

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

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

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 18 Section 1. Paragraph (d) is added to subsection (8) of
 19 section 112.3215, Florida Statutes, as amended by House Bill
 20 63B, 2005 Special Session B, or similar legislation adopted in
 21 the same legislative session or an extension thereof, to read:

22 112.3215 Lobbying before the executive branch or the
 23 Constitution Revision Commission; registration and reporting;
 24 investigation by commission.--

25 (8)

26 (d) Records relating to an audit conducted pursuant to
 27 this section or an investigation conducted pursuant to this
 28 section or s. 112.3215 are confidential and exempt from s.

29 119.07(1) and s. 24(a), Art. I of the State Constitution, and
30 any meetings held pursuant to such an investigation or at which
31 such an audit is discussed are exempt from s. 286.011(1) and s.
32 24(b), Art. I of the State Constitution either until the
33 lobbying firm requests in writing that such investigation and
34 associated records and meetings be made public or until the
35 commission determines there is probable cause that the audit
36 reflects a substantial violation of the reporting laws. This
37 paragraph is subject to the Open Government Sunset Review Act in
38 accordance with s. 119.15 and shall stand repealed on October 2,
39 2011, unless reviewed and saved from repeal through reenactment
40 by the Legislature.

41 Section 2. The Legislature finds that it is a public
42 necessity that records relating to an audit of a lobbying firm
43 lobbying the executive branch or the Constitution Revision
44 Commission or an investigation of violations of the lobbying
45 compensation reporting laws for the executive branch or the
46 Constitution Revision Commission be made confidential and exempt
47 from public records requirements and that meetings held pursuant
48 to such an investigation or at which such an audit is discussed
49 be made exempt from public meetings requirements until the
50 alleged violator requests in writing that such associated
51 records be made public or the Commission on Ethics determines
52 that the audit reflects a substantial violation of the reporting
53 laws. The disclosure of such records could substantially injure
54 a lobbying firm in the marketplace by providing its competitors
55 with detailed insights into the financial status of the firm,
56 thereby diminishing the advantage that the lobbying firm

57 maintains over those who do not possess such records. Disclosure
58 would create an economic disadvantage for the lobbying firm. In
59 addition, the public release of such records through either a
60 public records request or a public meeting could cause
61 unwarranted damage to the good name and business reputation of a
62 lobbying firm if a substantial violation of the reporting laws
63 is found not to exist. Further, making such records available to
64 the public could encumber the commission's ongoing investigation
65 and its ability to gather pertinent information crucial to
66 determining whether a violation of the executive lobbying
67 compensation reporting laws exists. The harm to a lobbying firm
68 in the marketplace and to the effective administration of the
69 investigation and audit processes caused by the public
70 disclosure of such records far outweighs the public benefits
71 derived from its release.

72 Section 3. This act shall take effect on January 1, 2006,
73 if House Bill 63B or similar legislation is adopted in the same
74 legislative session or an extension thereof and becomes law.