

By Commissioner Freidin

1                                   A proposal to revise  
 2           ARTICLE II, s. 8, Fla. Const., relating to  
 3           ethics in government; including in that section  
 4           the requirement set out in ARTICLE III, s. 18,  
 5           Fla. Const., which requires creation of a code  
 6           of ethics; repealing ARTICLE III, s. 18, Fla.  
 7           Const., as a distinct section.

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 9   It is proposed by the Florida Constitution Revision Commission  
 10 that:

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 12           Section 1. Section 8 of Article II of the Florida  
 13 Constitution is revised by amending that section to read:

14                                   ARTICLE II

15                                   GENERAL PROVISIONS

16           SECTION 8. Ethics in government.--A public office is a  
 17 public trust. The people shall have the right to secure and  
 18 sustain that trust against abuse. To assure this right:

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

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

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

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

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

15 (f) There shall be an independent commission to  
16 conduct investigations and make public reports on all  
17 complaints concerning breach of public trust by public  
18 officers or employees not within the jurisdiction of the  
19 judicial qualifications commission.

20 (g) A code of ethics for all state employees and  
21 nonjudicial officers prohibiting conflict between public duty  
22 and private interests shall be prescribed by law.

23 (h)~~(g)~~ This section shall not be construed to limit  
24 disclosures and prohibitions which may be established by law  
25 to preserve the public trust and avoid conflicts between  
26 public duties and private interests.

27 (i)~~(h)~~ Schedule--On the effective date of this  
28 amendment and until changed by law:

29 (1) Full and public disclosure of financial interests  
30 shall mean filing with the secretary of state by July 1 of  
31 each year a sworn statement showing net worth and identifying

1 each asset and liability in excess of \$1,000 and its value  
2 together with one of the following:

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

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

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

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

16 Section 2. Section 18 of Article III of the Florida  
17 Constitution is repealed.

18 ARTICLE III

19 LEGISLATURE

20 ~~SECTION 18. Conflict of interest.--A code of ethics~~  
21 ~~for all state employees and nonjudicial officers prohibiting~~  
22 ~~conflict between public duty and private interests shall be~~  
23 ~~prescribed by law.~~