Florida Transportation Commission

Number: INFORMAL

Date: March 25, 2008

The Honorable Susan Bucher
State Representative, District 88
Florida House of Representatives
402 South Monroe Street
410 House Office Building
Tallahassee, Florida 32399-1300

Dear Representative Bucher:

Thank you for contacting the Florida Attorney General's Office regarding the possibility that several former appointees to the Florida Transportation Commission may have violated provisions of the Florida Statutes during their tenure on the commission. Attorney General McCollum has asked me to respond to your letter.

Section 20.23(2), Florida Statutes, creates and provides statutory regulation of the Florida Transportation Commission. Members of the commission are appointed by the Governor and confirmed by the Senate. Members serve a four-year term. The Legislature has enacted a provision, subparagraph (2)(g), that was apparently designed to ensure that members of the commission were not engaged in conflicts of interest. Section 20.23(2)(g), Florida Statutes, states:

"A member of the commission may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the department during the term of his of her appointment and for 2 years after the termination of such appointment."

However, no penalty provisions are included for violations of this section and no authority is extended to this office to investigate or prosecute possible violations of the statute.

In light of the terms of section 20.23(2), Florida Statutes, and the Governor's authority to appoint these officials, it would appear that this information should be brought to the attention of the State's Chief Inspector General. In addition, the Florida Commission on Ethics may have some jurisdiction in this matter. Contact information for these offices is as follows:

Melinda Miguel
Chief Inspector General
Office of Governor Charlie Crist
State of Florida
2103 The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001
phone: (850) 922-4637

fax: (850) 921-0817

Florida Commission on Ethics
Philip Claypool, Executive Director and General Counsel
Post Office Drawer 15709
Tallahassee, FL 32317-5709
phone: (850) 488-7864
fax: (850) 488-3077

Thank you for contacting this office to express your concerns. I trust that these suggestions will prove helpful.

Sincerely,

Gerry Hammond
Senior Assistant Attorney General

GH/t