

## Chapter 602 - JACKSONVILLE ETHICS CODE <sup>[248]</sup>

<sup>(248)</sup> **Editor's note**— Ord. 97-890-E, § 1, effective June 4, 1999, amended the Code by repealing former Ch. 602, §§ 602.101—602.114, and added a new Ch. 602. Former Ch. 602 pertained to offenses relating to official duties, and derived from Ord. 83-591-400, § 1, and Ord. 92-1458-1427, § 1.

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<sup>(248)</sup> **State Law reference**— Public officers, Fla. Const. Art. II, § 5; ethics in government, Fla. Const. Art. II, § 8; code of ethics, F.S. § 112.311 et seq.; bribery, F.S. § 838.015; unlawful compensation or reward for official behavior, F.S. § 838.016; offenses by public officers and employees, F.S. Ch. 839; allowing escape, F.S. § 843.09 et seq. (Back)

### PART 1. - IN GENERAL

[Sec. 602.101. - Legislative intent and declaration of policy; aspirational goals.](#)

#### **Sec. 602.101. - Legislative intent and declaration of policy; aspirational goals.**

It is declared to be the policy of the City of Jacksonville that all officials, officers and employees of the City of Jacksonville and its independent agencies are public servants of the people and hold their positions for the benefit of the public, and that imposing ethical standards upon officials, officers, and employees of all of these agencies serves an important public purpose and serves the public welfare. These public servants shall perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees shall strive to meet the highest standards of ethics consistent with this Code, regardless of personal considerations, recognizing that maintaining the respect of the people must be their foremost concern. This Code shall serve not only as a basis for discipline of public servants who violate these provisions, but also as an aspirational guide for conduct.

The City of Jacksonville consolidated in 1968 in an attempt to create a more responsible government.

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Since that time, various provisions from state and local law have been created or adapted to guide the ethical behavior of local public servants. This Code coordinates existing laws, adds new provisions outlining guidelines for appropriate behavior, and includes new substantive provisions which impose higher standards and expectations on public servants. Although the people of Jacksonville have learned from and responded to past mistakes, there should be an aspiration to much higher standards.

Ethics is defined as the study of the general nature of morals and moral choices to be made by the individual in his or her relationships with others. Ethics is more than the avoidance of criminal behavior. It is a commitment for public servants to take individual responsibility in creating a government that has the trust and respect of its citizens. There needs to be a proactive approach in strengthening the emphasis on ethics and in guiding City officers and employees in upholding them. To preserve and maintain the integrity of responsible government and its decision-making process, the City of Jacksonville believes it is necessary that the identity, activities and expenditures of certain persons who engage in efforts to influence officers and employees of the City on matters within their official cognizance, either by direct communication or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions and requirements of this Code shall apply to every person who attempts to influence government action, unless such person is clearly exempt herefrom by an express provision hereof.

With the above in mind, the City of Jacksonville hereby adopts the following goals for the City ethics program:

- (a) Promulgate and implement a comprehensive approach to ethics and integrity in Jacksonville government.
- (b) Promote public confidence in public officers and employees and the ethical operation of government.
- (c) Promote and ensure compliance with local, state, and federal ethics law.
- (d) Centralize laws and regulations on the ethical conduct of City officers and employees.
- (e) Heighten knowledge and understanding of the laws and ethical principles which are the inherent obligations of City officers and employees.
- (f) Establish a system to train City officers and employees to encourage compliance with these standards and to also provide for periodic review, education and certification on ethics.
- (g) Enact an Ethics Officer system that will continue to evolve and update our City's ethics program and to provide guidance and education to all City departments.
- (h) Educate City officers and employees to avoid the appearance of impropriety.

Through this comprehensive code and the above-stated goals, the City will strive to elevate the level of ethics in local government, to provide honest and responsible service to the citizens of Jacksonville, and to maintain the confidence and trust of the public that this government serves.

