

HB 1305

2012

1 A bill to be entitled
2 An act relating to public records; creating s.
3 119.035, F.S.; declaring that it is the policy of this
4 state that the provisions of ch. 119, F.S., apply to
5 officers-elect upon their election to public office;
6 requiring that such officers-elect adopt and implement
7 reasonable measures to ensure compliance with the
8 public records obligations set forth in ch. 119, F.S.;
9 requiring that the public records of an officer-elect
10 be maintained in accordance with the policies and
11 procedures of the public office to which the officer
12 has been elected; requiring that online and electronic
13 communication and recordkeeping systems preserve the
14 records on such systems so as to not impair the
15 ability of the public to inspect or copy such public
16 records; requiring that the officer-elect, as soon as
17 practicable upon taking the oath of office, deliver to
18 the person or persons responsible for records and
19 information management, all public records kept or
20 received in the transaction of official business
21 during the period following election to public office;
22 amending s. 286.011, F.S.; revising public meeting
23 requirements to apply the requirements to meetings
24 with or attended by officers-elect; reenacting s.
25 112.3215(8)(b), F.S., relating to lobbying before the
26 executive branch or the Constitution Revision
27 Commission, to incorporate the amendment made to s.
28 286.011, F.S., in a reference thereto; providing an

29 effective date.

30

31 Be It Enacted by the Legislature of the State of Florida:

32

33 Section 1. Section 119.035, Florida Statutes, is created
34 to read:

35 119.035 Officers-elect.-

36 (1) It is the policy of this state that the provisions of
37 this chapter apply to officers-elect upon their election to
38 public office. Such officers-elect shall adopt and implement
39 reasonable measures to ensure compliance with the public records
40 obligations set forth in this chapter.

41 (2) Public records of an officer-elect shall be maintained
42 in accordance with the policies and procedures of the public
43 office to which the officer has been elected.

44 (3) If an officer-elect, individually or as part of a
45 transition process, creates or uses an online or electronic
46 communication or recordkeeping system, all public records
47 maintained on such system shall be preserved so as not to impair
48 the ability of the public to inspect or copy such public
49 records.

50 (4) Upon taking the oath of office, the officer-elect
51 shall, as soon as practicable, deliver to the person or persons
52 responsible for records and information management in such
53 office all public records kept or received in the transaction of
54 official business during the period following election to public
55 office.

56 Section 2. Subsection (1) of section 286.011, Florida

57 Statutes, is amended to read:

58 286.011 Public meetings and records; public inspection;
59 criminal and civil penalties.—

60 (1) All meetings of any board or commission of any state
61 agency or authority or of any agency or authority of any county,
62 municipal corporation, or political subdivision, except as
63 otherwise provided in the Constitution, including meetings with
64 or attended by an officer-elect, at which official acts are to
65 be taken are declared to be public meetings open to the public
66 at all times, and no resolution, rule, or formal action shall be
67 considered binding except as taken or made at such meeting. The
68 board or commission must provide reasonable notice of all such
69 meetings.

70 Section 3. For the purpose of incorporating the amendment
71 made by this act to section 286.011, Florida Statutes, in a
72 reference thereto, paragraph (b) of subsection (8) of section
73 112.3215, Florida Statutes, is reenacted to read:

74 112.3215 Lobbying before the executive branch or the
75 Constitution Revision Commission; registration and reporting;
76 investigation by commission.—

77 (8)

78 (b) All proceedings, the complaint, and other records
79 relating to the investigation are confidential and exempt from
80 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
81 Constitution, and any meetings held pursuant to an investigation
82 are exempt from the provisions of s. 286.011(1) and s. 24(b),
83 Art. I of the State Constitution either until the alleged
84 violator requests in writing that such investigation and

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85 | associated records and meetings be made public or until the
86 | commission determines, based on the investigation, whether
87 | probable cause exists to believe that a violation has occurred.

88 | Section 4. This act shall take effect July 1, 2012.