



450874

CRC ACTION

Commissioner

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Commissioner Stemberger moved 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
sustain that trust against abuse. To assure this right:



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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 elected officer ~~may not shall~~ personally represent another
30 person or entity for compensation before the government body or
31 agency of which the individual was an officer or member for a
32 period of ~~six two~~ years following vacation of office. A ~~no~~
33 member of the legislature or a statewide elected officer may not
34 ~~shall~~ personally represent another person or entity for
35 compensation during term of office before any federal agency;
36 the legislature; any state government body or agency, other than
37 judicial tribunals; or any political subdivision of the state,
38 other than an administrative action subject to judicial review.

39 (2) A person who served as a secretary, executive director,
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 may not be construed to prohibit a
66 public officer or public employee from carrying out the duties
67 of his or her public office.

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



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

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

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

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

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

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



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

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

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

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

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

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

117 ARTICLE V

118 JUDICIARY

119 SECTION 13. Ethics in the judiciary ~~Prohibited activities.~~
120 All justices and judges shall devote full time to their judicial
121 duties. A justice or judge may ~~They shall~~ not engage in the
122 practice of law or hold office in any political party. For a
123 period of six years following vacation of office, a justice or
124 judge may not personally represent another person or entity for
125 compensation before the legislative or executive branches of
126 state government, other than practicing law before a judicial
127 tribunal or in administrative quasi-judicial proceedings, as



128 those terms are defined by general law.

129

130 A new section is added to Article X of the State
131 Constitution to read:

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ARTICLE X

133

MISCELLANEOUS

134 Naming of governmental programs and government-owned
135 buildings and other facilities.-

136 (a) The state, a local government, or any other political
137 subdivision of the state may not name a building, a facility, a
138 tract of land owned by the governmental entity, or a program
139 administered by the governmental entity, after an elected state
140 or local official if such official is a sitting member of the
141 legislative body voting on the name of the project.

142 (b) A law or an ordinance which names a building, a
143 facility, a tract of land, or a program after a former elected
144 state or local official may not contain provisions on any other
145 subject.

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

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ARTICLE XII

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SCHEDULE

151 Prohibitions regarding lobbying for compensation and abuse
152 of public position by public officers and public employees.-The
153 amendments to Section 8 of Article II and Section 13 of Article
154 V shall take effect December 31, 2020; except that the Florida
155 Commission on Ethics shall, by rule, define the term
156 "disproportionate benefit" and prescribe the requisite intent



157 for finding a violation of the prohibition against abuse of
158 public position by October 1, 2019, as specified in Section 8(g)
159 of Article II.

160
161 BE IT FURTHER PROPOSED that the following statement be placed on
162 the ballot:

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164 CONSTITUTIONAL AMENDMENT
165 ARTICLE II, SECTION 8
166 ARTICLE V, SECTION 13
167 ARTICLE X, NEW SECTION
168 ARTICLE XII, NEW SECTION

169 LOBBYING AND ABUSE OF OFFICE BY PUBLIC OFFICERS;
170 RESTRICTIONS ON NAMING GOVERNMENT PROPERTY AND PROGRAMS.—The
171 amendment expands current restrictions on lobbying for
172 compensation by former public officers; creates restrictions on
173 lobbying for compensation by serving public officers; provides
174 exceptions; and prohibits certain abuses of public office for
175 personal benefit. The amendment also prohibits a state or local
176 legislative body from naming governmental programs and
177 government property for a sitting member of such body; and
178 prohibits a naming law or ordinance from containing provisions
179 on any other subject.

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

182 And the title is amended as follows:

183 Delete everything before the proposal clause
184 and insert:

185 REVISION 11



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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 lobbying for compensation of another person or entity before certain government bodies and the abuse of public position and to create a new section in Article X of the State Constitution to prohibit a state or local legislative body from naming public facilities, land, or programs after a sitting member of such body and provide that a naming law or ordinance may not contain provisions on any other subject.