

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Government Operations
2 Appropriations Subcommittee
3 Representative Adkins offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

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

9 119.035 Officers-elect.-

10 (1) It is the policy of this state that the provisions of
11 this chapter apply to officers-elect upon their election to
12 public office. Such officers-elect shall adopt and implement
13 reasonable measures to ensure compliance with the public records
14 obligations set forth in this chapter.

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

18 (3) If an officer-elect, individually or as part of a
19 transition process, creates or uses an online or electronic

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20 communication or recordkeeping system, all public records
21 maintained on such system shall be preserved so as not to impair
22 the ability of the public to inspect or copy such public
23 records.

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

30 (5) As used in this section, the term "officer-elect"
31 means the Governor, the Lieutenant Governor, the Attorney
32 General, the Chief Financial Officer, and the Commissioner of
33 Agriculture.

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

36 286.011 Public meetings and records; public inspection;
37 criminal and civil penalties.—

38 (1) All meetings of any board or commission of any state
39 agency or authority or of any agency or authority of any county,
40 municipal corporation, or political subdivision, except as
41 otherwise provided in the Constitution, including meetings with
42 or attended by any person elected to such board or commission,
43 but who has not yet taken office, at which official acts are to
44 be taken are declared to be public meetings open to the public
45 at all times, and no resolution, rule, or formal action shall be
46 considered binding except as taken or made at such meeting. The

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47 board or commission must provide reasonable notice of all such
48 meetings.

49 Section 3. For the purpose of incorporating the amendment
50 made by this act to section 286.011, Florida Statutes, in a
51 reference thereto, paragraph (b) of subsection (8) of section
52 112.3215, Florida Statutes, is reenacted to read:

53 112.3215 Lobbying before the executive branch or the
54 Constitution Revision Commission; registration and reporting;
55 investigation by commission.-

56 (8)

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

67 Section 4. This act shall take effect July 1, 2012.
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72 **T I T L E A M E N D M E N T**

73 Remove the entire title and insert:

74 A bill to be entitled

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1305 (2012)

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75 An act relating to public records; creating s.
76 119.035, F.S.; declaring that it is the policy of this
77 state that the provisions of ch. 119, F.S., apply to
78 certain constitutional officers upon their election to
79 public office; requiring that such officers adopt and
80 implement reasonable measures to ensure compliance
81 with the public records obligations set forth in ch.
82 119, F.S.; requiring that the public records of such
83 officers be maintained in accordance with the policies
84 and procedures of the public offices to which the
85 officers have been elected; requiring that online and
86 electronic communication and recordkeeping systems
87 preserve the records on such systems so as to not
88 impair the ability of the public to inspect or copy
89 such public records; requiring that such officers, as
90 soon as practicable upon taking the oath of office,
91 deliver to the person or persons responsible for
92 records and information management, all public records
93 kept or received in the transaction of official
94 business during the period following election to
95 public office; defining the term "officer-elect" as
96 used in the section; amending s. 286.011, F.S.;
97 revising public meeting requirements to apply the
98 requirements to meetings with or attended by newly
99 elected members of boards and commissions; reenacting
100 s. 112.3215(8)(b), F.S., relating to lobbying before
101 the executive branch or the Constitution Revision
102 Commission, to incorporate the amendment made to s.

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103 286.011, F.S., in a reference thereto; providing an
104 effective date.