



718958

CRC ACTION

Commissioner .
Comm: FAV .
04/05/2018 .
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. .

The Committee on Style and Drafting (Jordan) recommended the following:

CRC Amendment (with title amendment)

Delete everything after the proposal clause
and insert:

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

ARTICLE II

GENERAL PROVISIONS

SECTION 8. Ethics in government.—A public office is a
public trust. The people shall have the right to secure and



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11 sustain that trust against abuse. To assure this right:

12 (a) All elected constitutional officers and candidates for
13 such offices and, as may be determined by law, other public
14 officers, candidates, and employees shall file full and public
15 disclosure of their financial interests.

16 (b) All elected public officers and candidates for such
17 offices shall file full and public disclosure of their campaign
18 finances.

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

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

28 (e) (1) A ~~no~~ member of the legislature or a statewide
29 electd officer may not ~~shall~~ personally represent another
30 person or entity for compensation before the legislature or any
31 state government body or agency, other than judicial tribunals,
32 of which the individual was an officer or member for a period of
33 six ~~two~~ years following vacation of office. A ~~no~~ member of the
34 legislature or a statewide electd officer may not ~~shall~~
35 personally represent another person or entity for compensation
36 during term of office before any federal agency; the
37 legislature; any state government body or agency, other than
38 judicial tribunals; or any political subdivision of the state.

39 (2) A person who served as a secretary, executive director,



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40 or other agency head of a department of the executive branch of
41 state government, may not personally represent another person or
42 entity for compensation before the legislature, the governor,
43 the executive office of the governor, members of the cabinet, a
44 department that is headed by a member of the cabinet, or his or
45 her former department for a period of six years following
46 vacation of his or her position. A person who is serving as a
47 secretary, executive director, or other agency head of a
48 department of the executive branch of state government, may not
49 personally represent another person or entity for compensation
50 before any federal agency; the legislature; any state government
51 body or agency, other than judicial tribunals; or any political
52 subdivision of the state.

53 (3) A county officer pursuant to Article VIII or a county
54 charter, a school board member, a superintendent of schools, an
55 elected municipal officer, or an elected special district
56 officer in a special district with ad valorem taxing authority,
57 may not personally represent another person or entity for
58 compensation:

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

61 b. Before any federal agency; the legislature; any state
62 government body or agency, other than judicial tribunals; or any
63 political subdivision of the state during his or her term of
64 office.

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

68 (5) Similar restrictions on other public officers and



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69 employees may be established by law.

70 (f) There shall be an independent commission to conduct
71 investigations and make public reports on all complaints
72 concerning breach of public trust by public officers or
73 employees not within the jurisdiction of the judicial
74 qualifications commission.

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

78 (2) A public officer or public employee may not abuse his
79 or her public position in order to obtain a disproportionate
80 benefit for himself or herself; his or her spouse, children, or
81 employer; or for any business with which he or she contracts; in
82 which he or she is an officer, a partner, a director, or a
83 proprietor; or in which he or she owns an interest. The Florida
84 Commission on Ethics shall, by rule in accordance with statutory
85 procedures governing administrative rulemaking, define the term
86 "disproportionate benefit" and prescribe the requisite intent
87 for finding a violation of this prohibition for purposes of
88 enforcing this paragraph. Appropriate penalties shall be
89 prescribed by law.

90 (h) This section shall not be construed to limit
91 disclosures and prohibitions which may be established by law to
92 preserve the public trust and avoid conflicts between public
93 duties and private interests.

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

96 (1) Full and public disclosure of financial interests shall
97 mean filing with the custodian of state records by July 1 of



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98 each year a sworn statement showing net worth and identifying
99 each asset and liability in excess of \$1,000 and its value
100 together with one of the following:

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

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

109 (2) Persons holding statewide elective offices shall also
110 file disclosure of their financial interests pursuant to
111 paragraph (1) subsection (i)(1).

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

114

115 Section 13 of Article V of the State Constitution is
116 amended to read:

117 ARTICLE V

118 JUDICIARY

119 SECTION 13. Ethics in the judiciary ~~Prohibited activities.~~

120 All justices and judges shall devote full time to their judicial
121 duties. A justice or judge may ~~They shall~~ not engage in the
122 practice of law or hold office in any political party. For a
123 period of six years following vacation of office, a justice or
124 judge may not personally represent another person or entity for
125 compensation before the legislative or executive branches of
126 state government, other than practicing law before a judicial



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127 tribunal or in administrative quasi-judicial proceedings, as
128 those terms are defined by general law.

129

130 A new section is added to Article XII of the State
131 Constitution to read:

132

ARTICLE XII

133

SCHEDULE

134 Prohibitions regarding personal representation for
135 compensation and abuse of public position by public officers and
136 public employees.—The amendments to Section 8 of Article II and
137 Section 13 of Article V shall take effect December 31, 2020;
138 except that the Florida Commission on Ethics shall, by rule,
139 define the term “disproportionate benefit” and prescribe the
140 requisite intent for finding a violation of the prohibition
141 against abuse of public position by October 1, 2019, as
142 specified in Section 8(g) of Article II.

143

144 BE IT FURTHER PROPOSED that the following statement be placed on
145 the ballot:

146

147 LOBBYING AND ABUSE OF OFFICE BY PUBLIC OFFICERS.—Expands
148 current restrictions on lobbying for compensation by former
149 public officers; creates restrictions on lobbying for
150 compensation by currently serving public officers; provides
151 exceptions; prohibits certain abuses of public office for
152 personal benefit.

153

154 ===== T I T L E A M E N D M E N T =====

155 And the title is amended as follows:



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156 Delete everything before the proposal clause
157 and insert:

158 REVISION 7

159
160 A proposal to amend Section 8 of Article II and
161 Section 13 of Article V and create a new section in
162 Article XII of the State Constitution to establish
163 certain restrictions for specified public officers and
164 employees regarding the personal representation for
165 compensation of another person or entity before
166 certain government bodies.