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REVISION 7

A proposal to revise the State Constitution by the Constitution
Revision Commission of Florida.

A proposed revision relating to ethics in government;
amending Section 8 of Article II and Section 13 of
Article V of the State Constitution, and creating a
new section in Article XII of the State Constitution,
to establish certain restrictions for specified public
officers and the judiciary regarding lobbying for
compensation of another person or entity before
certain government bodies and to prohibit the abuse of
a public position by public officers and employees.

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.

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

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

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

42 (e) No member of the legislature or statewide elected
43 officer shall personally represent another person or entity for
44 compensation before the government body or agency of which the
45 individual was an officer or member for a period of two years
46 following vacation of office. No member of the legislature shall
47 personally represent another person or entity for compensation
48 during term of office before any state agency other than
49 judicial tribunals. Similar restrictions on other public
50 officers and employees may be established by law.

51 (f) (1) For purposes of this subsection, the term "public
52 officer" means a statewide elected officer, a member of the
53 legislature, a county commissioner, a county officer pursuant to
54 Article VIII or county charter, a school board member, a
55 superintendent of schools, an elected municipal officer, an
56 elected special district officer in a special district with ad
57 valorem taxing authority, or a person serving as a secretary, an
58 executive director, or other agency head of a department of the

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59 executive branch of state government.

60 (2) A public officer shall not lobby for compensation on
61 issues of policy, appropriations, or procurement before the
62 federal government, the legislature, any state government body
63 or agency, or any political subdivision of this state, during
64 his or her term of office.

65 (3) A public officer shall not lobby for compensation on
66 issues of policy, appropriations, or procurement for a period of
67 six years after vacation of public position, as follows:

68 a. A statewide elected officer or member of the legislature
69 shall not lobby the legislature or any state government body or
70 agency.

71 b. A person serving as a secretary, an executive director,
72 or other agency head of a department of the executive branch of
73 state government shall not lobby the legislature, the governor,
74 the executive office of the governor, members of the cabinet, a
75 department that is headed by a member of the cabinet, or his or
76 her former department.

77 c. A county commissioner, a county officer pursuant to
78 Article VIII or county charter, a school board member, a
79 superintendent of schools, an elected municipal officer, or an
80 elected special district officer in a special district with ad
81 valorem taxing authority shall not lobby his or her former
82 agency or governing body.

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

86 (5) The legislature may enact legislation to implement this
87 subsection, including, but not limited to, defining terms and

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88 providing penalties for violations. Any such law shall not
89 contain provisions on any other subject.

90 (g)~~(f)~~ There shall be an independent commission to conduct
91 investigations and make public reports on all complaints
92 concerning breach of public trust by public officers or
93 employees not within the jurisdiction of the judicial
94 qualifications commission.

95 (h) (1)~~(g)~~ A code of ethics for all state employees and
96 nonjudicial officers prohibiting conflict between public duty
97 and private interests shall be prescribed by law.

98 (2) A public officer or public employee shall not abuse his
99 or her public position in order to obtain a disproportionate
100 benefit for himself or herself; his or her spouse, children, or
101 employer; or for any business with which he or she contracts; in
102 which he or she is an officer, a partner, a director, or a
103 proprietor; or in which he or she owns an interest. The Florida
104 Commission on Ethics shall, by rule in accordance with statutory
105 procedures governing administrative rulemaking, define the term
106 "disproportionate benefit" and prescribe the requisite intent
107 for finding a violation of this prohibition for purposes of
108 enforcing this paragraph. Appropriate penalties shall be
109 prescribed by law.

110 (i)~~(h)~~ This section shall not be construed to limit
111 disclosures and prohibitions which may be established by law to
112 preserve the public trust and avoid conflicts between public
113 duties and private interests.

114 (j)~~(i)~~ Schedule—On the effective date of this amendment and
115 until changed by law:

116 (1) Full and public disclosure of financial interests shall

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117 mean filing with the custodian of state records by July 1 of
118 each year a sworn statement showing net worth and identifying
119 each asset and liability in excess of \$1,000 and its value
120 together with one of the following:

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

123 b. A sworn statement which identifies each separate source
124 and amount of income which exceeds \$1,000. The forms for such
125 source disclosure and the rules under which they are to be filed
126 shall be prescribed by the independent commission established in
127 subsection (g) ~~(f)~~, and such rules shall include disclosure of
128 secondary sources of income.

129 (2) Persons holding statewide elective offices shall also
130 file disclosure of their financial interests pursuant to
131 paragraph (1) ~~subsection (i)(1)~~.

132 (3) The independent commission provided for in subsection
133 (g) ~~(f)~~ shall mean the Florida Commission on Ethics.

134
135 Section 13 of Article V of the State Constitution is
136 amended to read:

137 ARTICLE V

138 JUDICIARY

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

140 (a) All justices and judges shall devote full time to their
141 judicial duties. A justice or judge ~~They~~ shall not engage in the
142 practice of law or hold office in any political party.

143 (b) A former justice or former judge shall not lobby for
144 compensation on issues of policy, appropriations, or procurement
145 before the legislative or executive branches of state government

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146 for a period of six years after he or she vacates his or her
147 judicial position. The legislature may enact legislation to
148 implement this subsection, including, but not limited to,
149 defining terms and providing penalties for violations. Any such
150 law shall not contain provisions on any other subject.

151
152 A new section is added to Article XII of the State
153 Constitution to read:

154 ARTICLE XII

155 SCHEDULE

156 Prohibitions regarding lobbying for compensation and abuse
157 of public position by public officers and public employees.—The
158 amendments to Section 8 of Article II and Section 13 of Article
159 V shall take effect December 31, 2022; except that the
160 amendments to Section 8(h) of Article II shall take effect
161 December 31, 2020, and:

162 (a) The Florida Commission on Ethics shall, by rule, define
163 the term “disproportionate benefit” and prescribe the requisite
164 intent for finding a violation of the prohibition against abuse
165 of public position by October 1, 2019, as specified in Section
166 8(h) of Article II.

167 (b) Following the adoption of rules pursuant to subsection
168 (a), the legislature shall enact implementing legislation
169 establishing penalties for violations of the prohibition against
170 abuse of public position to take effect December 31, 2020.

171
172 BE IT FURTHER PROPOSED that the following statement be placed on
173 the ballot:

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175 CONSTITUTIONAL AMENDMENT
176 ARTICLE II, SECTION 8
177 ARTICLE V, SECTION 13
178 ARTICLE XII, NEW SECTION
179 LOBBYING AND ABUSE OF OFFICE BY PUBLIC OFFICERS.—Expands
180 current restrictions on lobbying for compensation by former
181 public officers; creates restrictions on lobbying for
182 compensation by serving public officers and former justices and
183 judges; provides exceptions; prohibits abuse of a public
184 position by public officers and employees to obtain a personal
185 benefit.