

House Joint Resolution

A joint resolution proposing an amendment to Section 8 of Article II and the creation of Section 37 of Article XII of the State Constitution; prohibiting legislators and statewide elected officers from personally representing another person or entity for compensation before any state government body or state agency except judicial tribunals for six years following vacation of office; providing that the prohibition applies to individuals who were members of the legislature or who were statewide elected officers at any time after November 8, 2016.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 8 of Article II and the creation of Section 37 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE II

GENERAL PROVISIONS

SECTION 8. Ethics in government.—A public office is a

26 | public trust. The people shall have the right to secure and
 27 | sustain that trust against abuse. To assure this right:

28 | (a) All elected constitutional officers and candidates for
 29 | such offices and, as may be determined by law, other public
 30 | officers, candidates, and employees shall file full and public
 31 | disclosure of their financial interests.

32 | (b) All elected public officers and candidates for such
 33 | offices shall file full and public disclosure of their campaign
 34 | finances.

35 | (c) Any public officer or employee who breaches the public
 36 | trust for private gain and any person or entity inducing such
 37 | breach shall be liable to the state for all financial benefits
 38 | obtained by such actions. The manner of recovery and additional
 39 | damages may be provided by law.

40 | (d) Any public officer or employee who is convicted of a
 41 | felony involving a breach of public trust shall be subject to
 42 | forfeiture of rights and privileges under a public retirement
 43 | system or pension plan in such manner as may be provided by law.

44 | (e) A ~~Ne~~ member of the legislature or a statewide elected
 45 | officer may not ~~shall~~ personally represent another person or
 46 | entity for compensation before any state ~~the~~ government body or
 47 | state agency other than judicial tribunals ~~of which the~~
 48 | ~~individual was an officer or member~~ for a period of six ~~two~~
 49 | years following vacation of office. A ~~Ne~~ member of the
 50 | legislature may not ~~shall~~ personally represent another person or

51 | entity for compensation during term of office before any state
52 | agency other than judicial tribunals. Similar restrictions on
53 | other public officers and employees may be established by law.

54 | (f) There shall be an independent commission to conduct
55 | investigations and make public reports on all complaints
56 | concerning breach of public trust by public officers or
57 | employees not within the jurisdiction of the judicial
58 | qualifications commission.

59 | (g) A code of ethics for all state employees and
60 | nonjudicial officers prohibiting conflict between public duty
61 | and private interests shall be prescribed by law.

62 | (h) This section shall not be construed to limit
63 | disclosures and prohibitions which may be established by law to
64 | preserve the public trust and avoid conflicts between public
65 | duties and private interests.

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

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

73 | a. A copy of the person's most recent federal income tax
74 | return; or

75 | b. A sworn statement which identifies each separate source

76 | and amount of income which exceeds \$1,000. The forms for such
 77 | source disclosure and the rules under which they are to be filed
 78 | shall be prescribed by the independent commission established in
 79 | subsection (f), and such rules shall include disclosure of
 80 | secondary sources of income.

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

84 | (3) The independent commission provided for in subsection
 85 | (f) shall mean the Florida Commission on Ethics.

86 | ARTICLE XII

87 | SCHEDULE

88 | Section 37. State officers post-service personal
 89 | representation prohibitions.—The amendment to Section 8 of
 90 | Article II prohibiting legislators and statewide elected
 91 | officers from providing personal representation for compensation
 92 | before any state government body or state agency for six years
 93 | following vacation of office is applicable only to those
 94 | individuals who were members of the legislature or who were
 95 | statewide elected officers at any time after November 8, 2016.

96 |
 97 | BE IT FURTHER RESOLVED that the following statement be
 98 | placed on the ballot:

99 | CONSTITUTIONAL AMENDMENT

100 | ARTICLE II, SECTION 8

ARTICLE XII, SECTION 37

STATE OFFICERS POST-SERVICE PERSONAL REPRESENTATION

PROHIBITIONS.—Proposing an amendment to the State Constitution prohibiting legislators and statewide elected officers from personally representing another person or entity for compensation before any state government body or state agency except judicial tribunals for six years following vacation of office; providing that the prohibition applies to individuals who were members of the legislature or who were statewide elected officers at any time after November 8, 2016.