



ATTACHMENT

1 Introduced by the Council President at the request of
2 the Ethics Commission and amended by the Finance Committee and on
3 the Floor of the Council.

4

5

ORDINANCE 2007-329-E

6

AN ORDINANCE REGARDING ETHICS; AMENDING CHAPTER

7

102 (AUDITING REGULATIONS) SECTION 102.103

8

(REPORTING VIOLATIONS OF CODE OF ETHICS),

9

ORDINANCE CODE, TO MAKE REFERENCE TO THE ETHICS

10

CODE; AMENDING CHAPTER 350 (ELECTIONS AND

11

ELECTIONS REGULATIONS), *ORDINANCE CODE*, TO

12

RENAME SAME TO ELECTIONS, ELECTIONS

13

REGULATIONS, AND CAMPAIGNING, AND AMEND SAME TO

14

MOVE CAMPAIGN ETHICS PROVISIONS FROM CHAPTER

15

602 TO CHAPTER 350; AMENDING CHAPTER 602

16

(ETHICS CODE), TO PROVIDE FOR SUBSTANTIAL

17

REVISIONS OF THE ETHICS CODE FROM ITS ORIGINAL

18

VERSION ENACTED IN ORDINANCE 97-890-E, AND TO

19

PROVIDE INCREASED REGULATION OF CITY OFFICERS

20

AND EMPLOYEES IN THE AREAS OF GIFTS,

21

MOONLIGHTING, SECONDARY EMPLOYMENT AND POST

22

CITY EMPLOYMENT; AMENDING DISCLOSURE

23

PROVISIONS; AUTHORIZING A CITY "HOTLINE";

24

PROVIDING FOR INVESTIGATIONS CONDUCTED BY THE

25

ETHICS COMMISSION; PROVIDING AN EFFECTIVE

26

DATE.

27

1 **WHEREAS**, the most recent enactment of the City of
2 Jacksonville's Ethics Commission and Ethics Code occurred in
3 Ordinance 97-890-e, which was enacted in 1999; and

4 **WHEREAS**, the Ethics Commission is vested with the authority to
5 recommend changes to the Ethics Code; and

6 **WHEREAS**, the Ethics Commission met in session on March 26,
7 2007, after months of work shopping the issues addressed herein,
8 and determined that changes to the Ethics Code are supported by
9 facts and occurrences that have taken place since 1999, a desire to
10 ensure that City of Jacksonville officers and employees are
11 situated in the most ethical environment practicable, and trends in
12 ethics legislation throughout the country; and approved a
13 resolution attached hereto as **Exhibit 1** supporting the changes
14 contained herein and authorizing the filing of this ordinance; now
15 therefore

16 **BE IT ORDAINED** by the Council of the City of Jacksonville:

17 **Section 1. Section 102.103 amended.** Chapter 102
18 (Auditing Regulations) Section 102.103 (Reporting violations of
19 Code of Ethics), *Ordinance Code*, is amended to read as follows:

20 **Sec. 102.103. Reporting violations of Code of Ethics.**

21 Consistent with section 602.1106 (Reporting of Violations By
22 Council Auditor), ~~when~~ the Council Auditor has reasonable grounds
23 to believe that a violation of the Code of Ethics contained in F.S.
24 Ch. 112, Pt. III has occurred, ~~regardless of whether the violation~~
25 ~~has occurred before or after April 11, 1973,~~ he the Council Auditor
26 shall report the facts relating to the probable violation to the
27 General Counsel in writing.

28 **Section 2. Amending the title of Chapter 350 (Elections and**
29 **Elections Regulations), *Ordinance Code*, and Creating Chapter 350**
30 **(Elections and Elections Regulations), Part 3 (Campaign**

1 **Regulations), Ordinance Code.** The title of Chapter 350 (Elections
2 and Elections Regulations), *Ordinance Code*, is hereby amended and
3 Chapter 350 (Elections and Elections Regulations), Part 3 (Campaign
4 Regulations), *Ordinance Code*, is hereby created to read as follows:

5 **CHAPTER 350. ELECTIONS, ~~AND~~ ELECTIONS REGULATIONS, AND CAMPAIGNING**

6 * * *

7 **PART 3. CAMPAIGN REGULATIONS**

8 **Sec. 350.301 Political activities of certain officers and**
9 **employees during duty hours.** It is unlawful and a class C offense
10 for an officer or employee of the city or an independent agency
11 (except elected officials, members of the advisory and regulatory
12 boards of the city and members of the board of an independent
13 agency) to take any active part in political management or in
14 political campaigns during duty hours; provided, that this section
15 shall not be construed to prohibit an officer or employee from
16 voting as he or she may choose and from expressing his or her
17 opinion on a political subject or candidate. No leaves of absence,
18 excluding previously accumulated vacation leaves, shall be granted
19 to officers or employees for the purpose of participating in a
20 political campaign.

21 **Sec. 350.302 Restrictions on campaigning by city employees.**

22 (a) No employee of the city or an independent agency shall,
23 while wearing a uniform required for his or her employment:

24 (1) Request, in person, that any individual contribute
25 any time, money or other thing of value to any candidate, political
26 party or committee of continuous existence;

27 (2) Solicit, in person, support or votes for any
28 candidate, political party or public measure; or

29 (3) Take an active part in political management of
30 political campaigns.

1 (b) Except for legal and authorized union activity, a
2 superior of a civil service employee shall not request a civil
3 service employee to:

4 (1) Contribute any time, money or other thing of value
5 to any candidate or to any political party or committee of
6 continuous existence;

7 (2) Support or vote for any political candidate,
8 political party; or

9 (3) Vote for any public measure; or

10 (4) Take an active part in the management of a political
11 campaign.

12 (c) No question on any form of application or in any
13 examination shall be so framed as to elicit information concerning
14 the political opinions or affiliations of any applicant, nor shall
15 any inquiry be made concerning such opinions or affiliations, and
16 no disclosure thereof shall be considered in any employment
17 decision.

18 (d) No officer or employee of the city or an independent
19 agency covered by civil service may engage in any political
20 activity during the hours of employment, nor shall any person
21 solicit political contributions from such employees of the city or
22 independent agency during hours of employment or in city
23 facilities; but nothing in this section shall preclude voluntary
24 contributions by a city or independent agency employee to the party
25 or candidate of his or her choice during non-employment hours and
26 off city or independent agency property.

27 (e) Nothing contained herein shall be construed to permit
28 partisan political activity of any officer or employee of the city
29 or independent agency who is prevented or restricted from engaging

1 in such political activity by the provisions of the Federal Hatch
2 Act, 5 U.S.C. ' ' 1501-1508.

3 **Sec. 350.303 Campaign contributions on city property**
4 **prohibited.**

5 It is unlawful and a Class D offense for a person to make or
6 solicit or knowingly accept any campaign contribution in a building
7 owned by the city or an independent agency. For purposes of this
8 section, accept means to receive a contribution by personal hand
9 delivery from a contributor or his agent and a solicitation shall
10 be deemed to occur where the solicitor of the solicitation is
11 located at the time of the solicitation. This section shall not
12 apply when a building owned by the city or an independent agency,
13 or any portion thereof, is rented for the specific purpose of
14 holding a campaign fundraiser.