(Ord. 97-890-E, § 1; Ord. 2008-839-E, § 1)

## PART 2. - DEFINITIONS

### [Sec. 602.201. - Definitions.](#)

#### **Sec. 602.201. - Definitions.**

For purposes of this Chapter, the words and phrases defined in this Section shall have the following meanings:

- (a) *Advisory body* means any board, commission, committee, council or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than one percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations. Any board, commission or authority which has the authority to appropriate money or to exercise quasi-judicial functions is specifically excluded.
- (b) *Advisory body official* means any person appointed to an advisory body.
- (c) *Appointed employee* means a person holding one of the following public positions:
  - (1) Executive branch employees, appointed by the Mayor or by Constitutional Officers and confirmed by the Council;
  - (2) Any other person appointed by the Mayor or by Constitutional Officers, except persons employed solely in maintenance, clerical, secretarial or similar positions; the Mayor, working in coordination with the Constitutional Officers shall, on July 1 of each year, provide a list of appointees who qualify as "Appointed Employees" to the Ethics Office.
  - (3) Any person appointed by the City Council, except persons employed solely in maintenance, clerical, secretarial, or similar positions; the Council Secretary shall, on July 1st of each year, provide a list of appointees who qualify as "Appointed Employees" to the Ethics Office.
  - (4) The executive director or chief executive officer of any agency.
- (d) *Appointed official* means any person appointed to any board, commission, or authority, but excludes any advisory body official.
- (e) *Business entity* means a corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual or trust, whether fictitiously named or not, doing business in the City.
- (f) *City* means the Consolidated City of Jacksonville.
- (g) *Civil service employee* means any individual, other than an individual exempted by Section 17.06, Charter of the City of Jacksonville, receiving compensation for services performed for the city, except individuals performing services as independent contractors.
- (h) *Compensation*, as used in Sections 602.801-803, Jacksonville Ordinance Code, means any payment received or to be received by a lobbyist for the performance of lobbying activities, whether the compensation is in the form of a fee, salary, retainer, forbearance, forgiveness, or

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other form of valuable recompense, or any combination thereof.

- (i) *Code* means the Jacksonville Ethics Code, Chapter 602, Ordinance Code.
- (j) *Controlling interest* means that the person owns or has an interest in a business entity sufficient to allow him or her to control its operations. In the absence of evidence to the contrary, (1) ownership of (i) ten percent of the voting stock in a corporation or (ii) any interest in a partnership, limited partnership (if this interest is other than as a limited partner with no legal right of control, management or operation), firm, enterprise, franchise or association or (2) the holding of an office in the corporate or business structure which is associated with the management and operation of the business entity, shall be deemed to be a controlling interest.
- (k) *Elected official* means any individual elected to any office created by the Charter of the City of Jacksonville.
- (l) *Employee* means any individual, other than an elected official, receiving compensation for services performed for the City except individuals who perform services as independent contractors.
- (m) *Ethics commission* means the Jacksonville Ethics Commission.
- (n) *Executive branch department* means a department of the City created in Chapters 20-40, Ordinance Code.
- (o) *Fair market value* means the price that would be paid by a willing buyer to a willing seller in a good faith transaction in which neither party is compelled to enter.
- (p) *Gift*
  - (1) *Gift* means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for his or her benefit or by any other means, for which equal or greater consideration is not given. Among other things, a gift may be:
    - (i) Real property;
    - (ii) The use of property;
    - (iii) Tangible or intangible personal property;
    - (iv) The use of tangible or intangible personal property;
    - (v) A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similar situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin;
    - (vi) Forgiveness of indebtedness;
    - (vii) Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging or parking;

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- (viii) Food or beverage;
  - (ix) Membership dues;
  - (x) Entrance fees, admission fees, or tickets to events, performance or facilities;
  - (xi) Plants, flowers, or floral arrangements;
  - (xii) Services provided by persons pursuant to a professional license or certificate;
  - (xiii) Other personal services for which a fee is normally charged by the person providing the services;
  - (xiv) Any other similar service or thing having an attributable value not already provided for in this Section.
- (2) *Gift* does not include:
- (i) Salary, benefits, services, fees, commissions, or expenses associated primarily with the donee's employment or business, or provided to the donee as part of the donee's bona fide fact finding efforts on behalf of his or her agency, or provided to the donee by the city, and does not include gifts provided by the City or any governmental agency, to the extent that such gift is not inconsistent with the applicable provisions of Section 112.3148, Florida Statutes;
  - (ii) Contributions or expenditures reported pursuant to F.S. Ch. 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party;
  - (iii) An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service;
  - (iv) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization;
  - (v) The use of a public facility or public property, made available by a governmental agency, for a public purpose;
  - (vi) An honorarium or an expense related to an honorarium event paid to a person or a person's spouse;
  - (vii) Transportation provided to an officer or employee by an agency in relation to officially approved governmental business.
  - (viii) Gifts provided directly or indirectly by a state, regional or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials, officers, or employees, and whose membership is primarily composed of elected or appointed officials, officers, or staff, to members of that organization or officials, officers, or staff of a governmental agency that is a member of that organization.
  - (ix) Gifts solicited or accepted from a relative, as that term is defined in F.S. §

