

By Commissioner Mills

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A proposal to revise
ARTICLE II, s. 8, Fla. Const.; authorizing the
Florida Commission on Ethics to investigate, on
its own initiative or at the request of any
person, complaints concerning breach of public
trust by certain public officers and employees.

It is proposed by the Florida Constitution Revision Commission
that:

Section 1. Section 8 of Article II of the Florida
Constitution is revised by amending that section 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 damages may be provided by law.

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

1 to forfeiture of rights and privileges under a public
2 retirement system or pension plan in such manner as may be
3 provided by law.

4 (e) No member of the legislature or statewide elected
5 officer shall personally represent another person or entity
6 for compensation before the government body or agency of which
7 the individual was an officer or member for a period of two
8 years following vacation of office. No member of the
9 legislature shall personally represent another person or
10 entity for compensation during term of office before any state
11 agency other than judicial tribunals. Similar restrictions on
12 other public officers and employees may be established by law.

13 (f) There shall be an independent commission to
14 conduct investigations and make public reports on all
15 complaints concerning breach of public trust by public
16 officers or employees not within the jurisdiction of the
17 judicial qualifications commission. Such investigations and
18 reports may be made by the commission on its own initiative or
19 at the request of any person.

20 (g) This section shall not be construed to limit
21 disclosures and prohibitions which may be established by law
22 to preserve the public trust and avoid conflicts between
23 public duties and private interests.

24 (h) Schedule--On the effective date of this amendment
25 and until changed by law:

26 (1) Full and public disclosure of financial interests
27 shall mean filing with the secretary of state by July 1 of
28 each year a sworn statement showing net worth and identifying
29 each asset and liability in excess of \$1,000 and its value
30 together with one of the following:

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

3 b. A sworn statement which identifies each separate
4 source and amount of income which exceeds \$1,000. The forms
5 for such source disclosure and the rules under which they are
6 to be filed shall be prescribed by the independent commission
7 established in subsection (f), and such rules shall include
8 disclosure of secondary sources of income.

9 (2) Persons holding statewide elective offices shall
10 also file disclosure of their financial interests pursuant to
11 subsection (h)(1).

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

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