

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Education Committee

BILL: SB 1858

SPONSOR: Senator Villalobos

SUBJECT: Public Officers/Standards of Conduct

DATE: March 23, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Babington	Rubinas	EE	Favorable
2.	Matthews	O'Farrell	ED	Favorable
3.			RC	
4.				
5.				
6.				

I. Summary:

This bill prohibits any member of the statewide Board of Governors of the State University System, and any member of a state university board of trustees, from having any employment or contractual relationship to personally represent another person or entity for compensation before the Legislature.

The bill amends s. 112.313, Florida Statutes.

II. Present Situation:

Florida voters created the Board of Governors and the local boards of trustees, in section 7 of Article IX of the Florida Constitution, by constitutional amendment in 2002. The Board of Governors consists of seventeen members, fourteen of whom are appointed by the governor and confirmed by the Senate. Board members serve staggered seven-year terms.

The university boards of trustees are comprised of thirteen members, six of whom are appointed by the governor and confirmed by the Senate, and five of whom are appointed by the Board of Governors and confirmed by the Senate. Board members serve staggered terms of five years.

Article III, s. 18 of Article III of the State Constitution confers upon the Legislature the duty to prescribe a code of ethics for all state employees and nonjudicial officers, prohibiting conflict between public duty and private interests. The Legislature has implemented the following standards for state officers and legislators:

“No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before

the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.”¹

Currently, members of the Florida Elections Commission are also prohibited from lobbying state or local government while serving on the Commission.²

III. Effect of Proposed Changes:

This bill prohibits any member of the Board of Governors of the State University System, and any member of a state university board of trustees from having any employment or contractual relationship to personally represent another person or entity for compensation before the Legislature.

Although members of the Florida Elections Commission are prohibited from lobbying state or local government while serving on the Commission, this bar did not apply to those members who served on the Commission at the time of enactment of the legislation.³ Rather, the bar applied to sitting members upon expiration of their current term.⁴ The current bill would require members of the aforementioned boards to resign or cease representing persons or entities for compensation before the Legislature at the time of the bill’s enactment, regardless of whether their current term has expired.

The bill is effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹ Section 112.313(9)(a)3, F.S.

² Section 106.24(1)(b), F.S.

³ Section 3, ch. 2002-281, L.O.F.

⁴ Id.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Any current member of the Board of Governors or state university boards of trustees who personally represents another person or entity for compensation before the Legislature will be required to either cease representation of that person or entity for compensation, or resign from the respective board.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

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