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112.312(21).

(3) For purposes of Section (1) above, *intangible personal property* means property as defined in F.S. § 192.001(11)(b).

(q) *Governmental action* means any administrative or legislative action other than an action which is ministerial or quasi-judicial in nature.

(r) *Honorarium*

(1) *Honorarium* means a payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on his or her behalf, as consideration for:

(i) A speech, address, oration or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media;

(ii) A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published.

(2) The term *honorarium* does not include:

(i) The payment for services related to employment held outside the reporting individual's public position which resulted in the person becoming a reporting individual;

(ii) Any ordinary payment or salary received in consideration for services related to the reporting individual's or procurement employee's public duties;

(iii) A campaign contribution reported pursuant to F.S. Ch. 106

(iv) The payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event, including any event or meeting registration fee, for a reporting individual or procurement employee and spouse.

(s) *Immediate family* means:

(1) A spouse and

(2) Any dependent minor child;

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

(t) *Independent agency* means the Duval County School Board, the Jacksonville Transportation Authority, the Jacksonville Port Authority, the Jacksonville Aviation Authority, the Police and Fire Pension Fund, JEA, the Jacksonville Housing Authority, and the Water and Sewer Expansion Authority.

(u) *Lobbying principal* means any person providing compensation to a lobbyist in consideration of his or her performance of lobbying activities, regardless of the technical or legal form of the relationship between the principal and the lobbyist. Principal specifically includes a person whose employee or agent lobbies on behalf of the employer or for the benefit, or in the name of the

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employer.

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

(w) *Material interest* means the direct ownership of more than five percent of the total assets or capital stock of a business entity.

(x) *Officer* means any person elected to any City office and any appointed official.

(y) *Permitting employee* means any employee of the City who participates through decision, approval, disapproval, recommendation or preparation of a permit or permit application.

(z) *Person* includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(aa) *Procurement employee* means any employee of the City who participates through decision, approval, disapproval, recommendation or preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in Section 287.012, Florida Statutes, and Chapter 126, Ordinance Code.

(bb) *Public official* means:

- (1) Member of the City Council and Council-appointed aides;
- (2) The Mayor and the Mayor's appointed assistants and aides;
- (3) Chief Administrative Officer;
- (4) Head of an Executive department, appointed by the Mayor and confirmed by the Council, which also includes the Executive Director of the Human Rights Commission;
- (5) Deputy director of an executive department, appointed by the Mayor and confirmed by the Council;
- (6) Chief of a division of an executive department, appointed by the Mayor and confirmed by the Council;
- (7) Administrative Aide to the Mayor, appointed by the Mayor under § 6.06 of the Charter;  
and
- (8) Personal secretary to the Mayor, appointed by the Mayor under § 6.06 of the Charter;  
and
- (9) Any individual whose title under civil service is exempt or unclassified;

(cc) *Reporting individual* means and includes:

- (1) Elected officials;

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- (2) Appointed officials;
- (3) Appointed employees;
- (4) Procurement employees.
- (5) Permitting employees;
- (6) Zoning employees.

(dd) *Zoning employee* means any employee of the City who participates through decision, approval, disapproval, recommendation or preparation of a zoning matter or application.

(Ord. 97-890-E, § 1; Ord. 1999-796-E, §§ 1, 2; Ord. 2007-329-E, § 3; Ord. 2008-839-E, § 2)

### **PART 3. - RESERVED**

**Editor's note**— Ord. No. 2011-232-E, §§ 2 and 3 effectively repealed former Pt. 3, which pertained to misuse of city employment or city property, by renumbering the former §§ 602.301—602.312, as new §§ 601.114, 601.101, 602.703, 601.401, 601.402, 601.403, 601.404, 601.107, 601.109, 602.401, 601.111 and 601.501, respectively.

