

By Commissioner Kruppenbacher

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1 A proposal to amend
2 Section 8 of Article II of the State Constitution to
3 prohibit members of the Legislature from taking action
4 on certain matters of the state and its political
5 subdivisions which will directly inure to the
6 legislator's benefit or to the benefit of the
7 legislator's immediate family.

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9 Be It Proposed by the Constitution Revision Commission of
10 Florida:

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12 Section 8 of Article II of the State Constitution is
13 amended to read:

14 ARTICLE II

15 GENERAL PROVISIONS

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

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

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

26 (c) Any public officer or employee who breaches the public
27 trust for private gain and any person or entity inducing such
28 breach shall be liable to the state for all financial benefits
29 obtained by such actions. The manner of recovery and additional
30 damages may be provided by law.

31 (d) Any public officer or employee who is convicted of a
32 felony involving a breach of public trust shall be subject to

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33 forfeiture of rights and privileges under a public retirement
34 system or pension plan in such manner as may be provided by law.

35 (e) A member of the legislature may not attempt to
36 influence, involve themselves in, or vote on any legislation or
37 attempt to influence or involve themselves in any business of
38 the state or its political subdivisions which will directly
39 inure to his or her benefit or to the benefit of his or her
40 immediate family.

41 (f) No member of the legislature or statewide elected
42 officer shall personally represent another person or entity for
43 compensation before the government body or agency of which the
44 individual was an officer or member for a period of two years
45 following vacation of office. No member of the legislature shall
46 personally represent another person or entity for compensation
47 during term of office before any state agency other than
48 judicial tribunals. Similar restrictions on other public
49 officers and employees may be established by law.

50 (g)~~(f)~~ There shall be an independent commission to conduct
51 investigations and make public reports on all complaints
52 concerning breach of public trust by public officers or
53 employees not within the jurisdiction of the judicial
54 qualifications commission.

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

58 (i)~~(h)~~ This section shall not be construed to limit
59 disclosures and prohibitions which may be established by law to
60 preserve the public trust and avoid conflicts between public
61 duties and private interests.

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

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

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

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

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

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