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CRC ACTION

Commissioner

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Commissioners Gaetz and Schifino moved the following:

CRC Amendment

Delete lines 75 - 148

and insert:

(4) This subsection may not be construed to prohibit a public officer or public employee from carrying out the duties of his or her public office.

(5) Similar restrictions on other public officers and employees may be established by law.

(f) There shall be an independent commission to conduct investigations and make public reports on all complaints



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12 concerning breach of public trust by public officers or
13 employees not within the jurisdiction of the judicial
14 qualifications commission.

15 (g) (1) A code of ethics for all state employees and
16 nonjudicial officers prohibiting conflict between public duty
17 and private interests shall be prescribed by law.

18 (2) A public officer or public employee may not abuse his
19 or her public position in order to obtain a disproportionate
20 benefit for his or her spouse, children, or employer; or for any
21 business with which he or she contracts; in which he or she is
22 an officer, a partner, a director, or a proprietor; or in which
23 he or she owns an interest. The Florida Commission on Ethics
24 shall, by rule in accordance with statutory procedures governing
25 administrative rulemaking, define the term "disproportionate
26 benefit" and prescribe the requisite intent for finding a
27 violation of this prohibition for purposes of enforcing this
28 paragraph. Appropriate penalties shall be prescribed by law.

29 (h) This section shall not be construed to limit
30 disclosures and prohibitions which may be established by law to
31 preserve the public trust and avoid conflicts between public
32 duties and private interests.

33 (i) Schedule—On the effective date of this amendment and
34 until changed by law:

35 (1) Full and public disclosure of financial interests shall
36 mean filing with the custodian of state records by July 1 of
37 each year a sworn statement showing net worth and identifying
38 each asset and liability in excess of \$1,000 and its value
39 together with one of the following:

40 a. A copy of the person's most recent federal income tax



41 return; or

42 b. A sworn statement which identifies each separate source
43 and amount of income which exceeds \$1,000. The forms for such
44 source disclosure and the rules under which they are to be filed
45 shall be prescribed by the independent commission established in
46 subsection (f), and such rules shall include disclosure of
47 secondary sources of income.

48 (2) Persons holding statewide elective offices shall also
49 file disclosure of their financial interests pursuant to
50 subsection (i)(1).

51 (3) The independent commission provided for in subsection
52 (f) shall mean the Florida Commission on Ethics.

53
54 Section 13 of Article V of the State Constitution is
55 amended to read:

56 ARTICLE V

57 JUDICIARY

58 SECTION 13. Ethics in the judiciary ~~Prohibited activities.~~-
59 All justices and judges shall devote full time to their judicial
60 duties. A justice or judge may ~~They shall~~ not engage in the
61 practice of law or hold office in any political party. A justice
62 or judge may not personally represent another person for
63 compensation before the legislative, executive, or judicial
64 branches of state government, other than practicing law before a
65 judicial tribunal or in an administrative quasi-judicial
66 proceeding, for a period of six years following vacation of
67 office.

68
69 A new section is added to Article XII of the State



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70 Constitution to read:

71 ARTICLE XII

72 SCHEDULE

73

74 Prohibitions regarding personal representation for
75 compensation and abuse of public position by public officers and
76 public employees.—The amendments to Section 8 of Article II and
77 Section 13 of Article V shall take effect January 1, 2020;
78 except that the Florida Commission on Ethics shall, by rule,
79 define the term “disproportionate benefit” and prescribe the
80 requisite intent for finding a violation of the prohibition
81 against abuse of public position by March 1, 2019, as specified
82 in Section 8(g) of Article II.