15 **Sec. 350.304 Political signs; prohibited on public**
16 **property.**

17 (a) It shall be unlawful and a class A offense for any person
18 to erect, place or install a political sign or advertisement on
19 public property.

20 (b) All signs which do not conform with the provisions of this
21 section shall be removed by the appropriate department of the city,
22 as designated by the Mayor. In addition and notwithstanding any
23 other provisions of this section, any such political sign or
24 advertisement placed on any roadway in violation of this section is
25 hereby declared to be abandoned property and is thereby subject to
26 being removed by any person, so long as such removal is
27 accomplished in a safe and peaceful manner. Nothing herein shall
28 be construed to permit any person who removes such abandoned
29 property to do so in a manner that endangers any person, property
30 or the safety of any other person traveling on such roadway.

1 **Sec. 350.305 Campaigning; prohibited in public work places.**

2 It shall be unlawful and a class A offense for any person to
3 engage in political campaigning in a public building in locations
4 where public employees are working. This prohibition shall not
5 apply to a public officer or employee's support or opposition to a
6 referendum affecting the City of Jacksonville; nor shall this
7 prohibition apply to rooms rented in public buildings for the
8 purpose of political campaigning.

9 **Section 2. Chapter 602 (ETHICS CODE) amended.** Chapter
10 602 (Ethics Code), Ordinance Code, is amended to read as follows:

11 **CHAPTER 602. JACKSONVILLE ETHICS CODE**

12 * * *

13 **PART 2. DEFINITIONS**

14 **Sec. 602.201 Definitions.** For purposes of this ordinance,
15 the words and phrases defined in this section shall have the
16 following meanings:

17 * * *

18 (c) Appointed employee means a person holding one of the
19 following public positions:

20 (1) Executive branch employees, appointed by the Mayor
21 or by Constitutional Officers and confirmed by the Council;

22 (2) Any other person appointed by the Mayor or by
23 Constitutional Officers, except persons employed solely in
24 maintenance, clerical, secretarial or similar positions; the
25 Mayor, working in coordination with the Constitutional
26 Officers shall, on July 1st of each year, provide a list of
27 appointees who qualify as "Appointed Employees" to the Ethics
28 Office.

29 (3) Any person appointed by the City Council, except
30 persons employed solely in maintenance, clerical, secretarial,

1 or similar positions; the Council Secretary shall, on July 1st
2 of each year, provide a list of appointees who qualify as
3 "Appointed Employees" to the Ethics Office.

4 (4) The executive director or chief executive officer of
5 any agency.

6 * * *

7 (g) Civil service employee means any individual, other than
8 an individual exempted by Section ~~19.06, Jacksonville Ordinance~~
9 ~~Code~~ 17.06, Charter of the City of Jacksonville, receiving
10 compensation for services performed for the city, except
11 individuals performing services as independent contractors.

12 * * *

13 (p) Gift

14 * * *

15 (2) Gift does not include:

16 (i) Salary, benefits, services, fees, commissions,
17 ~~gifts,~~ or expenses associated primarily with the donee's
18 employment or business, or provided to the donee as part
19 of the donee's bona fide fact finding efforts on behalf
20 of his or her agency, or provided to the donee by the
21 city, and does not include gifts provided by the City or
22 any governmental agency, to the extent that such gift is
23 not inconsistent with the applicable provisions of
24 Section 112.3148, Florida Statutes;

25 * * *

26 (s) Immediate family means:

27 (1) A spouse and

28 (2) Any dependent minor child;

29 while "family" includes a spouse, parent, grandparent,
30 grandchild, child, or sibling.

1 (t) Independent Agency means the Duval County School Board,
2 the Jacksonville Transportation Authority, the Jacksonville Port
3 Authority, the Jacksonville Aviation Authority, the Police and Fire
4 Pension Fund, JEA and the Jacksonville Housing Authority.

5 * * *

6 (v) Lobbyist means any natural person who, for compensation
7 seeks, or sought during the preceding 12 months, to influence the
8 governmental decision making of an officer or employee of the city
9 or seeks, or sought during the preceding 12 months, to encourage
10 the passage, defeat, or modification of any proposal or
11 recommendation by an officer or employee of the city.

12 (aa) Procurement employee means any employee of the city who
13 participates through decision, approval, disapproval,
14 recommendation or preparation of any part of a purchase request,
15 influencing the content of any specification or procurement
16 standard, rendering of advice, investigation or auditing or in any
17 other advisory capacity in the procurement of contractual services
18 or commodities as defined in Section 287.012, Florida Statutes, and
19 Chapter 126, Ordinance Code ~~if the cost of such services or~~
20 ~~commodities exceeds \$1,000 in any year.~~

21 (bb) Public official means:

22 * * *

23 (4) Head of an Executive department, appointed by the
24 Mayor and confirmed by the Council, which also includes the
25 Executive Director of the ~~Community Relations~~ Human Rights
26 Commission;

27 * * *

28 **PART 3. MISUSE OF CITY EMPLOYMENT OR CITY PROPERTY**

29 * * *

1 **Sec. 602.303 Receipt or charge of commissions or gifts for**
2 **official transactions.**

3 (a) It shall be unlawful and a Class D offense for an officer
4 or employee of the city or an independent agency to charge, be the
5 beneficiary of or receive, directly or indirectly, any fee,
6 commission, gift, gratuity, loan or other consideration for or in
7 connection with any transaction or business done, performed or
8 rendered in the course of his or her official duties and
9 responsibilities. This prohibition is not intended to prohibit
10 inconsequential food or flower gifts delivered to the worksite at
11 holidays, or in appreciation for courtesy and efficiency.

12 (b) In addition to any penalty prescribed by law, the city or
13 an independent agency shall be entitled to recover from the officer
14 or employee the amount of the fee, commission, gift, gratuity, loan
15 or other consideration. This recovery may be imposed as a fine by
16 the court adjudicating the person guilty or in a civil action in
17 the name of the city or an independent agency.

18 (c) This section shall not apply to officers or employees who
19 are entitled by law to receive a fee or commission for their
20 services.

21 (d) An employee who receives a gift under circumstances which
22 are unauthorized in accordance with this section, shall return the
23 gift to the sender. If the gift is of food or flowers wherein it
24 is infeasible to return, shall place the gift in a location wherein
25 it can be enjoyed by a larger group of employees or donated to an
26 appropriate non-profit organization in the name of the sender, with
27 notice thereof to the donor. An employee handling a gift in
28 accordance with this subsection shall not be deemed as having
29 committed a violation.

30 * * *

Sec. 602.310 Misuse of position, information, etc.

(a) It is unlawful for an officer or employee of the city or an independent agency to intentionally use his or her official position to secure, by coercion or threat, a special privilege or exemption for himself, herself or others, or to secure confidential information for any purpose other than official responsibilities.

(b) It is unlawful for an officer or employee of the city or an independent agency to intentionally or knowingly disclose any confidential information gained by reason of said officer or employee's position concerning the property, operations, policies, or affairs of the city or an independent agency, or use such confidential information for pecuniary gain.

