

CHAPTER 2012-25

Committee Substitute for House Bill No. 1305

An act relating to public records; creating s. 119.035, F.S.; declaring that it is the policy of this state that the provisions of ch. 119, F.S., apply to certain constitutional officers upon their election to public office; requiring that such officers adopt and implement reasonable measures to ensure compliance with the public records obligations set forth in ch. 119, F.S.; requiring that the public records of such officers be maintained in accordance with the policies and procedures of the public offices to which the officers have been elected; requiring that online and electronic communication and recordkeeping systems preserve the records on such systems so as to not impair the ability of the public to inspect or copy such public records; requiring that such officers, as soon as practicable upon taking the oath of office, deliver to the person or persons responsible for records and information management, all public records kept or received in the transaction of official business during the period following election to public office; defining the term “officer-elect” as used in the section; amending s. 286.011, F.S.; revising public meeting requirements to apply the requirements to meetings with or attended by newly elected members of boards and commissions; reenacting s. 112.3215(8)(b), F.S., relating to lobbying before the executive branch or the Constitution Revision Commission, to incorporate the amendment made to s. 286.011, F.S., in a reference thereto; providing an effective date.

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) As used in this section, the term “officer-elect” means the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture.

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

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

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

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

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

(8)

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

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

Approved by the Governor March 23, 2012.

Filed in Office Secretary of State March 23, 2012.