

ENROLLED  
CS/HB 1305

2012 Legislature

1  
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 certain constitutional officers upon their election to  
6 public office; requiring that such officers adopt and  
7 implement reasonable measures to ensure compliance  
8 with the public records obligations set forth in ch.  
9 119, F.S.; requiring that the public records of such  
10 officers be maintained in accordance with the policies  
11 and procedures of the public offices to which the  
12 officers have been elected; requiring that online and  
13 electronic communication and recordkeeping systems  
14 preserve the records on such systems so as to not  
15 impair the ability of the public to inspect or copy  
16 such public records; requiring that such officers, as  
17 soon as practicable upon taking the oath of office,  
18 deliver to the person or persons responsible for  
19 records and information management, all public records  
20 kept or received in the transaction of official  
21 business during the period following election to  
22 public office; defining the term "officer-elect" as  
23 used in the section; amending s. 286.011, F.S.;  
24 revising public meeting requirements to apply the  
25 requirements to meetings with or attended by newly  
26 elected members of boards and commissions; reenacting  
27 s. 112.3215(8)(b), F.S., relating to lobbying before  
28 the executive branch or the Constitution Revision

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29 Commission, to incorporate the amendment made to s.  
30 286.011, F.S., in a reference thereto; providing an  
31 effective date.

32  
33 Be It Enacted by the Legislature of the State of Florida:

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

37 119.035 Officers-elect.—

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

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

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

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

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57 | office.

58 |       (5) As used in this section, the term "officer-elect"  
59 | means the Governor, the Lieutenant Governor, the Attorney  
60 | General, the Chief Financial Officer, and the Commissioner of  
61 | Agriculture.

62 |       Section 2. Subsection (1) of section 286.011, Florida  
63 | Statutes, is amended to read:

64 |       286.011 Public meetings and records; public inspection;  
65 | criminal and civil penalties.—

66 |       (1) All meetings of any board or commission of any state  
67 | agency or authority or of any agency or authority of any county,  
68 | municipal corporation, or political subdivision, except as  
69 | otherwise provided in the Constitution, including meetings with  
70 | or attended by any person elected to such board or commission,  
71 | but who has not yet taken office, at which official acts are to  
72 | be taken are declared to be public meetings open to the public  
73 | at all times, and no resolution, rule, or formal action shall be  
74 | considered binding except as taken or made at such meeting. The  
75 | board or commission must provide reasonable notice of all such  
76 | meetings.

77 |       Section 3. For the purpose of incorporating the amendment  
78 | made by this act to section 286.011, Florida Statutes, in a  
79 | reference thereto, paragraph (b) of subsection (8) of section  
80 | 112.3215, Florida Statutes, is reenacted to read:

81 |       112.3215 Lobbying before the executive branch or the  
82 | Constitution Revision Commission; registration and reporting;  
83 | investigation by commission.—

84 |       (8)

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85           (b) All proceedings, the complaint, and other records  
86 relating to the investigation are confidential and exempt from  
87 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
88 Constitution, and any meetings held pursuant to an investigation  
89 are exempt from the provisions of s. 286.011(1) and s. 24(b),  
90 Art. I of the State Constitution either until the alleged  
91 violator requests in writing that such investigation and  
92 associated records and meetings be made public or until the  
93 commission determines, based on the investigation, whether  
94 probable cause exists to believe that a violation has occurred.

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