

CONSTITUTIONAL AMENDMENT PETITION FORM

Note: All information on this form, including your signature, becomes a public record upon receipt by the Supervisor of Elections. Under Florida law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes, to knowingly sign more than one petition for a candidate, a minor political party, or an issue. [Section 104.185, Florida Statutes] If all requested information on this form is not completed, the form will not be valid.

Your name: _____
Please Print Name as it appears on your Voter Information Card

Your residential street address:

City _____ **Zip** _____ **County** _____

Voter Registration Number _____ **or Date of Birth** _____

I am a registered voter of Florida and hereby petition the Secretary of State to place the following proposed amendment to the Florida Constitution on the ballot in the general election:

BALLOT TITLE: *FLORIDA CITIZENS ENSURING ACCOUNTABILITY, DUTY AND INTEGRITY IN GOVERNMENT THROUGH FLORIDA COMMISSION ON ETHICS.*

BALLOT SUMMARY: *Legislature is authorized to exercise power over all branches of state government, subject to the Florida commission on ethics which is given authority to investigate, prosecute and penalize all state and local government officers, including judges, and their employees according to rules of the commission or law, for all acts of misfeasance, malfeasance or nonfeasance, any common, constitutional, or statutory law violations or deprivations while performing their powers or duties in office or during employment.*

ARTICLE AND SECTION BEING CREATED OR AMENDED:

An amendment to sections 3 and 8 of article II, section 12 of article V of the State Constitution.

FULL TEXT OF THE PROPOSED CONSTITUTIONAL AMENDMENT:

ARTICLE II- GENERAL PROVISIONS

SECTION 3. Branches of government.--The powers of the state government shall be divided into legislative, executive and judicial branches. No person belonging to one branch shall exercise any powers appertaining to either of the other branches unless expressly provided herein. The legislative branch may in its discretion exercise absolute power over all branches of state government in all disputes or matters by enactments as venue of last resort, which all such exercise by enactments introduced by the members involved shall be subject to the Florida commission on ethics for violations under section 8 of this article or other constitutional body expressly provided for in this constitution.

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:

- (a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.
- (b) All elected public officers and candidates for such offices shall file full and public disclosure of their campaign finances.
- (c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law or rules and procedures of the independent commission.
- (d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan ~~in such manner as may be provided by law.~~ Matters which are also criminal in nature brought before the independent commission shall be referred to the Department of Law Enforcement or the governor for proper prosecution.
- (e) No member of the legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of two years following vacation of office. No member of the legislature shall personally represent another person or entity for compensation during term of office before any state agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.
- (f) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees according to the rules and procedures adopted by the independent commission not within the jurisdiction of the judicial qualifications commission. For judicial officers all Rules, procedures, and processes utilized by the former judicial qualifications commission may be used by the independent commission not in conflict with this section and section 12 article V of this constitution.
- (g) A code of ethics for all state, county and municipal employees, judicial, executive, and nonjudicial legislative, county and municipal officers prohibiting conflict between public duty ~~and~~ private interests shall be prescribed by law or rules and procedures of the independent commission. For judicial officers, including, but not limited to, the code of judicial conduct, as may be amended and opinions thereon utilized by the former judicial qualifications commission shall be used by the independent commission not in conflict with this section and section 12 article V of this constitution.
- (h) ~~This section shall not be construed to limit disclosures and prohibitions which may be established by law to preserve the public trust and avoid conflicts between public duties and private interests. No public officer, employee, or governmental attorney shall cause or commit an misfeasance, malfeasance or nonfeasance in office, and/or including further, any common, constitutional, or statutory law violations or deprivations in office; and/or including further, any common, constitutional, or statutory law violations against or deprivations of any person while conducting the duties of their office, irrespective of whether such acts, violations or deprivations conflict between public duties and private interests of the public officer, employee or governmental attorney. All such acts, violations or deprivations are breaches of the public trust subject to prosecution by the independent commission.~~
- (i) ~~Schedule~~—On the effective date of this amendment ~~and until changed by law:~~
 - (1) Full and public disclosure of financial interests shall mean filing with the custodian of state records by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:
 - a. A copy of the person's most recent federal income tax return; or

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

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

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

ARTICLE V- JUDICIARY

SECTION 12. Discipline; removal and retirement.—

(a) The Florida commission on ethics as prescribed by section 8 article II of this constitution and general law is vested with jurisdiction to investigate and recommend the removal from office of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 2000, (without regard to the effective date of this section) demonstrates a present unfitness to hold office, and to investigate and recommend the discipline of a justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 2000 (without regard to the effective date of this section), warrants such discipline. For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge.

