountability for reporting.

26       (2) In addition, the public-records exemption is  
27 necessary to protect against the unwarranted submission of  
28 false or erroneous data. Limiting access to the electronic  
29 filing system will prevent unauthorized users from changing or  
30 submitting false or inaccurate information that could be  
31 damaging to the reporting individual and result in charges

1 being brought against the individuals accountable by statute  
2 for the veracity of the information.

3       (3) The Legislature also finds that it is a public  
4 necessity to exempt from public-records requirements all  
5 statements, records, reports, and files created from  
6 information entered into the electronic filing system by  
7 individuals subject to electronic-reporting requirements until  
8 such time as a final statement or report is filed with the  
9 commission. It is anticipated that best practices would  
10 encourage periodic and timely updates to the draft statement  
11 or report throughout the covered reporting period and that  
12 this exemption would allow reporting individuals adequate time  
13 to enter all the information. Some statements and reports may  
14 contain individual entries for items such as dates, names,  
15 assets, and liabilities. It is simply not technologically or  
16 practically feasible to require all this information to be  
17 manually input on the designated statutory due date. The  
18 public-records exemption will allow reporting individuals to  
19 update the information in their draft statements or reports  
20 throughout the reporting period and subject the statements or  
21 reports to internal audits to check for errors prior to  
22 submission. The updated statement or report for the entire  
23 reporting period can then be submitted as required by law.

24       (4) Finally, this public-records exemption will  
25 accelerate the public's access to this information compared  
26 with current law, which allows for the filing of paper  
27 statements and reports by mail on the designated due date and  
28 results in both mailing and data-entry delays in processing  
29 the information to the Internet.

30       Section 3. This act shall take effect upon becoming a  
31 law if Senate Bill 2642, or similar legislation creating s.

1 112.3152, Florida Statutes, to provide for electronic filing  
2 of statements is adopted in the same legislative session or an  
3 extension thereof and becomes law.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
6 COMMITTEE SUBSTITUTE FOR  
7 Senate Bill 2612

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8 Adds the linked bill number to the effective date.

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