

By Commissioner Gaetz

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1                   A proposal to amend  
2           Section 8 of Article II and Section 13 of Article V  
3           and create a new section in Article XII of the State  
4           Constitution to establish certain restrictions for  
5           specified public officers and employees regarding the  
6           personal representation for compensation of another  
7           person or entity before certain government bodies.

8  
9   Be It Proposed by the Constitution Revision Commission of  
10 Florida:

11  
12           Section 8 of Article II of the State Constitution is  
13 amended to read:

14                                   ARTICLE II

15                                   GENERAL PROVISIONS

16           SECTION 8. Ethics in government.—A public office is a  
17 public trust. The people shall have the right to secure and  
18 sustain that trust against abuse. To assure this right:

19           (a) All elected constitutional officers and candidates for  
20 such offices and, as may be determined by law, other public  
21 officers, candidates, and employees shall file full and public  
22 disclosure of their financial interests.

23           (b) All elected public officers and candidates for such  
24 offices shall file full and public disclosure of their campaign  
25 finances.

26           (c) Any public officer or employee who breaches the public  
27 trust for private gain and any person or entity inducing such  
28 breach shall be liable to the state for all financial benefits  
29 obtained by such actions. The manner of recovery and additional  
30 damages may be provided by law.

31           (d) Any public officer or employee who is convicted of a  
32 felony involving a breach of public trust shall be subject to

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33 forfeiture of rights and privileges under a public retirement  
34 system or pension plan in such manner as may be provided by law.

35 (e) (1) A ~~No~~ member of the legislature or a statewide  
36 elected officer may not ~~shall~~ personally represent another  
37 person or entity for compensation before the legislature or any  
38 state government body or agency, other than judicial tribunals,  
39 ~~of which the individual was an officer or member~~ for a period of  
40 six ~~two~~ years following vacation of office. A ~~No~~ member of the  
41 legislature or a statewide elected officer may not ~~shall~~  
42 personally represent another person or entity for compensation  
43 during term of office before any federal agency; the  
44 legislature; any state government body or agency, other than  
45 judicial tribunals; or any political subdivision of the state.

46 (2) A person who served as a secretary, executive director,  
47 or other agency head of a department of the executive branch of  
48 state government, may not personally represent another person or  
49 entity for compensation before the legislature, the governor,  
50 the executive office of the governor, members of the cabinet, a  
51 department that is headed by a member of the cabinet, or his or  
52 her former department for a period of six years following  
53 vacation of his or her position. A person who is serving as a  
54 secretary, executive director, or other agency head of a  
55 department of the executive branch of state government, may not  
56 personally represent another person or entity for compensation  
57 before any federal agency; the legislature; any state government  
58 body or agency, other than judicial tribunals; or any political  
59 subdivision of the state.

60 (3) A county officer pursuant to Article VIII or a county  
61 charter, a school board member, a superintendent of schools, an

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62 elected municipal officer, or an elected special district  
63 officer in a special district with ad valorem taxing authority,  
64 may not personally represent another person or entity for  
65 compensation:

66 a. Before his or her former agency or governing body for a  
67 period of six years following vacation of office.

68 b. Before any federal agency; the legislature; any state  
69 government body or agency, other than judicial tribunals; or any  
70 political subdivision of the state during his or her term of  
71 office.

72 (4) This subsection does not prohibit any public officer or  
73 public employee from representing his or her agency before any  
74 other governmental entities in the normal course of his or her  
75 duties.

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

78 (f) There shall be an independent commission to conduct  
79 investigations and make public reports on all complaints  
80 concerning breach of public trust by public officers or  
81 employees not within the jurisdiction of the judicial  
82 qualifications commission.

83 (g) A code of ethics for all state employees and  
84 nonjudicial officers prohibiting conflict between public duty  
85 and private interests shall be prescribed by law.

86 (h) This section shall not be construed to limit  
87 disclosures and prohibitions which may be established by law to  
88 preserve the public trust and avoid conflicts between public  
89 duties and private interests.

90 (i) Schedule—On the effective date of this amendment and

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91 until changed by law:

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

97 a. A copy of the person's most recent federal income tax  
98 return; or

99 b. A sworn statement which identifies each separate source  
100 and amount of income which exceeds \$1,000. The forms for such  
101 source disclosure and the rules under which they are to be filed  
102 shall be prescribed by the independent commission established in  
103 subsection (f), and such rules shall include disclosure of  
104 secondary sources of income.

105 (2) Persons holding statewide elective offices shall also  
106 file disclosure of their financial interests pursuant to  
107 subsection (i)(1).

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

110

111 Section 13 of Article V of the State Constitution is  
112 amended to read:

113 ARTICLE V

114 JUDICIARY

115 SECTION 13. Ethics in the judiciary ~~Prohibited activities.~~  
116 All justices and judges shall devote full time to their judicial  
117 duties. A justice or judge may ~~They shall~~ not engage in the  
118 practice of law or hold office in any political party. A justice  
119 or judge may not personally represent another person for

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120 compensation before the legislative, executive, or judicial  
121 branches of state government, other than practicing law before a  
122 judicial tribunal, for a period of six years following vacation  
123 of office.

124

125 A new section is added to Article XII of the State  
126 Constitution to read:

127

## ARTICLE XII

128

## SCHEDULE

129 Personal representation prohibitions for specified public  
130 officers and employees.—The amendments to Section 8 of Article  
131 II and Section 13 of Article V, which establish certain  
132 prohibitions on the personal representation for compensation of  
133 another person or entity before specified governmental bodies by  
134 certain public officers and employees, and the creation of this  
135 section, shall take effect January 1, 2020.