

By the Committee on Governmental Oversight and Accountability;
and Senator Gaetz

585-02458-12

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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 defining the term "officers-elect"; amending s.
23 286.011, F.S.; revising public meeting requirements to
24 apply the requirements to meetings with or attended by
25 officers-elect; reenacting s. 112.3215(8)(b), F.S.,
26 relating to lobbying before the executive branch or
27 the Constitution Revision Commission, to incorporate
28 the amendment made to s. 286.011, F.S., in a reference
29 thereto; providing an effective date.

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

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 obligations set forth in this chapter.

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

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

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

(5) For the purposes of this section, the term "officers-elect" means the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of

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59 Agriculture.

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

62 286.011 Public meetings and records; public inspection;
63 criminal and civil penalties.—

64 (1) All meetings of any board or commission of any state
65 agency or authority or of any agency or authority of any county,
66 municipal corporation, or political subdivision, except as
67 otherwise provided in the Constitution, including meetings with
68 or attended by an officer-elect, at which official acts are to
69 be taken are declared to be public meetings open to the public
70 at all times, and no resolution, rule, or formal action shall be
71 considered binding except as taken or made at such meeting. The
72 board or commission must provide reasonable notice of all such
73 meetings.

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

78 112.3215 Lobbying before the executive branch or the
79 Constitution Revision Commission; registration and reporting;
80 investigation by commission.—

81 (8)

82 (b) All proceedings, the complaint, and other records
83 relating to the investigation are confidential and exempt from
84 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
85 Constitution, and any meetings held pursuant to an investigation
86 are exempt from the provisions of s. 286.011(1) and s. 24(b),
87 Art. I of the State Constitution either until the alleged

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88 violator requests in writing that such investigation and
89 associated records and meetings be made public or until the
90 commission determines, based on the investigation, whether
91 probable cause exists to believe that a violation has occurred.
92 Section 4. This act shall take effect July 1, 2012.