### **PART 4. - CONFLICTS OF INTEREST**

SUBPART A. - CONFLICTING RELATIONSHIPS

SUBPART B. - RESERVED

#### **SUBPART A. - CONFLICTING RELATIONSHIPS**

[Sec. 602.401. - Misuse of position, information, etc.](#)

[Sec. 602.402. - Activities of officers and employees in matters affecting City.](#)

[Sec. 602.403. - Moonlighting provisions.](#)

[Sec. 602.404. - Soliciting future employment or compensation.](#)

[Sec. 602.405. - Responsibility of contracts with former employer prohibited.](#)

[Sec. 602.406. - Public official bid and contract disclosure.](#)

[Sec. 602.407. - Obstruction of proceedings by City officers or employees.](#)

[Secs. 602.408—602.410. - Reserved.](#)

[Sec. 602.411. - Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners.](#)

[Sec. 602.412. - Prohibited future employment.](#)

**Sec. 602.401. - 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.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2011-232-E, § 3)

**Note**—Former § 602.310.

**Sec. 602.402. - Activities of officers and employees in matters affecting City.**

(a) It shall be unlawful and a class C offense for an officer or employee of the City or an independent agency, otherwise than in the proper discharge of his or her official duties:

(1) To act as agent or attorney for prosecuting any claim against the City or an independent agency, or to receive any gratuity or any share of or interest in any claim against the City or an independent agency, in consideration of assistance in the prosecution of the claim;

(2) To act as agent or attorney for anyone before any unit of government in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter in which the City or an independent agency is a party or has a direct and substantial interest;

(3) To act as agent or attorney for anyone before any unit of government in connection with a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge or other particular matter with respect to which he or she, or a unit of government of which he or she is a member, has acted upon in an official capacity either before or concurrently with his or her acting as agent or attorney.

(4) To testify as an expert witness in any proceeding before any body or court over the objection of the City or an independent agency.

(b) Nothing in this Section shall prevent an officer or employee of the City or an independent agency, if not inconsistent with the faithful performance of his or her duties, from acting without compensation as agent or attorney for a person who is the subject of disciplinary or other personnel administrative proceedings in connection with those proceedings.

(c) Nothing in this Section shall prevent an officer or employee of the City or an independent agency from acting, with or without compensation, as agent or attorney for his or her parents, spouse, child or

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any person for whom, or for any estate for which, he or she is serving as personal representative except in those matters in which he or she has participated personally and substantially as an officer or employee of the City or an independent agency, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which are the subject of his or her official responsibility; provided, that the official responsible for appointment to his or her position approves.

(d) Other than the restrictions in paragraph (a)(4) above, nothing in this Section shall prevent an officer or employee of the City or an independent agency from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(e) It shall be unlawful and a class C offense for any person, who is a partner of an officer or employee of the City or an independent agency, knowingly to act as agent or attorney for anyone other than the City or an independent agency in connection with any administrative or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter involving a specific party or parties in which the City or an independent agency is a party or has a direct and substantial interest and in which the officer or employee of the City or an independent agency participates or has participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his or her official responsibility.

(f) The provisions in subsection (a)(1), (2), (3), and (4) do not apply to advisory body officials.

(Ord. 97-890-E, § 1; Ord. 2011-232-E, § 3)

**Note**—Former § 602.401

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

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

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

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

(f) All appointed employees, except for those employees appointed by City Council, while full-time employees of the City, must obtain prior approval from the Mayor, or an individual designated by the Mayor, before accepting non-City employment or engaging in any work for an employer other than the City. All employees appointed by City Council, while full-time employees of the Council, must obtain prior approval from the Council President, or an individual designated by the Council President, before

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accepting non-City employment or engaging in any work for an employer other than the City. All employees appointed by a Constitutional Officer, while full-time employees of the Constitutional Officer, must obtain prior approval from the Constitutional Officer, or an individual designated by the Constitutional Officer, before accepting non-City employment or engaging in any work for an employer other than the City. A registry of appointed persons working non-City employment shall be maintained by the Constitutional Officers, the Mayor, and the Council Secretary or their designees; and shall be published on the City website, showing the employee, the outside employment, and the number of hours spent per year on such employment.

