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CRC ACTION

Commissioner

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Floor: 1/RS

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04/16/2018 04:32 PM

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Commissioners Gaetz, Plymale, Carlton, Heuchan, and Newsome moved the following:

**CRC Amendment (with title amendment)**

Delete everything after the enacting 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



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) No member of the legislature or statewide elected  
29 officer shall personally represent another person or entity for  
30 compensation before the government body or agency of which the  
31 individual was an officer or member for a period of two years  
32 following vacation of office. No member of the legislature shall  
33 personally represent another person or entity for compensation  
34 during term of office before any state agency other than  
35 judicial tribunals. Similar restrictions on other public  
36 officers and employees may be established by law.

37 (f) (1) For purposes of this subsection, the term "public  
38 officer" means a statewide elected officer, a member of the  
39 legislature, a county commissioner, a county officer pursuant to



40 Article VIII or county charter, a school board member, a  
41 superintendent of schools, an elected municipal officer, an  
42 elected special district officer in a special district with ad  
43 valorem taxing authority, or a person serving as a secretary, an  
44 executive director, or other agency head of a department of the  
45 executive branch of state government.

46 (2) A public officer shall not lobby for compensation on  
47 issues of policy, appropriations, or procurement before the  
48 federal government, the legislature, any state government body  
49 or agency, or any political subdivision of this state, during  
50 his or her term of office.

51 (3) A public officer shall not lobby for compensation on  
52 issues of policy, appropriations, or procurement for a period of  
53 six years after vacation of public position, as follows:

54 a. A statewide elected officer or member of the legislature  
55 may not lobby the legislature or any state government body or  
56 agency.

57 b. A person serving as a secretary, an executive director,  
58 or other agency head of a department of the executive branch of  
59 state government may not lobby the legislature, the governor,  
60 the executive office of the governor, members of the cabinet, a  
61 department that is headed by a member of the cabinet, or his or  
62 her former department.

63 c. A county commissioner, a county officer pursuant to  
64 Article VIII or county charter, a school board member, a  
65 superintendent of schools, an elected municipal officer, or an  
66 elected special district officer in a special district with ad  
67 valorem taxing authority may not lobby his or her former agency  
68 or governing body.



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

72           (5) Any law implementing this subsection, defining terms  
73 for purposes of this subsection, or providing penalties for  
74 violations thereof, may not contain provisions on any other  
75 subject.

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

81           (h) (1) ~~(g)~~ A code of ethics for all state employees and  
82 nonjudicial officers prohibiting conflict between public duty  
83 and private interests shall be prescribed by law.

84           (2) A public officer or public employee shall not abuse his  
85 or her public position in order to obtain a disproportionate  
86 benefit for himself or herself; his or her spouse, children, or  
87 employer; or for any business with which he or she contracts; in  
88 which he or she is an officer, a partner, a director, or a  
89 proprietor; or in which he or she owns an interest. The Florida  
90 Commission on Ethics shall, by rule in accordance with statutory  
91 procedures governing administrative rulemaking, define the term  
92 "disproportionate benefit" and prescribe the requisite intent  
93 for finding a violation of this prohibition for purposes of  
94 enforcing this paragraph. Appropriate penalties shall be  
95 prescribed by law.

96           (i) ~~(h)~~ This section shall not be construed to limit  
97 disclosures and prohibitions which may be established by law to



98 preserve the public trust and avoid conflicts between public  
99 duties and private interests.

100 (j)~~(i)~~ Schedule—On the effective date of this amendment and  
101 until changed by law:

102 (1) Full and public disclosure of financial interests shall  
103 mean filing with the custodian of state records by July 1 of  
104 each year a sworn statement showing net worth and identifying  
105 each asset and liability in excess of \$1,000 and its value  
106 together with one of the following:

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

109 b. A sworn statement which identifies each separate source  
110 and amount of income which exceeds \$1,000. The forms for such  
111 source disclosure and the rules under which they are to be filed  
112 shall be prescribed by the independent commission established in  
113 subsection (g) ~~(f)~~, and such rules shall include disclosure of  
114 secondary sources of income.

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

118 (3) The independent commission provided for in subsection  
119 (g) ~~(f)~~ shall mean the Florida Commission on Ethics.

120

121 Section 13 of Article V of the State Constitution is  
122 amended to read:

123

ARTICLE V

124

JUDICIARY

125

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

126

(a) All justices and judges shall devote full time to their



127 judicial duties. A justice or judge ~~They~~ shall not engage in the  
128 practice of law or hold office in any political party.

129 (b) A former justice or former judge shall not lobby for  
130 compensation on issues of policy, appropriations, or procurement  
131 before the legislative or executive branches of state government  
132 for a period of six years after he or she vacates his or her  
133 judicial position. Any law implementing this subsection,  
134 defining terms for purposes of this subsection, or providing  
135 penalties for violations thereof, may not contain provisions on  
136 any other subject.

137  
138 A new section is added to Article XII of the State  
139 Constitution to read:

140 ARTICLE XII

141 SCHEDULE

142 Prohibitions regarding lobbying for compensation and abuse  
143 of public position by public officers and public employees.—The  
144 amendments to Section 8 of Article II and Section 13 of Article  
145 V shall take effect December 31, 2020; except that:

146 (a) The Florida Commission on Ethics shall, by rule, define  
147 the term "disproportionate benefit" and prescribe the requisite  
148 intent for finding a violation of the prohibition against abuse  
149 of public position by October 1, 2019, as specified in Section  
150 8(g) of Article II.

151 (b) Following the adoption of rules pursuant to subsection  
152 (a) but no later than December 31, 2020, the legislature shall  
153 enact implementing legislation establishing penalties for  
154 violations of the prohibition against abuse of public position.



156 BE IT FURTHER PROPOSED that the following statement be placed on  
157 the ballot:

158

159 CONSTITUTIONAL AMENDMENT

160 ARTICLE II, SECTION 8

161 ARTICLE V, SECTION 13

162 ARTICLE XII, NEW SECTION

163 LOBBYING AND ABUSE OF OFFICE BY PUBLIC OFFICERS.—Expands  
164 current restrictions on lobbying for compensation by former  
165 public officers; creates restrictions on lobbying for  
166 compensation by currently serving public officers; provides  
167 exceptions; prohibits certain abuses of public office for  
168 personal benefit.

169

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

171 And the title is amended as follows:

172 Delete everything before the enacting clause  
173 and insert:

174

REVISION 7

175

176 A proposal to amend Section 8 of Article II and  
177 Section 13 of Article V and create a new section in  
178 Article XII of the State Constitution to establish  
179 certain restrictions for specified public officers and  
180 employees regarding lobbying for compensation of  
181 another person or entity before certain government  
182 bodies and abuse of office.