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CRC ACTION

Commissioner .
Comm: WD .
02/02/2018 .
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The Committee on Ethics and Elections (Gaetz and Kruppenbacher) 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 does not prohibit any public officer or
66 public employee from representing his or her agency before any
67 other governmental entities in the normal course of his or her
68 duties.



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

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

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

79 (2) The code of ethics shall, at a minimum, prohibit public
80 officers or public employees from abusing their public position
81 to obtain a disproportionate benefit for themselves; or to
82 obtain a disproportionate benefit for their spouse, their
83 children, their employer, or any other business entity with whom
84 they do business or in which they own an interest. The Florida
85 Commission on Ethics shall define disproportionate benefit and
86 prescribe the requisite intent, if any, required for finding a
87 violation of such prohibition, and shall prescribe appropriate
88 financial penalties for violations of this paragraph.

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

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

95 (1) Full and public disclosure of financial interests shall
96 mean filing with the custodian of state records by July 1 of
97 each year a sworn statement showing net worth and identifying



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

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

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

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

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

113

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

116

ARTICLE V

117

JUDICIARY

118 SECTION 13. Ethics in the judiciary ~~Prohibited activities.~~-

119 All justices and judges shall devote full time to their judicial
120 duties. A justice or judge may ~~They shall~~ not engage in the

121 practice of law or hold office in any political party. A justice
122 or judge may not personally represent another person for

123 compensation before the legislative, executive, or judicial

124 branches of state government, other than practicing law before a

125 judicial tribunal, for a period of six years following vacation

126 of office.



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

ARTICLE XII

SCHEDULE

Personal representation prohibitions for specified public
officers and employees.—The amendments to Section 8 of Article
II and Section 13 of Article V, which establish certain
prohibitions on the personal representation for compensation of
another person or entity before specified governmental bodies by
certain public officers and employees, and the creation of this
section, shall take effect January 1, 2020.

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

And the title is amended as follows:

Delete everything before the proposal clause
and insert:

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 and
to specify minimum requirements for the Code of Ethics
as to the prohibition against abuse of public
position.