

By Commissioner Newsome

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1 A proposal to amend
2 Section 8 of Article II of the State Constitution to
3 prohibit elected public officers, candidates for
4 elected public office, and the immediate family
5 members thereof, from self-dealing and participating
6 in certain financial transactions with governmental
7 entities, the officer's or candidate's campaign, or
8 certain political organizations under specified
9 circumstances.

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11 Be It Proposed by the Constitution Revision Commission of
12 Florida:

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14 Section 8 of Article II of the State Constitution is
15 amended to read:

16 ARTICLE II

17 GENERAL PROVISIONS

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

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

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

28 (c) Elected public officers and candidates for public
29 office, and the immediate family members of such officers and
30 candidates, may not engage directly or indirectly in any
31 commercial or financial transactions with such officer's or
32 candidate's campaign or any political organization for which the

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33 officer or candidate has solicited contributions. This
34 subsection does not apply to contributions and loans to the
35 officer's or candidate's campaign, and reimbursements of
36 itemized expenditures paid to third parties, if disclosed in
37 accordance with applicable campaign finance laws. Definitions,
38 exceptions, and penalties for violations may be prescribed by
39 law. Unless other penalties are prescribed, any violation must
40 be investigated and punished as a violation of the code of
41 ethics for public officers and employees.

42 (d) Elected public officers and candidates for public
43 office, and the immediate family members of such officers and
44 candidates, may not agree to or engage in any commercial or
45 financial transaction with a public entity including the state,
46 a political subdivision of the state, or any entity established,
47 directed, managed, or operated by the state or a political
48 subdivision, unless such transaction is fully disclosed ten days
49 before any offer or acceptance by the public entity and no
50 condition of confidentiality is imposed. Any agreement in
51 violation of this subsection is void. This subsection does not
52 apply to the sale of goods and services offered to the public on
53 a non-exclusive basis. Definitions, exceptions, additional
54 restrictions, and penalties for violations may be prescribed by
55 law.

56 (e) ~~(e)~~ Any public officer or employee who breaches the
57 public trust for private gain and any person or entity inducing
58 such breach shall be liable to the state for all financial
59 benefits obtained by such actions. The manner of recovery and
60 additional damages may be provided by law.

61 (f) ~~(d)~~ Any public officer or employee who is convicted of a

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62 felony involving a breach of public trust shall be subject to
63 forfeiture of rights and privileges under a public retirement
64 system or pension plan in such manner as may be provided by law.

65 (g)~~(e)~~ No member of the legislature or statewide elected
66 officer shall personally represent another person or entity for
67 compensation before the government body or agency of which the
68 individual was an officer or member for a period of two years
69 following vacation of office. No member of the legislature shall
70 personally represent another person or entity for compensation
71 during term of office before any state agency other than
72 judicial tribunals. Similar restrictions on other public
73 officers and employees may be established by law.

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

79 (i)~~(g)~~ A code of ethics for all state employees and
80 nonjudicial officers prohibiting conflict between public duty
81 and private interests shall be prescribed by law.

82 (l)~~(h)~~ This section shall not be construed to limit
83 disclosures and prohibitions which may be established by law to
84 preserve the public trust and avoid conflicts between public
85 duties and private interests.

86 (m)~~(i)~~ Schedule—On the effective date of this amendment and
87 until changed by law:

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

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

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

95 b. A sworn statement which identifies each separate source
96 and amount of income which exceeds \$1,000. The forms for such
97 source disclosure and the rules under which they are to be filed
98 shall be prescribed by the independent commission established in
99 subsection (h)~~(f)~~, and such rules shall include disclosure of
100 secondary sources of income.

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

104 (3) The independent commission provided for in subsection
105 (h)~~(f)~~ shall mean the Florida Commission on Ethics.