

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38 with s. 119.15 and shall stand repealed on October 2, 2011,  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.