

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 1858

SPONSOR: Senator Villalobos

SUBJECT: Public Officers/Standards of Conduct

DATE: March 14, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Babington</u>	<u>Rubinas</u>	<u>EE</u>	Favorable
2.	_____	_____	<u>ED</u>	_____
3.	_____	_____	<u>RC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 1858 prohibits any member of the statewide Board of Governors of the state university system, and any member of any board of trustees of a local constituent university, from having any employment or contractual relationship to personally represent another person or entity for compensation before the Legislature.

Senate Bill 1858 creates a new subsection within s. 112.313, Florida Statutes.

The bill takes effect upon becoming law.

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 2002.¹ The Board of Governors consists of seventeen members, fourteen of whom are appointed by the governor and confirmed by the Senate. The Board is instructed to operate, regulate, control, and be fully responsible for the management of the whole university system. Board members serve staggered seven year terms.

The local 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. The Board of Governors must establish the powers and duties of the local boards of trustees. Board members serve staggered terms of five years.

¹ Florida Department of State, Division of Elections.

Section 18 of Article III of the Florida 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.² 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 for 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.”³

Currently, members of the Florida Elections Commission are also prohibited from lobbying state or local government while serving on the Commission.⁴

III. Effect of Proposed Changes:

Senate Bill 1856 prohibits any member of the Board of Governors of the State University System, and any member of a board of trustees of a local constituent university from having any employment or contractual relationship to personally represent another person or entity for compensation before the Legislature.

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.

² Section 18, Article III, Florida Constitution.

³ Section 112.313(9)(a)3, Florida Statutes.

⁴ Section 106.24(1)(b), Florida Statutes.

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

None.

B. Private Sector Impact:

Any current member of the Board of Governors or 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.

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