(c) It is unlawful for an officer or employee of the city or an independent agency, to directly or indirectly lend or borrow over \$100, to or from a higher ranking or subordinate employee in the chain of command. It is also unlawful for an officer or employee of the city or an independent agency, to directly or indirectly lend or borrow over \$500 to or from anyone else in the officer or employee's department. This subsection shall not be applicable to lending between family members.

* * *

PART 4. CONFLICTS OF INTEREST

Subpart A. Conflicting Relationships

* * *

Sec. 602.403 Moonlighting provisions.

(a) No employee of the city shall have any other employment if that employment could reasonably be expected to impair independence in judgment or performance of city duties;

(b) No employee of the city shall have any interest, financial or otherwise, direct or indirect, or engage in any

1 business or activity or incur any obligation of any nature which is
2 in substantial conflict with the proper discharge of his or her
3 duties in the public interest.

4 (c) All full-time compensated officers or employees of the
5 city shall disclose any private, non-city employment upon obtaining
6 said employment or upon becoming an officer or employee, whichever
7 occurs first.

8 (d) All full-time compensated city officers or employees
9 shall file the disclosure required in subsection (c) above with the
10 City Ethics Office, copy to the city's Human Resources Chief and
11 the officer or employee's department head, on a form approved by
12 the Ethics Office.

13 (e) All full-time compensated officers or employees of the
14 city shall file an updated disclosure form whenever any of the
15 information required by the form changes.

16 (f) All appointed employees, except for those employees
17 appointed by City Council, while full-time employees of the city,
18 must obtain prior approval from the Mayor, or an individual
19 designated by the Mayor, before accepting non-city employment or
20 engaging in any work for an employer other than the city. All
21 employees appointed by City Council, while full-time employees of
22 the Council, must obtain prior approval from the Council President,
23 or an individual designated by the Council President, before
24 accepting non-city employment or engaging in any work for an
25 employer other than the city. All employees appointed by a
26 Constitutional Officer, while full-time employees of the
27 Constitutional Officer, must obtain prior approval from the
28 Constitutional Officer, or an individual designated by the
29 Constitutional Officer, before accepting non-city employment or
30 engaging in any work for an employer other than the city. A

1 registry of appointed persons working non-city employment shall be
2 maintained by the Constitutional Officers, the Mayor, and the
3 Council Secretary or their designees; and shall be published on the
4 City website, showing the employee, the outside employment, and the
5 number of hours spent per year on such employment.

6 (g) It shall be unlawful and a class C offense for any
7 officer or employee of the city to violate any of the provisions of
8 this section.

9 **Sec. 602.404 Future employment.**

10 (a) No employee of the city shall accept or solicit any other
11 employment, if the employment could reasonably be expected to
12 impair independence in judgment or performance of city duties;

13 (b) No employee of the city shall solicit or accept
14 compensation for any other employment, which compensation is to be
15 paid while still an employee of the city, if the compensation could
16 reasonably be expected to impair independence in judgment or
17 performance of city duties.

18 (c) It shall be unlawful and a class C offense for any
19 person, who was an officer or employee of the city or an
20 independent agency, after his or her employment has ceased, to be
21 employed by or enter into any contract for personal services, with
22 a person or company who contracted with, or had a contractual
23 relationship with the city or the independent agency, while the
24 contract is active or being completed, or within two years of the
25 cessation, completion, or termination of the person's or company's
26 contractual relationship with the city or the independent agency,
27 where (1) the contract with the city or the independent agency had
28 a value that exceeded \$250,000, and (2) the officer or employee had
29 a substantial and decision-making role in securing or negotiating
30 the contract or contractual relationship, or in the approval of

1 financial submissions or draws in accordance with the terms of the
2 contract; except that this prohibition shall not apply to an
3 employee whose role is merely as a review signatory, or to
4 contracts entered into prior to January 1, 2008, or to contracts
5 that have been competitively procured. With respect to this
6 subsection a contract is competitively procured if it has been
7 obtained through a sealed low bid award. A "substantial and
8 decision-making role" shall include duties and/or responsibilities
9 that are collectively associated with: (i) approving solicitation
10 or payment documents; (ii) evaluating formal bids and proposals;
11 and (iii) approving and/or issuing award recommendations for final
12 mayoral, City Council, or independent agency approval. The
13 contract of any person or business entity who hires or contracts
14 for services with any officer or employee prohibited from entering
15 into said relationship shall be voidable at the pleasure of the
16 city or independent agency. This prohibition shall not apply to
17 any former officer or employee after two years from cessation from
18 city or independent agency employment. An officer or employee
19 subject to the prohibition of this section who believes his or her
20 role in the applicable contract does not create an ethical dilemma,
21 may appeal to a committee of the City Council Rules Chair, the
22 Chairperson of the Ethics Commission, and the Chief of Procurement
23 for relief from this section. Said appeal shall be considered and
24 ruled upon within ten (10) business days of a written request.

25 **Sec. 602.405 Responsibility of contracts with former employer**
26 **prohibited.** For a period of two (2) years from ceasing employment
27 with a former employer, no employee of the City shall negotiate,
28 supervise or manage a contract with the employee's former employer.

29 ~~**Disclosure of non-city employment.**~~

30 ~~(a) All officers or employees of the city shall disclose any~~

1 ~~private, non-city employment.~~

2 ~~(b) For officers or employees currently employed by the city,~~
3 ~~the disclosure shall be filed within 30 days from the effective~~
4 ~~date of this Ordinance.~~

5 ~~(c) For officers or employees who become officers or~~
6 ~~employees after the effective date of this Ordinance, the~~
7 ~~disclosure shall be filed within 30 days from the beginning date of~~
8 ~~his or her employment.~~

9 ~~(d) All city officers or employees shall file the disclosure~~
10 ~~with the Human Resources Director on a form prepared by the Human~~
11 ~~Resources Director.~~

12 ~~(e) All officers or employees of the city shall file an~~
13 ~~updated disclosure form whenever any of the information required by~~
14 ~~the form changes.~~

15 **602.406 Reserved.**

16 **602.407 Reserved.**

17 **602.408 Reserved. ~~Approval required for non-city employment~~**
18 **~~performed by appointed employees.~~** All appointed employees, except
19 for those employees appointed by City Council, while full-time
20 employees of the city, must obtain prior approval from the Mayor,
21 or an individual designated by the Mayor, before accepting non-city
22 employment or engaging in any work for an employer other than the
23 city. All employees appointed by City Council, while full-time
24 employees of the Council, must obtain prior approval from the
25 Council President, or an individual designated by the Council
26 President, before accepting non-city employment or engaging in any
27 work for an employer other than the city.

28 **602.409 Cooperation by appointed employees in official**
29 **investigations.** All appointed employees, as a condition of
30 employment, shall agree to cooperate truthfully, honestly, and

1 completely with official government investigations including but
2 not limited to, investigations by the Ethics Commission, Ethics
3 Officer, State Attorney's Office, or United States Attorney's
4 Office, concerning his or her official duties or matters related to
5 city government or business.

