

1                                   A bill to be entitled  
 2           An act relating to public-records and  
 3           public-meetings exemptions for lobbying;  
 4           amending s. 112.3215, F.S.; creating a  
 5           public-records exemption for records relating  
 6           to an audit of a lobbying firm lobbying the  
 7           executive branch or the Constitution Revision  
 8           Commission or an investigation of violations of  
 9           the lobbying compensation reporting laws for  
 10          the executive branch or the Constitution  
 11          Revision Commission; creating a public-meetings  
 12          exemption for discussions of such records;  
 13          providing for release of the records under  
 14          specified conditions; providing for future  
 15          legislative review and repeal of the  
 16          exemptions; providing a statement of public  
 17          necessity; providing a contingent effective  
 18          date.

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

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 22           Section 1. Paragraph (d) is added to subsection (8) of  
 23           section 112.3215, Florida Statutes, as amended by Senate Bill  
 24           6-B, 2005 Special Session B, or similar legislation adopted in  
 25           the same legislative session or an extension thereof, to read:

26           112.3215 Lobbying before the executive branch or the  
 27           Constitution Revision Commission; registration and reporting;  
 28           investigation by commission.--

29           (8)

30           (d) Records relating to an audit conducted pursuant to  
 31           this section or an investigation conducted pursuant to this

1 section or s. 112.32155 are confidential and exempt from s.  
2 119.07(1) and s. 24(a), Art. I of the State Constitution, and  
3 any meetings held pursuant to such an investigation or at  
4 which such an audit is discussed are exempt from s. 286.011  
5 and s. 24(b), Art. I of the State Constitution either until  
6 the lobbying firm requests in writing that such investigation  
7 and associated records and meetings be made public or until  
8 the commission determines there is probable cause that the  
9 audit reflects a violation of the reporting laws. This  
10 paragraph is subject to the Open Government Sunset Review Act  
11 in accordance with s. 119.15 and shall stand repealed on  
12 October 2, 2011, unless reviewed and saved from repeal through  
13 reenactment by the Legislature.

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

1 disadvantage for the lobbying firm. In addition, the public  
2 release of such records through either a public-records  
3 request or a public meeting could cause unwarranted damage to  
4 the good name and business reputation of a lobbying firm if a  
5 violation of the reporting laws is found not to exist.  
6 Further, making such records available to the public could  
7 encumber the commission's ongoing investigation and its  
8 ability to gather pertinent information crucial to determining  
9 whether a violation of the executive lobbying compensation  
10 reporting laws exists. The harm to a lobbying firm in the  
11 marketplace and to the effective administration of the  
12 investigation and audit processes caused by the public  
13 disclosure of such records far outweighs the public benefits  
14 derived from its release.

15           Section 3. This act shall take effect on January 1,  
16 2006, if Senate Bill 6-B or similar legislation is adopted in  
17 the same legislative session or an extension thereof and  
18 becomes law.

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