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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/01/2012	.	
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The Committee on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations (Gaetz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

119.035 Officers-elect.-

(1) It is the policy of this state that the provisions of
this chapter apply to officers-elect upon their election to
public office. Such officers-elect shall adopt and implement
reasonable measures to ensure compliance with the public records



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12 obligations set forth in this chapter.

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

16 (3) If an officer-elect, individually or as part of a
17 transition process, creates or uses an online or electronic
18 communication or recordkeeping system, all public records
19 maintained on such system shall be preserved so as not to impair
20 the ability of the public to inspect or copy such public
21 records.

22 (4) Upon taking the oath of office, the officer-elect
23 shall, as soon as practicable, deliver to the person or persons
24 responsible for records and information management in such
25 office all public records kept or received in the transaction of
26 official business during the period following election to public
27 office.

28 (5) For the purpose of this section, the term "officers-
29 elect" means the Governor, the Lieutenant Governor, the Attorney
30 General, the Chief Financial Officer, and the Commissioner of
31 Agriculture.

32 Section 2. Subsection (1) of section 286.011, Florida
33 Statutes, is amended to read:

34 286.011 Public meetings and records; public inspection;
35 criminal and civil penalties.—

36 (1) All meetings of any board or commission of any state
37 agency or authority or of any agency or authority of any county,
38 municipal corporation, or political subdivision, except as
39 otherwise provided in the Constitution, including meetings with
40 or attended by any person elected to such board or commission,



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41 but who has not yet taken office, at which official acts are to
42 be taken are declared to be public meetings open to the public
43 at all times, and no resolution, rule, or formal action shall be
44 considered binding except as taken or made at such meeting. The
45 board or commission must provide reasonable notice of all such
46 meetings.

47 Section 3. For the purpose of incorporating the amendment
48 made by this act to section 286.011, Florida Statutes, in a
49 reference thereto, paragraph (b) of subsection (8) of section
50 112.3215, Florida Statutes, is reenacted to read:

51 112.3215 Lobbying before the executive branch or the
52 Constitution Revision Commission; registration and reporting;
53 investigation by commission.—

54 (8)

55 (b) All proceedings, the complaint, and other records
56 relating to the investigation are confidential and exempt from
57 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
58 Constitution, and any meetings held pursuant to an investigation
59 are exempt from the provisions of s. 286.011(1) and s. 24(b),
60 Art. I of the State Constitution either until the alleged
61 violator requests in writing that such investigation and
62 associated records and meetings be made public or until the
63 commission determines, based on the investigation, whether
64 probable cause exists to believe that a violation has occurred.

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

66
67 ===== T I T L E A M E N D M E N T =====

68 And the title is amended as follows:

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70 Delete everything before the enacting clause
71 and insert:

72 A bill to be entitled
73 An act relating to public records; creating s.
74 119.035, F.S.; declaring that it is the policy of this
75 state that the provisions of ch. 119, F.S., apply to
76 certain constitutional officers upon their election to
77 public office; requiring that such officers adopt and
78 implement reasonable measures to ensure compliance
79 with the public records obligations set forth in ch.
80 119, F.S.; requiring that the public records of such
81 officers be maintained in accordance with the policies
82 and procedures of the public offices to which the
83 officers have been elected; requiring that online and
84 electronic communication and recordkeeping systems
85 preserve the records on such systems so as to not
86 impair the ability of the public to inspect or copy
87 such public records; requiring that such officers, as
88 soon as practicable upon taking the oath of office,
89 deliver to the person or persons responsible for
90 records and information management, all public records
91 kept or received in the transaction of official
92 business during the period following election to
93 public office; defining the term "officers-elect" as
94 used in s. 119.035, F.S.; amending s. 286.011, F.S.;
95 revising public meeting requirements to apply the
96 requirements to meetings with or attended by newly
97 elected members of boards and commissions of any state
98 agency or authority or of any agency of authority of



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99 any county, municipal corporation, or political
100 subdivision; reenacting s. 112.3215(8)(b), F.S.,
101 relating to lobbying before the executive branch or
102 the Constitution Revision Commission, to incorporate
103 the amendment made to s. 286.011, F.S., in a reference
104 thereto; providing an effective date.