



20176007er

REVISION 7

A proposal to revise the State Constitution by the Constitution  
Revision Commission of Florida.

A proposed revision relating to ethics in government;  
amending Section 8 of Article II and Section 13 of  
Article V of the State Constitution, and creating a  
new section in Article XII of the State Constitution,  
to establish certain restrictions for specified public  
officers and the judiciary regarding lobbying for  
compensation of another person or entity before  
certain government bodies and to prohibit the abuse of  
a public position by public officers and employees.

Be It Proposed by the Constitution Revision Commission of  
Florida:

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:

(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.



20176007er

(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.

(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.

(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) (1) For purposes of this subsection, the term "public officer" means a statewide elected officer, a member of the legislature, a county commissioner, a county officer pursuant to Article VIII or county charter, a school board member, a superintendent of schools, an elected municipal officer, an elected special district officer in a special district with ad valorem taxing authority, or a person serving as a secretary, an executive director, or other agency head of a department of the



20176007er

executive branch of state government.

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

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

a. A statewide elected officer or member of the legislature shall not lobby the legislature or any state government body or agency.

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

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

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

(5) The legislature may enact legislation to implement this subsection, including, but not limited to, defining terms and



20176007er

providing penalties for violations. Any such law shall not contain provisions on any other subject.

(g)~~(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 not within the jurisdiction of the judicial qualifications commission.

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

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

(i)~~(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.

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

(1) Full and public disclosure of financial interests shall



20176007er

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 (g) ~~(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 paragraph (1) ~~subsection (i)(1)~~.

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

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

ARTICLE V

JUDICIARY

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

(a) All justices and judges shall devote full time to their judicial duties. A justice or judge ~~They~~ shall not engage in the practice of law or hold office in any political party.

(b) A former justice or former judge shall not lobby for compensation on issues of policy, appropriations, or procurement before the legislative or executive branches of state government



20176007er

for a period of six years after he or she vacates his or her  
judicial position. The legislature may enact legislation to  
implement this subsection, including, but not limited to,  
defining terms and providing penalties for violations. Any such  
law shall not contain provisions on any other subject.

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

ARTICLE XII

SCHEDULE

Prohibitions regarding lobbying 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, 2022; except that the  
amendments to Section 8(h) of Article II shall take effect  
December 31, 2020, and:

(a) 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(h) of Article II.

(b) Following the adoption of rules pursuant to subsection  
(a), the legislature shall enact implementing legislation  
establishing penalties for violations of the prohibition against  
abuse of public position to take effect December 31, 2020.

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



20176007er

CONSTITUTIONAL AMENDMENT

ARTICLE II, SECTION 8

ARTICLE V, SECTION 13

ARTICLE XII, NEW SECTION

LOBBYING AND ABUSE OF OFFICE BY PUBLIC OFFICERS.—Expands current restrictions on lobbying for compensation by former public officers; creates restrictions on lobbying for compensation by serving public officers and former justices and judges; provides exceptions; prohibits abuse of a public position by public officers and employees to obtain a personal benefit.

---

