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CHAMBER ACTION

	Senate House
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11	Senator Sebesta moved the following amendment:
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13	Senate Amendment (with title amendment)
14	Delete everything after the enacting clause
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16	and insert:
17	Section 1. Paragraph (d) is added to subsection (8) of
18	section 112.3215, Florida Statutes, as amended by Senate Bill
19	6-B, 2005 Special Session B, or similar legislation adopted in
20	the same legislative session or an extension thereof, to read:
21	112.3215 Lobbying before the executive branch or the
22	Constitution Revision Commission; registration and reporting;
23	investigation by commission
24	(8)
25	(d) Records relating to an audit conducted pursuant to
26	this section or an investigation conducted pursuant to this
27	section or s. 112.32155 are confidential and exempt from s.
28	119.07(1) and s. 24(a), Art. I of the State Constitution, and
29	any meetings held pursuant to such an investigation or at
30	which such an audit is discussed are exempt from s. 286.011
31	and s. 24(b), Art. I of the State Constitution either until
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the lobbying firm requests in writing that such investigation and associated records and meetings be made public or until 2 the commission determines there is probable cause that the 3 4 audit reflects a violation of the reporting laws. This 5 paragraph is subject to the Open Government Sunset Review Act 6 in accordance with s. 119.15 and shall stand repealed on 7 October 2, 2011, unless reviewed and saved from repeal through reenactment by the Legislature. 8 9 Section 2. The Legislature finds that it is a public 10 necessity that records relating to an audit of a lobbying firm 11 lobbying the executive branch or the Constitution Revision Commission or an investigation of violations of the lobbying 12 compensation reporting laws for the executive branch or the 13 Constitution Revision Commission be made confidential and 14 15 exempt from public-records requirements and that meetings held pursuant to such an investigation or at which such an audit is 16 discussed be made exempt from public-meetings requirements 17 until the alleged violator requests in writing that such 18 records and meetings be made public or the Commission on 19 Ethics determines there is probable cause that the audit 20 21 reflects a violation of the reporting laws. The disclosure of 22 such records could injure a lobbying firm in the marketplace by providing its competitors with detailed insights into the 23 24 financial status of the firm, thereby diminishing the advantage that the lobbying firm maintains over those who do 2.5 not possess such records. Disclosure would create an economic 26 disadvantage for the lobbying firm. In addition, the public 2.7 release of such records through either a public-records 28 29 request or a public meeting could cause unwarranted damage to 30 the good name and business reputation of a lobbying firm if a violation of the reporting laws is found not to exist.

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1	Further, making such records available to the public could
2	encumber the commission's ongoing investigation and its
3	ability to gather pertinent information crucial to determining
4	whether a violation of the executive lobbying compensation
5	reporting laws exists. The harm to a lobbying firm in the
6	marketplace and to the effective administration of the
7	investigation and audit processes caused by the public
8	disclosure of such records far outweighs the public benefits
9	derived from its release.
10	Section 3. This act shall take effect on January 1,
11	2006, if Senate Bill 6-B or similar legislation is adopted in
12	the same legislative session or an extension thereof and
13	becomes law.
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16	======== T I T L E A M E N D M E N T ==========
17	And the title is amended as follows:
18	Delete everything before the enacting clause
19	
20	and insert:
21	A bill to be entitled
22	An act relating to public-records and
23	<pre>public-meetings exemptions for lobbying;</pre>
24	amending s. 112.3215, F.S.; creating a
25	public-records exemption for records relating
26	to an audit of a lobbying firm lobbying the
27	executive branch or the Constitution Revision
28	Commission or an investigation of violations of
29	the lobbying compensation reporting laws for
30	the executive branch or the Constitution
31	Revision Commission; creating a public-meetings
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1	exemption for discussions of such records;
2	providing for release of the records under
3	specified conditions; providing for future
4	legislative review and repeal of the
5	exemptions; providing a statement of public
6	necessity; providing a contingent effective
7	date.
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