

Bill No. SB 40-B

Barcode 480800

1 the lobbying firm requests in writing that such investigation
2 and associated records and meetings be made public or until
3 the commission determines there is probable cause that the
4 audit reflects a violation of the reporting laws. This
5 paragraph is subject to the Open Government Sunset Review Act
6 in accordance with s. 119.15 and shall stand repealed on
7 October 2, 2011, unless reviewed and saved from repeal through
8 reenactment by the Legislature.

9 Section 2. The Legislature finds that it is a public
10 necessity that records relating to an audit of a lobbying firm
11 lobbying the executive branch or the Constitution Revision
12 Commission or an investigation of violations of the lobbying
13 compensation reporting laws for the executive branch or the
14 Constitution Revision Commission be made confidential and
15 exempt from public-records requirements and that meetings held
16 pursuant to such an investigation or at which such an audit is
17 discussed be made exempt from public-meetings requirements
18 until the alleged violator requests in writing that such
19 records and meetings be made public or the Commission on
20 Ethics determines there is probable cause that the audit
21 reflects a violation of the reporting laws. The disclosure of
22 such records could injure a lobbying firm in the marketplace
23 by providing its competitors with detailed insights into the
24 financial status of the firm, thereby diminishing the
25 advantage that the lobbying firm maintains over those who do
26 not possess such records. Disclosure would create an economic
27 disadvantage for the lobbying firm. In addition, the public
28 release of such records through either a public-records
29 request or a public meeting could cause unwarranted damage to
30 the good name and business reputation of a lobbying firm if a
31 violation of the reporting laws is found not to exist.

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1 Further, making such records available to the public could
 2 encumber the commission's ongoing investigation and its
 3 ability to gather pertinent information crucial to determining
 4 whether a violation of the executive lobbying compensation
 5 reporting laws exists. The harm to a lobbying firm in the
 6 marketplace and to the effective administration of the
 7 investigation and audit processes caused by the public
 8 disclosure of such records far outweighs the public benefits
 9 derived from its release.

10 Section 3. This act shall take effect on January 1,
 11 2006, if Senate Bill 6-B or similar legislation is adopted in
 12 the same legislative session or an extension thereof and
 13 becomes law.

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16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 Delete everything before the enacting clause

19

20 and insert:

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A bill to be entitled

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An act relating to public-records and

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public-meetings exemptions for lobbying;

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amending s. 112.3215, F.S.; creating a

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public-records exemption for records relating

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to an audit of a lobbying firm lobbying the

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executive branch or the Constitution Revision

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Commission or an investigation of violations of

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the lobbying compensation reporting laws for

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the executive branch or the Constitution

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Revision Commission; creating a public-meetings

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1 exemption for discussions of such records;
2 providing for release of the records under
3 specified conditions; providing for future
4 legislative review and repeal of the
5 exemptions; providing a statement of public
6 necessity; providing a contingent effective
7 date.

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