6 **602.410 Testimony and questioning of public officials and**
7 **employees relating to public affairs.**

8 (a) No officer or employee of the city or an independent
9 agency, who is called as a witness by or before any city, state or
10 federal administrative or judicial tribunal, shall refuse to answer
11 before the tribunal any proper question concerning the performance
12 of his or her official duties or to produce books, records and
13 other papers and documents of his or her office or concerning his
14 or her official duties properly required to be produced by or
15 before the tribunal; provided, that the officer or employee shall
16 retain his or her privileges and immunities against self-
17 incrimination provided under the Constitution and laws of the state
18 and the United States.

19 (b) No employee of the city or an independent agency shall
20 refuse to answer any question when directed to by a supervisor
21 related to the employee's performance or fitness to serve;
22 provided, that the officer or employee shall retain those his or
23 her privileges and immunities against self-incrimination provided
24 under the Constitution and laws of the state and the United States,
25 relating to the use of said information in a criminal prosecution.

26 * * *

27 **Subpart B. Reporting Requirements**

28 **Sec. 602.450 Disclosure of financial interests.**

29 (a) Elected and appointed officials are already required by
30 state law under Section 112.3145, Florida Statutes, to disclose

1 financial interests. The City Ethics Office shall facilitate and
2 assist in the compliance with financial disclosure required by
3 state law. This section expands this requirement to include
4 appointed employees.

5 ~~(b) (1) Each appointed employee shall file a statement of~~
6 ~~financial interests identical to that prescribed by Section~~
7 ~~112.3145, Florida Statutes, within 30 days from the date of~~
8 ~~appointment or from the date on which the employment begins. Each~~
9 ~~appointed employee, employed as an appointed employee on the~~
10 ~~effective date of this code, shall file a statement of financial~~
11 ~~interest within 30 days from the effective date of this code.~~
12 ~~Thereafter, each appointed employee shall file a statement of~~
13 ~~financial interests no later than July 1 of each year.~~

14 ~~(2) Any person required to file a reporting form~~
15 ~~pursuant to state law shall file the form in accordance with~~
16 ~~state law. All other individuals required to report by this~~
17 ~~section shall file such forms with the Ethics Commission.~~

18 * * *

19 **Sec. 602.453 Public official bid and contract disclosure.**

20 (a) A public official who knows that he or she has a
21 financial interest in a bid or contract shall make disclosure in
22 writing to the ~~Purchasing Division~~ Procurement Division or using
23 agency, whichever is receiving or has received the bid contract,
24 (i) at the time that the bid or contract is submitted or
25 subsequently no later than the close of the second, full, regular
26 work day after the bid or contract is submitted (not including the
27 day that the bid is submitted or any Saturday, Sunday or city
28 holiday), or (ii) prior to or at the time that the public official
29 acquires a financial interest in the bid or contract and such
30 disclosure shall include but not be limited to the following: the

1 bid number, the name of the public official and his or her public
2 office or position, the name and address of the business entity in
3 which the public official has a financial interest, and the
4 position or relationship of the public official with that business
5 entity.

6 (b) It shall be unlawful and a Class D offense for a public
7 official to fail or refuse to make the disclosure required in
8 subsection (a) ~~above~~ of this section.

9 (c) For purposes of this section, bid means any telephone or
10 written bid, written proposal, written quote or written offering of
11 any kind or description whatsoever submitted for the purpose of
12 being awarded or entering into a contract, either a formal
13 purchase agreement, ~~or a sales transaction, or other contractual~~
14 agreement with the City under the provisions of the ~~Purchasing~~
15 ~~Procurement~~ Code, Section ~~126.112~~ 126.110, Jacksonville Ordinance
16 Code, ~~and having a value in excess of \$12,000 for capital~~
17 ~~improvements, contractual services or supplies or \$8,000 or more~~
18 ~~for professional services.~~

19 (d) For purposes of this section, contract means any ~~written~~
20 contract, ~~written~~ agreement, ~~written~~ purchase order or other
21 ~~written~~ document used to evidence the existence of a ~~formal~~
22 purchase or sales transaction under the provisions of the
23 ~~Purchasing~~ Procurement Code, Chapter 126, Ordinance Code, Section
24 ~~126.112, Jacksonville Ordinance Code, and having a value in excess~~
25 ~~of \$12,000 for capital improvements, contractual services or~~
26 ~~supplies or \$8,000 or more for professional services, or any~~
27 subsequent change order or amendment to any such contract document.

28 (e) For purposes of this section public official means any
29 one or more individuals who have been elected to any state or local
30 office and which office has a geographical jurisdiction or

1 description covering all of, more than but including all or a
2 portion of, or less than but including a portion of, Duval County,
3 Florida, ~~or~~ any one or more individuals who have been appointed to
4 the governing body of any independent agency of the city, or an
5 appointed employee of the City.

6 (f) For purposes of this section, financial interest means
7 any ownership interest of a public official in any proposer,
8 bidder, contractor, or first tier subcontractor (that is, a person
9 or business entity under contract to provide or providing capital
10 improvement services, professional design services, professional
11 services, labor, materials, supplies or equipment directly to the
12 proposer, bidder, or contractor) whereby the public official knows
13 that he or she has received or will receive any financial gain
14 resulting from or in connection with the soliciting, procuring,
15 awarding, or making of a bid or contract; provided, however,
16 financial interest shall not include any interest in any increase
17 in value of, or dividends paid on, any stock which is publicly
18 traded on any public stock exchange.

19 (g) The city or using agency, as the case may be, acting by
20 and through its awarding authority, may: (i) nullify and terminate
21 the purchase and sales transaction and any contract arising from or
22 in connection with any bid or contract involving failure or refusal
23 to disclose a financial interest of a public official as described
24 in this section; (ii) ~~and may~~ declare the same null and void.

25 (h) In addition to all other penalties described herein, any
26 person or company that violates this Part shall be subject to
27 withholding of payments under the contract, termination of the
28 contract for breach, contract penalties, decertification and/or
29 being debarred from or deemed non-responsive to future City
30 solicitations and contracts for up to three years (for less

1 egregious violations, as determined by the Chief, a period of
2 probation may be proposed, any violations during which period will
3 result in debarment of no less than three years).

4 * * *

5 **PART 5. MISCELLANEOUS MALFEASANCE OR MISFEASANCE**

6 * * *

7 **Sec. 602.507 Obstruction of proceedings by city officers or**
8 **employees.** It is unlawful and a Class D offense for an officer or
9 employee of the city to:

10 (a) Corruptly, or by threat of force, or by any intimidating
11 letter or communication, to endeavor to influence, intimidate or
12 impede any witness in any proceeding pending before any city agency
13 or in connection with any inquiry or investigation being had by a
14 city agency. However, this subsection is not intended to prevent
15 the normal information gathering and witness interviewing process
16 associated with the preparation for any filing, hearing, or trial.