(g) It shall be unlawful and a class C offense for any officer or employee of the City to violate any of the provisions of this Section.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3)

**Sec. 602.404. - Soliciting future employment or compensation.**

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

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

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2011-232-E, § 3)

**Sec. 602.405 - Responsibility of contracts with former employer prohibited.**

For a period of two years from ceasing employment with a former employer, no employee of the City shall negotiate, supervise or manage a contract with the employee's former employer.

(Ord. 2007-329-E, § 3)

**Editor's note**— Ord. 2007-329-E, § 3, amended the Code by repealing former § 602.405, and adding a new § 602.405. Former § 602.405 pertained to disclosure of noncity employment, and derived from Ord. 97-890-E, § 1.

**Sec. 602.406. - Public official bid and contract disclosure.**

(a) A public official of the City or an independent agency, who knows that he or she has a financial interest in a bid to be submitted to their own agency or contract with their own agency, shall make disclosure in writing to the Procurement Division or using agency, whichever is receiving or has received the bid contract, (i) at the time that the bid or contract is submitted or subsequently no later than the close of the second, full, regular work day after the bid or contract is submitted (not including the day that the bid is submitted or any Saturday, Sunday or City holiday), or (ii) prior to or at the time that the public official acquires a financial interest in the bid or contract and such disclosure shall include but not be limited to the following: the bid number, the name of the public official and his or her public office or position, the name and address of the business entity in which the public official has a financial interest, and the position or relationship of the public official with that business entity.

(b) It shall be unlawful and a Class D offense for a public official of the City or an independent agency, to fail or refuse to make the disclosure required in subsection (a) of this Section.

(c) For purposes of this Section, bid means any telephone or written bid, written proposal, written

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quote or written offering of any kind or description whatsoever submitted for the purpose of being awarded or entering into a contract, purchase agreement, sales transaction, or other contractual agreement with the City under the provisions of the Procurement Code, Section 126.110, Ordinance Code, or with an independent agency of the City under its procurement code.

(d) For purposes of this Section, contract means any contract, agreement, purchase order or other document used to evidence the existence of a purchase or sales transaction under the provisions of the Procurement Code, Chapter 126, Ordinance Code, or with an independent agency under its procurement code, or any subsequent change order or amendment to any such contract document.

(e) For purposes of this Section public official means any one or more individuals who have been elected to any state or local office and which office has a geographical jurisdiction or description covering all of, more than but including all or a portion of, or less than but including a portion of, Duval County, Florida, any one or more individuals who have been appointed to the governing body of any independent agency of the City, or an appointed employee of the City.

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

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

(h) In addition to all other penalties described herein, any person or company that violates this Part shall be subject to withholding of payments under the contract, termination of the contract for breach, contract penalties, decertification and/or being debarred from or deemed nonresponsive to future City solicitations and contracts for up to three years (for less egregious violations, as determined by the Chief, a period of probation may be proposed, any violations during which period will result in debarment of no less than three years). For purposes of this Chapter, the words and phrases defined in this Section shall have the following meanings:

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2008-839-E, § 3; Ord. 2011-232-E, § 3)

**Note**—Former § 602.453.

**Sec. 602.407. - Obstruction of proceedings by City officers or employees.**

It is unlawful and a class D offense for an officer or employee of the City to:

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

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(b) With intent to avoid, evade, prevent or obstruct compliance in whole or in part with any investigative demand duly and properly made under any law or rule made pursuant to law, wilfully to remove from any place, conceal, destroy, mutilate, alter or by other means falsify any documentary material which is the subject of the demand.

(c) Corruptly, or by threat of force, or by any intimidating letter or communication, to influence, obstruct or impede or to endeavor to influence, obstruct or impede the due and proper administration of the law in any proceeding before any City agency or in connection with any inquiry or investigation being had by any City agency.

(d) Intentionally to disrupt, obstruct or impede or to endeavor to disrupt, obstruct or impede the conduct of any public meeting of any City agency.

(e) Intentionally to do any act or attempt to do any act which any reasonable person would know would disrupt, obstruct or impede the conduct of any public meeting before any City agency.

