

By Senator Bankhead

8-1645-98

1 Senate Resolution No. ____

2 A resolution abating the Censure of a lobbyist.

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4 WHEREAS, David R. Arpin of Jacksonville was a lobbyist

5 registered at the Florida Senate in 1976, and

6 WHEREAS, in the waning days of the 1976 regular

7 session, Mr. Arpin wrote in his association's newsletter that

8 a particular state senator's law firm reputedly represented a

9 state agency, when in fact no such relationship existed, thus

10 raising the inference of improper conduct by or suggesting a

11 conflict of interest of a member of the Senate, and

12 WHEREAS, the affected senator filed a formal written

13 complaint against Mr. Arpin, and

14 WHEREAS, the Senate Committee on Rules and Calendar

15 conducted a legislative hearing, pursuant to notice, at which

16 the senator and Mr. Arpin both appeared and spoke, and

17 WHEREAS, at the legislative hearing, Mr. Arpin and his

18 lobbying principal were represented and advised by three

19 attorneys, each a senior member of The Florida Bar, and

20 WHEREAS, Mr. Arpin publicly tendered an apology and

21 printed a subsequent retraction in his association's

22 newsletter, and

23 WHEREAS, the Senate committee recommended that, for his

24 conduct, Mr. Arpin be disciplined by Censure under the

25 authority of Senate Rule 9, and

26 WHEREAS, the Journal of the Florida Senate on June 1,

27 1976, indicates that the committee's report and recommendation

28 were adopted by the Senate and that David R. Arpin stood

29 Censured by the Senate for violation of the obligations of a

30 lobbyist as contained in Senate Rule 9, and

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1 WHEREAS, the Senate, in 1998, reasserts the high
2 standard of conduct and inquiry that it expects each member of
3 the professional lobbying corps to undertake before releasing
4 information into the legislative process, and

5 WHEREAS, the Senate recognizes that the passage of time
6 ameliorates conditions existing in individual cases, and

7 WHEREAS, David R. Arpin has given the Florida Senate
8 his binding written assurance that he will seek no legal,
9 declaratory, or equitable remedy, including monetary or other
10 damages, against the Florida Senate, its officers, members, or
11 agents, current, former, or future, and

12 WHEREAS, the Senate accepts that assurance as
13 consideration for the filing and adoption of this Resolution,
14 bolstered by the fact that over 20 years have passed since the
15 incident, a time during which any possible statute of
16 limitations has barred such a suit, and the equitable period
17 in which any such suit could have been brought has long ago
18 expired, and

19 WHEREAS, the legal effect of this Resolution and the
20 power of a succeeding Senate to abate a Censure adopted by a
21 predecessor Senate, is unclear, but the Florida Senate
22 nevertheless seeks to extend legislative grace to David R.
23 Arpin, NOW, THEREFORE,

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25 Be It Resolved by the Senate of the State of Florida:

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27 That, as a matter of legislative grace, the Censure
28 report as it appears on page 486 of the June 1, 1976, Senate
29 Journal, is abated as of the date of adoption of this
30 resolution.

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1 BE IT FURTHER RESOLVED that the Florida Senate
2 reasserts the continuing obligation of and necessity for
3 lobbyists to take reasonable steps to ensure the truth of the
4 statements they launch into the stream of legislative commerce
5 in the course of lobbying for their clients' positions.
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