

34-18.001 General.

(1) The purpose of this chapter is to provide notice and guidance to public officers or public employees, as well as to the general public, regarding the definition of the term "disproportionate benefit," as that term is used in Article II, Section 8(h)(2) of the Florida Constitution, as well as the requisite intent for finding a violation of the prohibition contained in Article II, Section 8(h)(2) of the Florida Constitution.

(2) For the purposes of Article II, Section 8(h)(2) of the Florida Constitution, "disproportionate benefit" means a benefit, privilege, exemption, or result not available to similarly situated persons.

(3) The Commission will consider the following factors in determining whether a benefit, privilege, exemption, or result constitutes a "disproportionate benefit:"

- (a) The size of the class who will experience the benefit, privilege, exemption, or result;
- (b) The nature of the interests involved;
- (c) The degree to which the interests of all members of the class are affected; and
- (d) The degree to which the public officer or public employee, his or her spouse, children, employer, or 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, receives a greater or more advantageous benefit, privilege, exemption, or result when compared to others in the class.

(4) The requisite intent for finding a violation of the prohibition in Article II, Section 8(h)(2) of the Florida Constitution is that the public officer or public employee acted, or refrained from acting, with knowledge that his or her action or failure to act would result in a disproportionate benefit.