17 * * *

18 **PART 6. RESERVED ~~CAMPAIGN ETHICS~~**

19 ~~**Sec. 602.601 Political activities of certain officers and**~~
20 ~~**employees.**~~ It is unlawful and a class C offense for an officer or
21 ~~employee of the city or an independent agency (except elected~~
22 ~~officials, members of the advisory and regulatory boards of the~~
23 ~~city and members of the board of an independent agency) to take any~~
24 ~~active part in political management or in political campaigns~~
25 ~~during duty hours; provided, that this section shall not be~~
26 ~~construed to prohibit an officer or employee from voting as he or~~
27 ~~she may choose and from expressing his or her opinion on a~~
28 ~~political subject or candidate. No leaves of absence, excluding~~
29 ~~previously accumulated vacation leaves, shall be granted to~~

1 ~~officers or employees for the purpose of participating in a~~
2 ~~political campaign.~~

3 ~~**602.602 Restrictions on campaigning by city employees.**~~

4 ~~(a) No employee of the city or an independent agency shall,~~
5 ~~while wearing a uniform required for his or her employment:~~

6 ~~(1) Request, in person, that any individual contribute~~
7 ~~any time, money or other thing of value to any candidate,~~
8 ~~political party or committee of continuous existence;~~

9 ~~(2) Solicit, in person, support or votes for any~~
10 ~~candidate, political party or public measure; or~~

11 ~~(3) Take an active part in political management of~~
12 ~~political campaigns.~~

13 ~~(b) Except for legal and authorized union activity, a~~
14 ~~superior of a civil service employee shall not request a civil~~
15 ~~service employee to:~~

16 ~~(1) Contribute any time, money or other thing of value~~
17 ~~to any candidate or to any political party or committee of~~
18 ~~continuous existence;~~

19 ~~(2) Support or vote for any political candidate,~~
20 ~~political party; or~~

21 ~~(3) Vote for any public measure; or~~

22 ~~(4) Take an active part in the management of a political~~
23 ~~campaign.~~

24 ~~(c) No question in any form of application or in any~~
25 ~~examination shall be so framed as to elicit information concerning~~
26 ~~the political opinions or affiliations of any applicant, nor shall~~
27 ~~any inquiry be made concerning such opinions or affiliations, and~~
28 ~~no disclosure thereof shall be considered in any employment~~
29 ~~decision.~~

1 ~~(d) No officer or employee of the city or an independent~~
2 ~~agency covered by civil service may engage in any political~~
3 ~~activity during the hours of employment, nor shall any person~~
4 ~~solicit political contributions from such employees of the city or~~
5 ~~independent agency during hours of employment or in city~~
6 ~~facilities; but nothing in this section shall preclude voluntary~~
7 ~~contributions by a city or independent agency employee to the party~~
8 ~~or candidate of his or her choice during non-employment hours and~~
9 ~~off city or independent agency property.~~

10 ~~(e) Nothing contained herein shall be construed to permit~~
11 ~~partisan political activity of any officer or employee of the city~~
12 ~~or independent agency who is prevented or restricted from engaging~~
13 ~~in such political activity by the provisions of the Federal Hatch~~
14 ~~Act, 5 U.S.C. ' ' 1501-1508.~~

15 ~~**Sec. 602.603 Campaign contributions on city property**~~
16 ~~**prohibited.**~~

17 ~~It is unlawful and a Class D offense for a person to make or~~
18 ~~solicit or knowingly accept any campaign contribution in a building~~
19 ~~owned by the city or an independent agency. For purposes of this~~
20 ~~section, Aaccept@ means to receive a contribution by personal hand~~
21 ~~delivery from a contributor or his agent and a solicitation shall~~
22 ~~be deemed to occur where the solicitor of the solicitation is~~
23 ~~located at the time of the solicitation. This section shall not~~
24 ~~apply when a building owned by the city or an independent agency,~~
25 ~~or any portion thereof, is rented for the specific purpose of~~
26 ~~holding a campaign fundraiser.~~

27 ~~**Sec. 602.604 Political signs; prohibited on public**~~
28 ~~**property.**~~

1 ~~(a) It shall be unlawful and a class A offense for any person~~
2 ~~to erect, place or install a political sign or advertisement on~~
3 ~~public property.~~

4 ~~(b) All signs which do not conform with the provisions of~~
5 ~~this section shall be removed by the appropriate department of the~~
6 ~~city, as designated by the Mayor. In addition and notwithstanding~~
7 ~~any other provisions of this section, any such political sign or~~
8 ~~advertisement placed on any roadway in violation of this section is~~
9 ~~hereby declared to be abandoned property and is thereby subject to~~
10 ~~being removed by any person, so long as such removal is~~
11 ~~accomplished in a safe and peaceful manner. Nothing herein shall~~
12 ~~be construed to permit any person who removes such abandoned~~
13 ~~property to do so in a manner that endangers any person, property~~
14 ~~or the safety of any other person traveling on such roadway.~~

15 **Editors Note:** Chapter 602 (Jacksonville Ethics Code), Part 6
16 (Campaign Ethics), Ordinance Code, is being moved to Chapter 350
17 (Elections, and Elections Regulations, and Campaigning), Part 3
18 (Campaign Regulations), Ordinance Code.

19 **PART 7. GIFTS AND HONORARIA**

20 **Sec. 602.701 Prohibited receipt of gifts.**

21 (a) No officer or employee of the city, or any other person
22 on his or her behalf, shall knowingly accept, directly or
23 indirectly, any one gift with a value greater than one hundred
24 (\$100.00) dollars or an accumulation of gifts in any one calendar
25 year that exceeds two hundred fifty (\$250) dollars from any person
26 or business entity that the recipient knows is:

27 (a~~1~~) A lobbyist who lobbies the recipient's agency or
28 executive department;

29 (b~~2~~) Any principal or employer of a lobbyist who lobbies
30 the recipient's agency or executive department;

1 (e~~3~~) A person or business entity which is doing business
2 with, or has made written application within the previous six
3 months, to do business with an agency of which he or she is an
4 officer or employee;

5 (~~d~~4) A person or business entity which is subject to the
6 permit approval of an agency of which he or she is an officer or
7 employee.

8 For purposes of the \$250 annual accumulation of gifts, gifts
9 of food and beverage not exceeding \$25.00 on any given day shall
10 not be included.

11 (b) No officer or employee of the city, or any other person
12 on his or her behalf, shall knowingly accept, directly or
13 indirectly, any one gift with a value greater than one hundred
14 (\$100.00) dollars, or an accumulation of gifts in any one calendar
15 year that exceeds two hundred fifty (\$250) dollars, from any person
16 or business entity, when the gift is given as a result of the
17 officer or employee's official position, or as a result of the
18 business relationship developed as a result of the officer or
19 employee's position or employment. For purposes of the \$250 annual
20 accumulation of gifts, gifts of food and beverage not exceeding
21 \$25.00 on any given day shall not be included.

22 (c) The Mayor and the Council Secretary shall identify a
23 mayoral and a council representative who will be officers or
24 employees responsible for the receipt of and distribution of
25 business related gifts to the city through its executive and
26 legislative branches. Registries shall be established wherein
27 gifts will be identified by date, donor, type, purpose, and city
28 officer or employee carrying out the purpose; and shall be posted
29 on a city internet site. (Examples of gifts covered by this
30 subsection include, but are not limited to, tickets or travel to

1 events where city official or employee presence is requested, or
2 travel and per diem to inspect products and equipment, or gifts of
3 personal property to the city.)

