

Amendment # 12: Title: Lobbying and Abuse of Office by Public Officers

Ballot Language: Expands current restrictions on lobbying for compensation by former public officers; creates restrictions on lobbying for compensation by currently serving public officers; provides exceptions; prohibits certain abuses of public office for personal benefit.

How the Amendment Reached the Ballot: Constitution Revision Commission

What your Vote Means:

A Yes vote: prohibits public officials from lobbying for compensation during the official's term in office and for six years after the official leaves office and prohibits public officials from using the office to obtain a disproportionate benefit.²

A No vote: does not create any additional lobbying restrictions for public officers.¹

Pro: Former Senate President and CRC Commissioner Don Gaetz sponsored the proposal in the Florida Constitution Revision Commission that became Amendment 12. Florida's voters can decide on Nov. 6 for a more open, more accountable, more ethical government. Amendment 12 isn't bundled with anything else. It's not confusing or misleading. It's not a sneak attack by liberals or conservatives. It's a straightforward declaration to raise the standard of conduct in public office. And, as Governor Askew said, it won't ever happen unless the people, themselves, write ethics into our state constitution.

Don Gaetz said, "County commissioners are being paid by private companies to lobby before other local governments that have interlocking interests with the commissions on which they, themselves, serve. State legislators take money to lobby for contracts before local government bodies that depend on those same legislators for state appropriations to fund the contracts. State lawmakers sell themselves to lobby federal congressmen on behalf of private interests. It's pay for play and it ought to be against the law.

"Amendment 12 says you can be a paid lobbyist or you can be an elected official, but you can't be both at the same time — serve private interests or serve the public interest.

<https://www.pnj.com/story/news/2018/09/23/voters-through-amendment-12-can-make-government-more-ethical-don-gaetz/1382245002/>

Con: From the James Madison Institute: Those opposed to this measure would highlight some shortcomings found in the ballot language. First, that there are a handful of current and recent lawmakers who also serve as attorneys tied to lobbying firms or lobbyists themselves; this measure restricts the ability to find gainful employment. Even some supporters of the amendment find the six-year limitation to be rather excessive. Moreover, the passing of Amendment 12 would not necessarily solve the issue, but rather it would simply force people to become more creative in their lobbying efforts. Instead of becoming a registered lobbyist, individuals might serve as consultants to lobbying firms.¹

Con: Save My Constitution opposes this measure, as well as every other measure placed on the November 2018 ballot by the Florida Constitution Revision Commission. The group consists of former state and federal lawmakers including Jim Kallinger (R), Jeff Kottkamp (R), Jennifer Carroll (R), Sandy Adams (R), and Connie Mack (R). The group argues that the measures are confusing and misleading and were placed on the ballot in a deceptive way by bundling multiple subjects in a single proposal.²

Supporters:

Don Gaetz said, “House Speaker Richard Corcoran has led boldly for higher ethical standards and publicly endorsed our amendment.” <https://www.pnj.com/story/news/2018/09/23/voters-through-amendment-12-can-make-government-more-ethical-don-gaetz/1382245002/>

Opponents:

- Dem Prog Caucus of FL (Leftist)
- League of Women Voters (LWV) (Leans left)
- USA Today’s* Florida Today (Leans left)

Don Gaetz said, “Amendment 12 is ennobled by its opponents. The professional association of lobbyists (yup, they have one and wouldn’t you like to be a fly on the wall) tried to sandbag it. High-ranking Democrat and Republican officials worked against it in the shadows. Some state and local politicians asked me to water it down or exempt them from its requirements.” <https://www.pnj.com/story/news/2018/09/23/voters-through-amendment-12-can-make-government-more-ethical-don-gaetz/1382245002/>

No Position:

- Christian Family Coalition (CFC) Florida
- ACLU

Summary Comments:

Vetter’s comment: Locally, I believe we have seen instances where a school board member or the school superintendent advocates on something being proposed by the county commissioners. Vice versa, county commissioners and administrators advocate for something happening in the schools. And we do not know if these elected officials were being paid by someone to do what they did. I am recommending a YES vote on amendment 12.

TPM’s Recommendation:

Vote **YES** on Amendment 12

Sources:

¹The James Madison Institute 2018 Florida Amendment Guide https://www.jamesmadison.org/wp-content/uploads/2018/08/2018_Amendment_Guide_v08_web.pdf

²Ballotpedia: https://ballotpedia.org/Florida_2018_ballot_measures