

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. 112.32155 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 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 violation of the reporting laws. This paragraph is
37 subject to the Open Government Sunset Review Act in accordance
38 with s. 119.15 and shall stand repealed on October 2, 2011,
39 unless reviewed and saved from repeal through reenactment by the
40 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 records and
51 meetings be made public or the Commission on Ethics determines
52 there is probable cause that the audit reflects a violation of
53 the reporting laws. The disclosure of such records could 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 violation of the reporting laws is found not
63 to exist. Further, making such records available to the public
64 could encumber the commission's ongoing investigation and its
65 ability to gather pertinent information crucial to determining
66 whether a violation of the executive lobbying compensation
67 reporting laws exists. The harm to a lobbying firm in the
68 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.