4 (d) It shall be unlawful and a class A offense for any
5 officer or employee of the city, or any person on his or her
6 behalf, to violate subsections (a) and (b) of this section.

7 * * *

8 **Sec. 602.703 Gift reports.**

9 (a) All officers, appointed employees, procurement related
10 employees, permitting employees, and zoning employees (reporting
11 individuals) who receive a gift in excess of one hundred (\$100.00)
12 dollars shall report that gift. Those persons required to report
13 said gifts under state law shall report those gifts in the manner
14 provided by state law, Section 112.3148.; ~~except that, a~~Any person
15 required to file a report under this Code, who is not required to
16 file a report under state law, shall file the report with the
17 ~~reporting individual's respective~~ Chief of Human Resources director
18 who shall place it in the reporting person's personnel file. A copy
19 of the report of all reports filed with the Chief of Human
20 Resources shall be submitted to the City Ethics Office.

21 (b) The annual statement of a reporting individual shall be
22 filed in compliance with state law. Where this ordinance requires
23 a person to file a report and that person is not required to file a
24 report pursuant to state law, the report shall be on a form which
25 is substantially the same in content as that required by state law,
26 and the form shall be submitted annually, by July 1, to the Human
27 Resources ~~Chief Director~~, copy to the City Ethics Office.

28 * * *

PART 8. LOBBYING

Sec. 602.801. Registration of lobbyists; registration statements.

(a) Each person who lobbies, for compensation as a lobbyist, any officer or employee of the city shall register with the Council Secretary ~~or the city Ethics Officer~~. Registration may be for an annual period or for a lesser, stated period, but no person may lobby unless he or she is first registered. A person may register as a lobbyist on his or her own volition or he or she may be required by any officer or employee to register before he or she addresses such officer or employee if he or she is not already registered with the Council Secretary ~~or the city Ethics Officer~~. The Council Secretary ~~and city Ethics Officer~~ shall maintain a book in which the registration statements and oaths submitted by lobbyists shall be entered, together with corrections and amendments as herein authorized and required. If a person shall cease to be a lobbyist, his or her registration statement and oath shall be removed from the book of active lobbyists and shall be placed in a book of inactive or former lobbyists; but no person may have a registration statement and oath on file in both books.

(b) (1) When a person registers as a lobbyist, he or she shall file a registration statement and oath in the form developed from time to time by the city Ethics Officer in consultation with the, Council Secretary and the Ethics Commission.

* * *

Sec. 602.803 Fee Disclosure. A lobbyist who attempts to persuade or influence a Council Member, a Council committee, or the Council as a whole on any project, contract, development, ordinance, or resolution shall, prior to commencing lobbying efforts, file with the Council Secretary a disclosure revealing whether the lobbyist

1 has a financial interest in the contract, development or project
2 that extends beyond its approval, and the percent of that
3 interest.

4 **Sec. 602.804 Penalties.** A person who, knowingly and willfully:

5 (a) being at the time required to register as a lobbyist and
6 not exempt from registration, fails or refuses to do so; or

7 (b) having registered as a lobbyist, fails or refuses to file
8 with the Council Secretary a corrected or amended registration
9 statement when required by section 602.801(b) to do so; or fails to
10 disclose any information required by section 602.803; or

11 (c) continues to act as a lobbyist after the expiration of
12 the period for which the registration statement was filed with the
13 Council Secretary; or

14 (d) being a lobbyist not exempt from registration, fails or
15 refuses to disclose on a current registration statement, either
16 originally or as corrected or amended, any principal on whose
17 behalf the lobbyist has performed, is performing or will be
18 required by the terms of a present agreement to perform lobbying
19 activities; or

20 (e) commits, or procures or acquiesces in the commission of,
21 a violation of s. ~~602.803~~ 602.804; shall be guilty of a Class A
22 offense against the city.

23 **PART 9. JACKSONVILLE ETHICS COMMISSION**

24 **Sec. 602.901 Jacksonville Ethics Commission.** There is
25 hereby created the Jacksonville Ethics Commission, the purpose of
26 which is to provide a local forum for consideration and
27 investigation of ethical problems and issues.

28 * * *

29 **Sec. 602.903 Duties and powers.**

1 (a) (1) Every city officer, candidate for city office, or
2 city employee when in doubt about the applicability and
3 interpretation of any city ethics law to himself or herself in a
4 particular context, may submit in writing the facts of the
5 situation to the Commission with a request for an advisory opinion
6 to establish the standard of public duty. Any officer or employee
7 who has the power to hire or terminate employees may likewise seek
8 an advisory opinion from the Commission as to the application of
9 the provisions of the ethics laws to any such employee or applicant
10 for employment. An advisory opinion shall be rendered by the
11 Commission, and each such opinion shall be numbered, dated and
12 published.

13 (2) Such opinion, until amended or revoked, shall be
14 binding on the conduct of the officer, employee, or candidate who
15 sought the opinion or with references to whom the opinion was
16 sought, unless material facts were omitted or misstated in the
17 request for the advisory opinion.

18 (b) The Commission is authorized to call upon appropriate
19 agencies of city government for such professional assistance as may
20 be needed in the discharge of its duties. The General Counsel
21 shall provide legal and staffing assistance to the Commission.

22 (c) The Commission shall assist in the preparation of
23 materials and programs designed to assist persons in complying with
24 the ethics laws. The Commission shall work with the city Ethics
25 Officer(s) and the city's Ethics Office in establishing,
26 presenting, and expanding the city's Ethics Education Program as
27 set forth in Section 602.1001.

28 (d) The Commission may, upon employee or citizen complaint,
29 or upon its own initiative, seek information and gather facts for
30 the purpose of investigating any circumstance or situation of which

1 the Commission may become aware that appears to violate or may
2 potentially violate an acceptable standard of conduct for city
3 officers and employees. ~~If, as~~ As a result of such investigation,
4 the Commission may issue public censures, recommend disciplinary
5 action, determines the need for remedial or preventative
6 legislation, ~~the Commission may~~ and make such recommendations to
7 the Mayor and the Council as it deems appropriate.

8 (e) It shall be the further duty of the commission to submit
9 to the Council ~~periodically~~ annually a report of its work and
10 recommendations for legislation deemed necessary to improve the
11 ethics laws and their enforcement which shall be dutifully
12 considered by the Council.

13 (f) The Jacksonville Ethics Commission shall be responsible
14 for documenting compliance with the financial disclosure, gift
15 disclosure and ethics education and certification requirements of
16 this Code for all officers and appointed employees.

17 (1) The Jacksonville Ethics Commission, through the
18 city's Ethics Office shall report annually the compliance or non-
19 compliance with financial reporting, gift reporting, and ethics
20 education and certification requirements of this Code. The annual
21 report shall be filed with the Mayor, City Council President, City
22 Ethics Officer and the Human Resources Director.

