

By the Committees on Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; and Governmental Oversight and Accountability; and Senator Gaetz

606-04258-12

20121464c2

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           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 "officers-elect" as  
23          used in s. 119.035, F.S.; 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 of any state  
27          agency or authority or of any agency of authority of  
28          any county, municipal corporation, or political  
29          subdivision; reenacting s. 112.3215(8)(b), F.S.,

606-04258-12

20121464c2

30 relating to lobbying before the executive branch or  
31 the Constitution Revision Commission, to incorporate  
32 the amendment made to s. 286.011, F.S., in a reference  
33 thereto; providing an effective date.  
34

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

36  
37 Section 1. Section 119.035, Florida Statutes, is created to  
38 read:

39 119.035 Officers-elect.-

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

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

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

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

606-04258-12

20121464c2

59 office.

60 (5) For the purpose of this section, the term "officers-  
61 elect" means the Governor, the Lieutenant Governor, the Attorney  
62 General, the Chief Financial Officer, and the Commissioner of  
63 Agriculture.

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

66 286.011 Public meetings and records; public inspection;  
67 criminal and civil penalties.—

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

79 Section 3. For the purpose of incorporating the amendment  
80 made by this act to section 286.011, Florida Statutes, in a  
81 reference thereto, paragraph (b) of subsection (8) of section  
82 112.3215, Florida Statutes, is reenacted to read:

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

86 (8)

87 (b) All proceedings, the complaint, and other records

606-04258-12

20121464c2

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

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