

By the Committee on Rules Subcommittee on Ethics and Elections

582-02762-11

20112056__

1 A bill to be entitled

2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 112.3215, F.S., which
4 provides exemptions from public-records and public-
5 meeting requirements for records and meetings related
6 to audits and investigations conducted by the
7 Commission on Ethics of alleged violations of certain
8 lobbyist registration and reporting requirements;
9 saving the exemptions from repeal under the Open
10 Government Sunset Review Act; removing the scheduled
11 repeal of the exemptions; providing an effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Subsection (8) of section 112.3215, Florida
16 Statutes, is amended to read:

17 112.3215 Lobbying before the executive branch or the
18 Constitution Revision Commission; registration and reporting;
19 investigation by commission.—

20 (8) (a) The commission shall investigate every sworn
21 complaint that is filed with it alleging that a person covered
22 by this section has failed to register, has failed to submit a
23 compensation report, or has knowingly submitted false
24 information in any report or registration required in this
25 section.

26 (b) All proceedings, the complaint, and other records
27 relating to the investigation are confidential and exempt from
28 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
29 Constitution, and any meetings held pursuant to an investigation

582-02762-11

20112056__

30 are exempt from the provisions of s. 286.011(1) and s. 24(b),
31 Art. I of the State Constitution either until the alleged
32 violator requests in writing that such investigation and
33 associated records and meetings be made public or until the
34 commission determines, based on the investigation, whether
35 probable cause exists to believe that a violation has occurred.

36 (c) The commission shall investigate any lobbying firm,
37 agency, officer, or employee upon receipt of information from a
38 sworn complaint or from a random audit of lobbying reports
39 indicating a possible violation other than a late-filed report.

40 (d) Records relating to an audit conducted pursuant to this
41 section or an investigation conducted pursuant to this section
42 or s. 112.32155 are confidential and exempt from s. 119.07(1)
43 and s. 24(a), Art. I of the State Constitution, and any meetings
44 held pursuant to such an investigation or at which such an audit
45 is discussed are exempt from s. 286.011 and s. 24(b), Art. I of
46 the State Constitution either until the lobbying firm requests
47 in writing that such investigation and associated records and
48 meetings be made public or until the commission determines there
49 is probable cause that the audit reflects a violation of the
50 reporting laws. ~~This paragraph is subject to the Open Government
51 Sunset Review Act in accordance with s. 119.15 and shall stand
52 repealed on October 2, 2011, unless reviewed and saved from
53 repeal through reenactment by the Legislature.~~

54 Section 2. This act shall take effect July 1, 2011.