

By Senator Gaetz

4-01268B-12

20121464

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.

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

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

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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  
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.

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