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CRC ACTION

Commissioner .  
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Floor: 2/AD .  
03/19/2018 04:50 PM .  
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Commissioners Gaetz, Schifino, and Kruppenbacher moved the following:

**CRC Substitute for Amendment (833998)**

Delete lines 75 - 148  
and insert:

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

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

(f) There shall be an independent commission to conduct



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11 investigations and make public reports on all complaints  
12 concerning breach of public trust by public officers or  
13 employees not within the jurisdiction of the judicial  
14 qualifications commission.

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

18 (2) A public officer or public employee may not abuse his  
19 or her public position in order to obtain a disproportionate  
20 benefit for himself or herself; his or her spouse, children, or  
21 employer; or for any business with which he or she contracts; in  
22 which he or she is an officer, a partner, a director, or a  
23 proprietor; or in which he or she owns an interest. The Florida  
24 Commission on Ethics shall, by rule in accordance with statutory  
25 procedures governing administrative rulemaking, define the term  
26 "disproportionate benefit" and prescribe the requisite intent  
27 for finding a violation of this prohibition for purposes of  
28 enforcing this paragraph. Appropriate penalties shall be  
29 prescribed by law.

30 (h) This section shall not be construed to limit  
31 disclosures and prohibitions which may be established by law to  
32 preserve the public trust and avoid conflicts between public  
33 duties and private interests.

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

36 (1) Full and public disclosure of financial interests shall  
37 mean filing with the custodian of state records by July 1 of  
38 each year a sworn statement showing net worth and identifying  
39 each asset and liability in excess of \$1,000 and its value



40 together with one of the following:

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

43 b. A sworn statement which identifies each separate source  
44 and amount of income which exceeds \$1,000. The forms for such  
45 source disclosure and the rules under which they are to be filed  
46 shall be prescribed by the independent commission established in  
47 subsection (f), and such rules shall include disclosure of  
48 secondary sources of income.

49 (2) Persons holding statewide elective offices shall also  
50 file disclosure of their financial interests pursuant to  
51 subsection (i) (1).

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

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55 Section 13 of Article V of the State Constitution is  
56 amended to read:

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ARTICLE V

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JUDICIARY

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

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All justices and judges shall devote full time to their judicial

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duties. A justice or judge may ~~They shall~~ not engage in the

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practice of law or hold office in any political party. A justice

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or judge may not personally represent another person or entity

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for compensation before the legislative, executive, or judicial

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branches of state government, other than practicing law before a

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judicial tribunal or in an administrative quasi-judicial

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proceeding, for a period of six years following vacation of

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office.



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

ARTICLE XII  
SCHEDULE

Prohibitions regarding personal representation for  
compensation and abuse of public position by public officers and  
public employees.—The amendments to Section 8 of Article II and  
Section 13 of Article V shall take effect December 31, 2020;  
except that the Florida Commission on Ethics shall, by rule,  
define the term “disproportionate benefit” and prescribe the  
requisite intent for finding a violation of the prohibition  
against abuse of public position by October 1, 2019, as  
specified in Section 8(g) of Article II.