

By the Committee on Style and Drafting

350-00437-17

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REVISION 7

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

Be It Proposed by the Constitution Revision Commission of Florida:

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 sustain that trust against abuse. To assure this right:

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

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

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

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

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
61 body or agency, other than judicial tribunals; or any political

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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 may not be construed to prohibit a
76 public officer or public employee from carrying out the duties
77 of his or her public office.

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

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

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

88 (2) A public officer or public employee may not abuse his
89 or her public position in order to obtain a disproportionate
90 benefit for himself or herself; his or her spouse, children, or

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91 employer; or for any business with which he or she contracts; in
92 which he or she is an officer, a partner, a director, or a
93 proprietor; or in which he or she owns an interest. The Florida
94 Commission on Ethics shall, by rule in accordance with statutory
95 procedures governing administrative rulemaking, define the term
96 "disproportionate benefit" and prescribe the requisite intent
97 for finding a violation of this prohibition for purposes of
98 enforcing this paragraph. Appropriate penalties shall be
99 prescribed by law.

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

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

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

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

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

119 (2) Persons holding statewide elective offices shall also

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

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

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

ARTICLE V

JUDICIARY

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

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

ARTICLE XII

SCHEDULE

144 Prohibitions regarding personal representation for
 145 compensation and abuse of public position by public officers and
 146 public employees.-The amendments to Section 8 of Article II and
 147 Section 13 of Article V shall take effect December 31, 2020;
 148 except that the Florida Commission on Ethics shall, by rule,

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149 define the term "disproportionate benefit" and prescribe the
150 requisite intent for finding a violation of the prohibition
151 against abuse of public position by October 1, 2019, as
152 specified in Section 8(g) of Article II.

153
154 BE IT FURTHER PROPOSED that the following statement be placed on
155 the ballot:

156
157 CONSTITUTIONAL AMENDMENT

158 ARTICLE II, SECTION 8

159 ARTICLE V, SECTION 13

160 ARTICLE XII, NEW SECTION

161 LOBBYING AND ABUSE OF OFFICE BY PUBLIC OFFICERS.—Expands
162 current restrictions on lobbying for compensation by former
163 public officers; creates restrictions on lobbying for
164 compensation by serving public officers; provides exceptions;
165 prohibits certain abuses of public office for personal benefit.