

By the Committee on Ethics and Elections; and Commissioners
Gaetz and Kruppenbacher

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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 and
8 to specify minimum requirements for the Code of Ethics
9 as to the prohibition against abuse of public
10 position.

11
12 Be It Proposed by the Constitution Revision Commission of
13 Florida:

14
15 Section 8 of Article II of the State Constitution is
16 amended to read:

17 ARTICLE II

18 GENERAL PROVISIONS

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

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

26 (b) All elected public officers and candidates for such
27 offices shall file full and public disclosure of their campaign
28 finances.

29 (c) Any public officer or employee who breaches the public
30 trust for private gain and any person or entity inducing such
31 breach shall be liable to the state for all financial benefits

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32 obtained by such actions. The manner of recovery and additional
33 damages may be provided by law.

34 (d) Any public officer or employee who is convicted of a
35 felony involving a breach of public trust shall be subject to
36 forfeiture of rights and privileges under a public retirement
37 system or pension plan in such manner as may be provided by law.

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

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

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61 body or agency, other than judicial tribunals; or any political
62 subdivision of the state.

63 (3) A county officer pursuant to Article VIII or a county
64 charter, a school board member, a superintendent of schools, an
65 elected municipal officer, or an elected special district
66 officer in a special district with ad valorem taxing authority,
67 may not personally represent another person or entity for
68 compensation:

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

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

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

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

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

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

89 (2) The code of ethics shall, at a minimum, prohibit public

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90 officers or public employees from abusing their public position
91 to obtain a disproportionate benefit for themselves; or to
92 obtain a disproportionate benefit for their spouse, their
93 children, their employer, or any other business entity with whom
94 they do business or in which they own an interest. The Florida
95 Commission on Ethics shall define disproportionate benefit and
96 prescribe the requisite intent, if any, required for finding a
97 violation of such prohibition, and shall prescribe appropriate
98 financial penalties for violations of this paragraph.

99 (h) This section shall not be construed to limit
100 disclosures and prohibitions which may be established by law to
101 preserve the public trust and avoid conflicts between public
102 duties and private interests.

103 (i) ~~Schedule-~~On the effective date of this amendment and
104 until changed by law:

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

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

112 b. A sworn statement which identifies each separate source
113 and amount of income which exceeds \$1,000. The forms for such
114 source disclosure and the rules under which they are to be filed
115 shall be prescribed by the independent commission established in
116 subsection (f), and such rules shall include disclosure of
117 secondary sources of income.

118 (2) Persons holding statewide elective offices shall also

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119 file disclosure of their financial interests pursuant to
120 subsection (i)(1).

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

123

124 Section 13 of Article V of the State Constitution is
125 amended to read:

126 ARTICLE V

127 JUDICIARY

128 SECTION 13. Ethics in the judiciary ~~Prohibited activities.~~-
129 All justices and judges shall devote full time to their judicial
130 duties. A justice or judge may ~~They shall~~ not engage in the
131 practice of law or hold office in any political party. A justice
132 or judge may not personally represent another person for
133 compensation before the legislative, executive, or judicial
134 branches of state government, other than practicing law before a
135 judicial tribunal, for a period of six years following vacation
136 of office.

137

138 A new section is added to Article XII of the State
139 Constitution to read:

140 ARTICLE XII

141 SCHEDULE

142 Personal representation prohibitions for specified public
143 officers and employees.-The amendments to Section 8 of Article
144 II and Section 13 of Article V, which establish certain
145 prohibitions on the personal representation for compensation of
146 another person or entity before specified governmental bodies by
147 certain public officers and employees, and the creation of this

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section, shall take effect January 1, 2020.