

CHAMBER ACTION

1 The State Administration Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

HB 65B

2005
CS

24 63B, 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
32 section or s. 112.32155 are confidential and exempt from s.
33 119.07(1) and s. 24(a), Art. I of the State Constitution, and
34 any meetings held pursuant to such an investigation or at which
35 such an audit is discussed are exempt from s. 286.011 and s.
36 24(b), Art. I of the State Constitution either until the
37 lobbying firm requests in writing that such investigation and
38 associated records and meetings be made public or until the
39 commission determines there is probable cause that the audit
40 reflects a violation of the reporting laws. This paragraph is
41 subject to the Open Government Sunset Review Act in accordance
42 with s. 119.15 and shall stand repealed on October 2, 2011,
43 unless reviewed and saved from repeal through reenactment by the
44 Legislature.

45 Section 2. The Legislature finds that it is a public
46 necessity that records relating to an audit of a lobbying firm
47 lobbying the executive branch or the Constitution Revision
48 Commission or an investigation of violations of the lobbying
49 compensation reporting laws for the executive branch or the
50 Constitution Revision Commission be made confidential and exempt
51 from public records requirements and that meetings held pursuant

HB 65B

2005
CS

52 to such an investigation or at which such an audit is discussed
53 be made exempt from public meetings requirements until the
54 alleged violator requests in writing that such records and
55 meetings be made public or the Commission on Ethics determines
56 there is probable cause that the audit reflects a violation of
57 the reporting laws. The disclosure of such records could injure
58 a lobbying firm in the marketplace by providing its competitors
59 with detailed insights into the financial status of the firm,
60 thereby diminishing the advantage that the lobbying firm
61 maintains over those who do not possess such records. Disclosure
62 would create an economic disadvantage for the lobbying firm. In
63 addition, the public release of such records through either a
64 public records request or a public meeting could cause
65 unwarranted damage to the good name and business reputation of a
66 lobbying firm if a violation of the reporting laws is found not
67 to exist. Further, making such records available to the public
68 could encumber the commission's ongoing investigation and its
69 ability to gather pertinent information crucial to determining
70 whether a violation of the executive lobbying compensation
71 reporting laws exists. The harm to a lobbying firm in the
72 marketplace and to the effective administration of the
73 investigation and audit processes caused by the public
74 disclosure of such records far outweighs the public benefits
75 derived from its release.

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