(b) The commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the speaker of the house of representatives or the governor, the commission shall make available all information in the possession of the commission for use in consideration of impeachment or suspension, respectively.

(c) No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office unless provided by law or rules of the commission.

(d) The commission shall be entitled to recover the costs of investigation and prosecution, in addition to any penalty levied.

(e) The compensation of members, staff and referees, if utilized, of the commission shall be the travel expenses or transportation, per diem allowance, and as otherwise provided for by general law.

~~(a) JUDICIAL QUALIFICATIONS COMMISSION.—A judicial qualifications commission is created.~~

~~(1) There shall be a judicial qualifications commission vested with jurisdiction to investigate and recommend to the Supreme Court of Florida the removal from office of any justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966, (without regard to the effective date of this section) demonstrates a present unfitness to hold office, and to investigate and recommend the discipline of a justice or judge whose conduct, during term of office or otherwise occurring on or after November 1, 1966 (without regard to the effective date of this section), warrants such discipline. For purposes of this section, discipline is defined as any or all of the following: reprimand, fine, suspension with or without pay, or lawyer discipline. The commission shall have jurisdiction over justices and judges regarding allegations that misconduct occurred before or during service as a justice or judge if a complaint is made no later than one year following service as a justice or judge. The commission shall have jurisdiction regarding allegations of incapacity during service as a justice or judge. The commission shall be composed of:~~

~~a. Two judges of district courts of appeal selected by the judges of those courts, two circuit judges selected by the judges of the circuit courts and two judges of county courts selected by the judges of those courts;~~

~~b. Four electors who reside in the state, who are members of the bar of Florida, and who shall be chosen by the governing body of the bar of Florida; and~~

c. Five electors who reside in the state, who have never held judicial office or been members of the bar of Florida, and who shall be appointed by the governor.

(2) The members of the judicial qualifications commission shall serve staggered terms, not to exceed six years, as prescribed by general law. No member of the commission except a judge shall be eligible for state judicial office while acting as a member of the commission and for a period of two years thereafter. No member of the commission shall hold office in a political party or participate in any campaign for judicial office or hold public office; provided that a judge may campaign for judicial office and hold that office. The commission shall elect one of its members as its chairperson.

(3) Members of the judicial qualifications commission not subject to impeachment shall be subject to removal from the commission pursuant to the provisions of Article IV, Section 7, Florida Constitution.

(4) The commission shall adopt rules regulating its proceedings, the filling of vacancies by the appointing authorities, the disqualification of members, the rotation of members between the panels, and the temporary replacement of disqualified or incapacitated members. The commission's rules, or any part thereof, may be repealed by general law enacted by a majority vote of the membership of each house of the legislature, or by the supreme court, five justices concurring. The commission shall have power to issue subpoenas. Until formal charges against a justice or judge are filed by the investigative panel with the clerk of the supreme court of Florida all proceedings by or before the commission shall be confidential; provided, however, upon a finding of probable cause and the filing by the investigative panel with said clerk of such formal charges against a justice or judge such charges and all further proceedings before the commission shall be public.

(5) The commission shall have access to all information from all executive, legislative and judicial agencies, including grand juries, subject to the rules of the commission. At any time, on request of the speaker of the house of representatives or the governor, the commission shall make available all information in the possession of the commission for use in consideration of impeachment or suspension, respectively.

(b) PANELS.—The commission shall be divided into an investigative panel and a hearing panel as established by rule of the commission. The investigative panel is vested with the jurisdiction to receive or initiate complaints, conduct investigations, dismiss complaints, and upon a vote of a simple majority of the panel submit formal charges to the hearing panel. The hearing panel is vested with the authority to receive and hear formal charges from the investigative panel and upon a two-thirds vote of the panel recommend to the supreme court the removal of a justice or judge or the involuntary retirement of a justice or judge for any permanent disability that seriously interferes with the performance of judicial duties. Upon a simple majority vote of the membership of the hearing panel, the panel may recommend to the supreme court that the justice or judge be subject to appropriate discipline.

(c) SUPREME COURT.—The supreme court shall receive recommendations from the judicial qualifications commission's hearing panel.

