

Beach County Transportation Authority is not subject to the requirements, or under the jurisdiction, of the Public Service Commission. The buses of the Palm Beach County Transportation Authority, therefore, do not fall within the exception of §234.051(1)(b), *supra*.

In view of the answer to your first question, no response is necessary to the second question. It might be noted, however, that a principal or teacher in charge of a school may delegate to a school bus driver transporting pupils in a school bus to and from school, or to and from school functions, at public expense, such authority and responsibilities as may be necessary for the control of the school pupils being transported. See §§232.25 and 232.28, F. S.; and that by the terms of §232.26, F. S., a principal is authorized to suspend only pupils "transported to or from school at the public expense from the privilege of riding on a school bus."

Further, under Rules 6A-3.14, 6A-3.15, 6A-3.17, 6A-3.20, 6A-3.21, and 6A-3.27 through 6A-3.31, of the State Board of Education, Florida Administrative Code, school bus drivers are appointed and employed by the school board and school buses are operated by drivers licensed and employed by the school board; and under §§234.091 and 234.101, F. S., school bus drivers are required to have certain designated qualifications, including other qualifications as may be prescribed by the State Board of Education, and the state board is required to adopt requirements which school bus drivers must meet prior to employment by the school board.

Whether a principal may delegate authority for the control and direction of school bus pupils being transported to and from school, or school functions, at the public expense, to drivers of vehicles other than those approved and employed by the school boards and under the direct supervision of the school officials, pursuant to the aforesaid rules and statutes, is a question that must be resolved by duly promulgated rule of the State Board of Education. The statutes seem to make clear that such matters shall be "(s)ubject to law and rules and regulations of the state board and of the school boards." See §§232.25, 232.26, 234.02, 234.091, and 234.101, F. S.

In view of the answer to your first question, the third question becomes moot. Any interpretation, clarification, or modification of the temporary injunction which is the subject of your inquiry should, upon proper application therefor, be made by the circuit court which issued or rendered such injunctive order. I note the order of the court specifically provides that such temporary injunction is to remain in effect until further order of the court.

073-293—August 16, 1973

STANDARDS OF CONDUCT

FILING SWORN STATEMENT OF BUSINESS INTERESTS BY JUNIOR COLLEGE TRUSTEE

To: Junior College Trustee

Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General

QUESTIONS:

1. Is a member of the board of trustees of a junior college required to file a sworn statement disclosing an interest as an officer and director of, and owner of a controlling interest in, a warehousing corporation?
2. Is he required to file a sworn statement as the owner of business property which is leased to and operated by another as a restaurant?

SUMMARY:

Under §112.313(2), F. S., a member of the board of trustees of a junior college is not required to file a sworn statement disclosing an

interest in a warehousing corporation not regulated by, nor having substantial business commitments from, any state or local governmental agency; nor is he required to disclose an interest as lessor of premises upon which a restaurant is operated by another.

Section 112.313(2), F. S., requires a public officer or employee to file a sworn statement disclosing an interest as officer, director, agent, or member of, or owner of a controlling interest (10 percent or more) in, a business entity "which is subject to the regulation of, or which has substantial business commitments from any state agency, county, city, or other political subdivision of the state. . . ." You state that the warehousing company of which you are an officer, director, and shareholder is "somewhat under the jurisdiction of the Florida Public Service Commission." However, the fact that you use rail transportation in "transshipping" the products of the local manufacturer which are warehoused and stored by your company would not make you "subject to the regulation of" that commission; and I know of no statute which places warehousemen under its jurisdiction.

The Uniform Commercial Code, §§677.201-677.210, F. S., applies to warehousemen and prescribes statutory regulations concerning a warehouseman's liability, his lien, and other similar matters. However, I have the view that these statutory requirements are not the types of "regulation" contemplated by §112.313(2), *supra*. In AGO SC68-2, my predecessor in office pointed out that §112.313(2), *supra*, requires not only that the operations of a business entity be "subject to regulation" but also that this regulation "be vested in some State agency." (That opinion was rendered when the Standards of Conduct Law applied only to state officers and employees.) I find nothing in the Uniform Commercial Code provisions relating to warehousemen that vests in any state or local agency a regulatory power over warehousemen. Accordingly, pending legislative or judicial clarification—and assuming that the warehousing corporation does not have substantial business commitments from any state or local governmental agency—I am inclined to the view that it is not necessary to file a sworn statement disclosing your interest in the warehousing corporation.

The first part of your question is, therefore, answered in the negative.

The second part of your question must also be answered in the negative. You have no interest as officer, director, agent, or member of, or owner of a controlling interest in, the business entity which operates the restaurant in question. Your only interest—that of lessor of the premises upon which the business is conducted—is not within the purview of the statute.

073-294—August 16, 1973

TAXATION

OPPOSITION TO AGRICULTURAL ASSESSMENT BY MUNICIPALITY

To: David L. Reid, Palm Beach County Tax Assessor, West Palm Beach

Prepared by: William R. Cave, Assistant Attorney General and James D. Beasley, Legal Intern

QUESTION:

Is a municipal government authorized to file a petition with the board of tax adjustment opposing the agricultural classification by the tax assessor of lands situate within said municipality?

SUMMARY:

A municipal government has no authority to appeal to or file a