23 (2) At the close of the reporting period, the
24 Jacksonville Ethics Commission, through the city's Ethics Office,
25 shall notify any individual who has failed to timely comply with
26 financial disclosure, gift disclosure, or ethics education and
27 certification requirements of this Code and allow the individual an
28 additional ninety (90) days to comply with these requirements.
29 After expiration of this additional period, the Ethics Commission
30 may issue a written or oral reprimand of non-compliance.

1 (g) The Ethics Commission, in coordination with the Ethics
2 Office, is authorized to receive, and may investigate and issue
3 findings with regard to any complaint alleging a violation of this
4 Chapter. All complaints and records shall be confidential as
5 allowed by Section 112.324, Florida Statutes. In support of this
6 power, the Ethics Commission, in coordination with the Ethics
7 Office, is authorized to establish an ethics "hotline" to receive
8 tips and complaints, each of which shall be treated as a complaint
9 with its related confidentiality as authorized by Florida law. The
10 General Counsel, with the assistance of all appropriate and
11 available offices of the City, shall assist the Ethics Commission
12 and Ethics Office in the investigation of complaints. The Ethics
13 Commission may refer matters brought to its attention to the State
14 Attorneys' Office or the Florida Commission on Ethics if it
15 determines jurisdiction is vested in, and action is more
16 appropriate if taken by said agencies.

17 **Sec. 602.904 Cooperation of other city agencies.** The
18 services of other departments, boards and agencies of the city ~~may~~
19 shall be made available to the Commission at its request, subject
20 to their ability and capacity to provide them. Other city agencies
21 shall cooperate with the Commission in the exercise of the
22 Commission=s responsibilities.

23 **PART 10. ETHICS EDUCATION**

24 **Sec. 602.1001 Ethics Education Program.** Officers and
25 employees of the city, as public servants, are considered stewards
26 of the public=s trust and should aspire to the highest level of
27 integrity and character. Officers and employees shall be informed
28 of their ethical responsibilities at the start of their work with
29 the city and shall receive updates and training materials on ethics

1 issues throughout the span of their public service, as designated
2 by the city Ethics Office and Ethics Officer(s).

3 (a) Every officer and employee of the city must be
4 responsible for understanding and complying with the provisions of
5 this Chapter.

6 (b) Every elected official shall attend an Ethics in
7 Government Program within ninety days of certification of each
8 election won. Upon fulfillment of this requirement, each elected
9 official will be issued a certificate of completion by the
10 Jacksonville Ethics Office Commission.

11 (c) Every appointed employee shall attend an Ethics in
12 Government Program within the first six months of his/her
13 employment with the city. Upon fulfillment of this requirement,
14 each appointed employee will be issued a certificate of completion
15 by the city Ethics Officer~~s~~.

16 (d) Every employee of the city shall complete an Employee
17 Ethics Training Program within the first six months of his/her
18 employment with the city. Current employees shall complete
19 training as designated in a schedule developed by the city Ethics
20 Officer~~s~~. Upon fulfillment of this requirement, each employee will
21 be issued a certificate of completion by the city Ethics Officer~~s~~.

22 (e) The city Ethics Officer~~s~~ shall provide ethics education
23 materials to appointed officials, and encourage appointed officials
24 to attend an Ethics in Government Program.

25 (f) The Ethics in Government Program and Employee Ethics
26 Training Program shall be created and delivered by the City Ethics
27 Office with assistance from the City's Ethics Officer(s), the
28 General Counsel's Office ~~with the assistance of the city Ethics~~
29 ~~Officer~~ and the Jacksonville Ethics Commission.

1 (g) The programs shall include topics as determined necessary
2 to explain the provisions of this chapter, the Florida Statutes
3 concerning ethics and general ethics issues. Topics may include
4 but are not limited to:

- 5 (1) Ethics in government and aspirational goals;
- 6 (2) Campaign finances;
- 7 (3) Gifts;
- 8 (4) City contracts;
- 9 (5) Potential conflicts with city employees/ businesses;
- 10 (6) Jacksonville Ethics Commission;
- 11 (7) Public Records and Sunshine Law;
- 12 (8) Reporting procedures;
- 13 (9) Punishment and discipline procedures;
- 14 (10) Awards and incentives.

15 **PART 11. ETHICS OFFICE AND OFFICERS**

16 * * *

17 **Sec. 602.1103 Designation of department ethics officer.**

18 Each Constitutional Officer and tThe head of each executive
19 department of the city shall appoint an employee to the position of
20 department or office ethics officer with the concurrence of the
21 city Ethics Officer. The city's Ethics Officers are authorized to
22 remove and request a replacement for any department or office
23 ethics officer. Appointment of additional personnel will be at the
24 discretion of the Mayor; except that the Mayor and the Council
25 Secretary are encouraged to provide liaisons to all department
26 ethics officers activities. Each department or office ethics
27 officer's duties are in addition to his or her principal
28 operational role within the department. The Constitutional Officer
29 or the head of the department shall communicate the selection of
30 the department's ethics officer to all employees in the department,

1 while emphasizing his/her personal support for the person and the
2 program. Employees should be encouraged to communicate directly
3 with the department or City ~~Ethics Officer~~ ethics officer on issues
4 or questions that are ethics-related.

5 **Sec. 602.1104 Responsibilities of the department or office**
6 **ethics officer.** Specific responsibilities assigned to the
7 department or office ethics officer include, but are not limited to
8 the following:

9 (a) Conduct periodic meetings with the Constitutional Officer
10 or department director, senior management, and employee groups to
11 discuss or provide advice on ethics issues.

12 (b) Conduct a review of and disseminate within his/her
13 department or office the appropriate city, office, and department
14 policies and regulations that relate to the Code of Ethics for
15 employees.

16 (c) Assist the city Ethics Officers in the formulation of
17 ethics awareness training sessions, conferences, and seminars that
18 are developed for and presented to department employees.

19 (d) Assist the Constitutional Officer or department head in
20 the development of an overall internal ethics plan.

21 (e) Report compliance with the ethics code to the city Ethics
22 Office~~¶~~.

23 (f) Make recommendations for improvement in training to the
24 city Ethics Office~~¶~~.

25 (g) Accomplish such other duties as are delegated by the city
26 Ethics Office~~¶~~, or Ethics Officers including conducting
27 investigations or complaints as authorized by the city Ethics
28 Officers.

29 **Sec. 602.1105 Ethics Office Established.** There is hereby
30 established an Ethics Office staffed and budgeted as may be

1 required. The Ethics Office shall be separately funded and shall
2 provide all manner of assistance to the Jacksonville Ethics
3 Commission, the Ethics Officer, and the Office of General Counsel
4 in the furtherance of their responsibilities set forth in this
5 chapter. All records required to be maintained by the Jacksonville
6 Ethics Commission or the Ethics Officer shall be maintained in the
7 Ethics Office. The Ethics Office shall assist all officers and
8 employees in their disclosure and compliance obligations.

9 **Sec. 602.1106 Reporting of violations by Council Auditor.**

10 The Council Auditor, in addition to the reporting requirements of
11 Section 102.103, Jacksonville Ordinance Code, shall, when he or she
12 has reasonable grounds to believe that a violation of the city's
13 Ethics Code has occurred, report the facts relating to the probable
14 violation in writing to the General Counsel and the city's Ethics
15 Officer.