(1) The supreme court may accept, reject, or modify in whole or in part the findings, conclusions, and recommendations of the commission and it may order that the justice or judge be subjected to appropriate discipline, or be removed from office with termination of compensation for willful or persistent failure to perform judicial duties or for other conduct unbecoming a member of the judiciary demonstrating a present unfitness to hold office, or be involuntarily retired for any permanent disability that seriously interferes with the performance of judicial duties. Malafides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge whose conduct demonstrates a present unfitness to hold office. After the filing of a formal proceeding and upon request of the investigative panel, the supreme court may suspend the justice or judge from office, with or without compensation, pending final determination of the inquiry.

(2) The supreme court may award costs to the prevailing party.

(d) The power of removal conferred by this section shall be both alternative and cumulative to the power of impeachment.

(e) Notwithstanding any of the foregoing provisions of this section, if the person who is the subject of proceedings by the judicial qualifications commission is a justice of the supreme court of Florida all justices of such court automatically shall be disqualified to sit as justices of such court with respect to all proceedings therein concerning such person and the supreme court for such purposes shall be composed of a panel consisting of the seven chief judges of the judicial circuits of the state of Florida most senior in tenure of judicial office as circuit judge. For purposes of determining seniority of such circuit judges in the event there be judges of equal tenure in judicial office as circuit judge the judge or judges from the lower numbered circuit or circuits shall be deemed senior. In the event any such chief circuit judge is under investigation by the judicial qualifications commission or is otherwise disqualified or unable to serve on the panel, the next most senior chief circuit judge or judges shall serve in place of such disqualified or disabled chief circuit judge.

~~(f) SCHEDULE TO SECTION 12.~~

~~(1) Except to the extent inconsistent with the provisions of this section, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the constitution.~~

~~(2) After this section becomes effective and until adopted by rule of the commission consistent with it:~~

~~a. The commission shall be divided, as determined by the chairperson, into one investigative panel and one hearing panel to meet the responsibilities set forth in this section.~~

~~b. The investigative panel shall be composed of:~~

~~1. Four judges,~~

~~2. Two members of the bar of Florida, and~~

~~3. Three non-lawyers.~~

~~c. The hearing panel shall be composed of:~~

~~1. Two judges,~~

~~2. Two members of the bar of Florida, and~~

~~3. Two non-lawyers.~~

~~d. Membership on the panels may rotate in a manner determined by the rules of the commission provided that no member shall vote as a member of the investigative and hearing panel on the same proceeding.~~

~~e. The commission shall hire separate staff for each panel.~~

~~f. The members of the commission shall serve for staggered terms of six years.~~

~~g. The terms of office of the present members of the judicial qualifications commission shall expire upon the effective date of the amendments to this section approved by the legislature during the regular session of the legislature in 1996 and new members shall be appointed to serve the following staggered terms:~~

~~1. Group I. The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one judge from the district courts of appeal and one circuit judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 1998.~~

~~2. Group II. The terms of five members, composed of one elector as set forth in s. 12(a)(1)c. of Article V, two members of the bar of Florida as set forth in s. 12(a)(1)b. of Article V, one circuit judge and one county judge as set forth in s. 12(a)(1)a. of Article V shall expire on December 31, 2000.~~

~~3. Group III. The terms of five members, composed of two electors as set forth in s. 12(a)(1)c. of Article V, one member of the bar of Florida as set forth in s. 12(a)(1)b., one judge from the district courts of appeal and one county judge as set forth in s. 12(a)(1)a. of Article V, shall expire on December 31, 2002.~~

~~h. An appointment to fill a vacancy of the commission shall be for the remainder of the term.~~

~~i. Selection of members by district courts of appeal judges, circuit judges, and county court judges, shall be by no less than a majority of the members voting at the respective courts' conferences. Selection of members by the board of governors of the bar of Florida shall be by no less than a majority of the board.~~

~~j. The commission shall be entitled to recover the costs of investigation and prosecution, in addition to any penalty levied by the supreme court.~~

~~k. The compensation of members and referees shall be the travel expenses or transportation and per diem allowance as provided by general law.~~

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DATE OF SIGNATURE

X_____
SIGNATURE OF REGISTERED VOTER

Pd. pol. adv. paid for and sponsored by JUSTICE-2-JESUS, 1119 NEWTON AVENUE SOUTH,
SAINT PETERSBURG FLORIDA 33705, 727/897-9291

Paid Petition Circulator's Name

Address _____

For Official Use Only:

RETURN TO: JUSTICE-2-JESUS
1119 NEWTON AVENUE SOUTH
SAINT PETERSBURG FLORIDA 33705

Serial Number: 11-01

Date Approved: 1/18/11