

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: Ethics and Elections Committee

BILL: SB 1856

SPONSOR: Senator Villalobos

SUBJECT: Commission on Ethics

DATE: March 14, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Babington	Rubinas	EE	Favorable
2.			RC	
3.				
4.				
5.				
6.				

I. Summary:

Senate Bill 1856 prohibits any individual who qualifies as a lobbyist pursuant to section 11.045 or section 112.3215 or any local government charter or ordinance from serving as a member of the Florida Commission on Ethics. The bill also prohibits members of the commission from actively lobbying, as provided in s. 11.045 or s. 112.3215 or any local government charter or ordinance, any state or local governmental entity while serving as a member of the commission. The bill “grandfathers-in” lobbyists sitting as members of the commission on July 1, 2005, who can serve and continue to lobby until the expiration of their current terms.

Senate Bill 1856 takes effect upon becoming law.

This bill amends section 112.321 of the Florida Statutes.

II. Present Situation:

The Florida Commission on Ethics is comprised of nine members. Five members are appointed by the Governor, two members are appointed by the Speaker of the House of Representatives, and two members are appointed by the President of the Senate. No more than three gubernatorial appointments may be from the same political party. One gubernatorial appointee must be a former city or county official and may be a former member of a local planning or zoning board which had only advisory duties. The Speaker and President may not appoint more than one member from the same political party. No more than five members of the commission may be from the same political party at any one time and no member of the commission may hold any public employment.

Section 11.045, Florida Statutes, defines a lobbyist as “a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.”

Section 112.3215, Florida Statutes, defines a lobbyist as “a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for government affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.”

Lobbyists are currently prohibited from serving as members of the Florida Elections Commission.

III. Effect of Proposed Changes:

Senate Bill 1856 places additional restrictions on commission membership by prohibiting any individual who qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215, Florida Statutes, or any local government charter or ordinance, from serving as commission members. The bill also prohibits members of the commission from actively lobbying, as provided in s. 11.045 or s. 112.3215 or any local government charter or ordinance, any state or local government entity while serving as a member of the commission.

The prohibitions in the bill do not apply to persons serving as members of the commission on July 1, 2005, until the expiration of their current term.

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.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The proposed changes in Senate Bill 1856 are similar to the prohibitions imposed upon membership of the Florida Elections Commission during the 2002 legislative session.¹

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

¹ See, s. 106.24(1)(b), Florida Statutes.

VIII. Summary of Amendments:

None.

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