16 **PART XII. GENERAL PROVISIONS**

17 **Sec. 602.1201 Voiding transactions in violation of chapter;**
18 **recovery by city.** The Mayor may declare void and rescind any
19 contract, loan, grant, subsidy, license, right, permit, franchise,
20 use, authority, privilege, certificate, ruling, decision, opinion
21 or other benefit that has been awarded, granted, paid, furnished or
22 published, in relation to which there has been a ~~final conviction~~
23 ~~for~~ any violation of this chapter. The city shall be entitled to
24 recover, in addition to any penalty prescribed by law or in a
25 contract, the amount expended or the thing transferred or delivered
26 on its behalf, or the reasonable value thereof.

27 **602.1202 The Constitution of the State of Florida.** All
28 officers and employees of the city and independent agencies shall
29 comply with all applicable provisions of the Constitution of the
30 State of Florida, including, but not limited to the following:

1 (a) Article I, Section 24 (Access to public records and
2 meetings);

3 (b) Article II, Section 8 (Ethics in government).

4 **602.1203 State statutes.** In addition to the provisions of
5 this Code, all of officers and employees of the city and
6 independent agencies are expected to comply with the applicable
7 provisions of state laws, including, but not limited to the
8 following:

9 (a) Chapter 99 (Candidates, Campaign Expenses, and
10 Contesting Elections);

11 (b) Section 100.361 (Municipal Recall);

12 (c) Section 102.031 (Maintenance of good order at polls;
13 authorities; persons allowed in polling rooms; unlawful
14 solicitation of voters;

15 (d) Section 104.071 (Remuneration by candidate for services,
16 support, etc.,; penalty);

17 (e) Section 104.271 (False or malicious charges against, or
18 false statements about, opposing candidates; penalty);

19 (f) Section 104.31 (Political activities of state, county,
20 and municipal officers and employees);

21 (g) Chapter 106 (Campaign financing);

22 (h) Section 111.075 (Elected officials; prohibition
23 concerning certain committees);

24 (i) Section 112.042 (Discrimination in county and municipal
25 employment; relief);

26 (j) Section 112.043 (Age discrimination);

27 (k) Section 112.044 (Public employers, employment agencies,
28 labor organizations, discrimination based on age prohibited;
29 exceptions; remedy);

1 (l) Chapter 112, Part III (Code of Ethics for Public
2 Officers and Employees);

3 (m) Chapter 119 (Public Records);

4 (n) Section 163.367 (Public officials, commissioners, and
5 employees subject to code of ethics);

6 (o) Section 286.011 (Public meetings and records; public
7 inspection; criminal and civil penalties);

8 (p) Section 286.0115 (Access to local officials);

9 (q) Section 286.012 (Voting requirements at meeting of
10 government bodies);

11 (r) Chapter 838 (Bribery; Misuse of Public Office);

12 (s) Chapter 839 (Offenses by Public Officers and Employees).

13 **Sec. 602.1204 Reserved. ~~Florida Administrative Code.~~** All
14 ~~officers and employees of the city and independent agencies shall~~
15 ~~comply with all applicable provisions of Chapter 34, Florida~~
16 ~~Administrative Code.~~

17 **Sec. 602.1205 Additional Ordinances.** All officers and
18 employee of the city and independent agencies are expected to
19 comply with the applicable provisions of additional ordinances
20 listed in other chapters of the ~~Jacksonville~~ Ordinance Code,
21 including, but not limited to the following:

22 (a) Section 86.107 (Cooperation with the Jacksonville Equal
23 Opportunity Commission);

24 (b) Chapter 102 (Auditing regulations);

25 (c) Section 106.331 (Indebtedness in excess of appropriates
26 prohibited);

27 (d) Section 106.332 (Transfer of expense funds or expense
28 credits prohibited);

29 (e) Section 106.334 (Personal liability for authorizing
30 expenditures in excess of the amount appropriated);

1 (f) Section 106.336 (Penalties for violation of sections
2 106.331 and 106.332);

3 (g) Section 106.431 (Maximum indebtedness required in all
4 city contracts);

5 (h) Section 106.433 (Personal liability for indebtedness in
6 violation);

7 (i) Section 106.434 (Penalties for violation);

8 (j) Section 106.713 (Fraudulent claims re travel expense
9 reimbursement);

10 (k) Section 122.811 (Sales of tangible personal property;
11 prohibition of sales to certain persons);

12 (l) Sections 124.201-207 (Records retention and disposition);

13 (m) Section 126.104 (Integrity of public contracting and
14 purchasing process);

15 (n) Section 126.110 (Unauthorized purchases and contracts);

16 (o) Section 134.108 (Refusal to obey order during
17 investigation);

18 (p) Section 320.302 (Building and Zoning Inspection Division
19 employees; conflicts);

20 (q) Chapter 400 (Equal Opportunity);

21 (r) Chapter 402 (Equal Employment Opportunity);

22 (s) Section 656.144 (Improper Influence).

23 **Sec. 602.1206 Personnel Rules and Regulations.** All
24 employees of the city shall comply with the applicable provisions
25 of Sections 11.01-11.04, Civil Service and Personnel Rules and
26 Regulations, to the extent that they do not conflict with the
27 provisions of this Code of Ethics.

28 **Sec. 602.1207 Public records.** Subject to confidentiality
29 provisions otherwise provided for in this chapter or state law, any

1 ~~Any~~ record or document required to be filed pursuant to this
2 chapter shall be a public record.

3 **Sec. 602.1208 Government in sunshine.**

4 (a) All meetings of the Council and of its committees and
5 subcommittees and meetings of the boards and commission of the city
6 are declared to be public meetings open to the public at all times.
7 No ordinance, resolution, rule, regulation or formal action shall
8 be passed or considered binding except when made at a public
9 meeting.

10 (b) The public meetings required by this section shall be
11 held in premises owned or leased by the federal, state, or local
12 governments, or in premises which otherwise provide full and
13 reasonable access to the public.

14 (c) A person who is a member of a governmental body named in
15 this section who willfully violates the provisions of this section
16 by attending a meeting not held in accordance with its provisions
17 shall be guilty of a class D offense.

18 **Sec. 602.1209 Severability.** It is not the intent of this
19 Code to conflict with any applicable state law. If any section,
20 sentence, clause, phrase or word of this chapter is for any reason
21 held or declared to be unconstitutional, inoperative or void, such
22 holding or invalidity shall not affect the remaining portion of
23 this chapter; and it shall be construed to have been the
24 legislative intent to pass this chapter without such
25 unconstitutional, invalid or inoperative part therein; and the
26 remainder of this chapter, after exclusion of such part or parts,
27 shall be deemed and held to be valid as if such part or parts had
28 not been included therein.

29 **Section 3. Effective Date.** This ordinance shall become
30 effective upon signature by the Mayor or upon becoming effective

1 without the Mayor's signature. Section 2 hereof shall take effect
2 January 1, 2008.

3 Form Approved:

4

5 /s/ Margaret M. Sidman

6 Office of General Counsel

7 Legislation Prepared By: Steven E. Rohan

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