

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 21, 1998 Revised: _____

Subject: Censure of Lobbyist

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Kahn</u>	<u>Krasovsky</u>	<u>RC</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

Just short of 22 years ago, lobbyist David P. Arpin of Jacksonville was disciplined by the Florida Senate, acting under Senate Rule 9.8, for writing in his principal's "Legislative Bulletin" newsletter that a particular state senator's law firm reputedly represented a state agency when in fact no relationship existed, but raising the inference of improper conduct by, or suggesting a conflict of interest of, a member of the 1976 Florida Senate.

Upon the request from the affected senator for Mr. Arpin's lobbying credentials to be removed, and after a hearing at which Mr. Arpin appeared accompanied by his legal counsel, the motion to prohibit Mr. Arpin from lobbying for what would be the remaining 4 days of the 1976 regular session failed and the committee voted instead to recommend censure by the Senate.

The Senate adopted the censure recommendation on Tuesday, June 1, 1976. The censure said in part that Mr. Arpin was reprimanded . . . as blameworthy, and was "condemned with stern judgment for violating the obligations of a lobbyist."

II. Present Situation:

In 1993, Mr. Arpin began his active, public quest for relief from his 1976 censure. SR 2108 (1998) accomplishes that relief. Although the legal effect of SR 2108 and the power of a succeeding Senate to abate a censure adopted by a predecessor Senate is unclear, over 20 years have passed since the incident occurred, a time during which any possible statute of limitations has barred potential litigation arising out of the activities of the 1976 Senate. Furthermore, Mr. Arpin has given the Senate an enforceable full Release in which he has specifically waived any and all claims that he might have had for legal, declaratory, monetary, or equitable relief against the Senate, its officers, members, or agents, current, former, or future.

III. Effect of Proposed Changes:

Passage of this Resolution is solely a matter of legislative grace. It recognizes that the passage of time and the change in circumstances can ameliorate some types of old wrongs; however, the Resolution also contains a fresh reminder to those who are in the lobbying profession that they must continue to take reasonable steps to ensure the truth of statements they launch into the stream of legislative commerce in the course of lobbying for their clients' positions.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