(f) To refuse to comply with the directives, requests or orders of any presiding officer of any public meeting of any City agency.

(g) Intentionally do or act or attempt to do any act which any reasonable person would know would prevent any person from appearing or speaking before any City agency at any public meeting.

(h) Intentionally refusing, after warning, to obey the rules of decorum before any City agency at any public meeting.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2011-232-E, § 3)

**Note**—Former § 602.507.

**Secs. 602.408—602.410. - Reserved.**

**Editor's note**— Ord. 2007-329-E, § 3, amended the Code by repealing former § 602.408 in its entirety. Former § 602.408 pertained to approval required for noncity employment performed by appointed employees, and derived from Ord. 97-890-E, § 1. Former §§ 602.409 and 602.410 have been renumbered as §§ 602.1210 and 602.1211, respectively, by Ord. 2011-232-E, § 3.

**Sec. 602.411. - Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners.**

(a) It shall be unlawful and a class C offense for any person, who was an officer or employee of the City or an independent agency, after his or her employment has ceased, knowingly to act as agent or attorney for anyone other than the City or an independent agency in connection with any administrative or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter involving a specific party or parties in which the City or an independent agency is a party or has a direct and substantial interest and in which he or she participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise while employed by the City or an independent agency.

(b) It shall be unlawful and a class C offense for any person, who was an officer or employee of the City or an independent agency, after his or her employment has ceased, to appear personally before any unit of government as agent or attorney for anyone other than the City or an independent agency in

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connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter involving a specific party or parties in which the City or an independent agency is a party or has a direct and substantial interest and which was under his or her official responsibility as an officer or employee of the City or an independent agency at any time within a period of one year prior to the termination of his or her responsibility.

(c) Nothing in subsection (a) or (b) shall prevent a former officer or employee of the City or an independent agency with professional, scientific or technological qualifications, from acting as agent or attorney or from appearing personally in connection with a particular matter in a professional, scientific or technological field if the head of the unit of government concerned with the matter shall certify in writing that the public interest would be served by the action or appearance by the former officer or employee.

(Ord. 97-890-E, § 1; Ord. 2011-232-E, § 2)

**Note**—Former § 602.402

**Sec. 602.412. - Prohibited future employment.**

It shall be unlawful and a class C offense for any person, who was an officer or employee of the City or an independent agency, after his or her employment has ceased, to be employed by or enter into any contract for personal services, with a person or company who contracted with, or had a contractual relationship with the City or the independent agency, while the contract is active or being completed, or within two years of the cessation, completion, or termination of the person's or company's contractual relationship with the City or the independent agency, where (1) the contract with the City or the independent agency had a value that exceeded \$250,000, and (2) the officer or employee had a substantial and decision-making role in securing or negotiating the contract or contractual relationship, or in the approval of financial submissions or draws in accordance with the terms of the contract; except that this prohibition shall not apply to an employee whose role is merely as a review signatory, or to contracts entered into prior to January 1, 2008, or to contracts that have been competitively procured. With respect to this subsection a contract is competitively procured if it has been obtained through a sealed low bid award. A "substantial and decision-making role" shall include duties and/or responsibilities that are collectively associated with: (i) approving solicitation or payment documents; (ii) evaluating formal bids and proposals; and (iii) approving and/or issuing award recommendations for final mayoral, City Council, or independent agency approval. The contract of any person or business entity who hires or contracts for services with any officer or employee prohibited from entering into said relationship shall be voidable at the pleasure of the City or independent agency. This prohibition shall not apply to any former officer or employee after two years from cessation from City or independent agency employment. An officer or employee subject to the prohibition of this Section who believes his or her role in the applicable contract does not create an ethical dilemma, may appeal to a committee of the City Council Rules Chair, the Chairperson of the Ethics Commission, and the Chief of Procurement for relief from this Section. Said appeal shall be considered and ruled upon within ten business days of a written request.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3)

**Note**—Former § 602.404(c).

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**SUBPART B. - RESERVED** <sup>[249]</sup>

<sup>(249)</sup> **Editor's note**— Ord. 2011-232-E, § 5, repealed former Subpart B, §§ 602.450, 602.452 and 602.455. Former Subpart B pertained to reporting requirements, and derived from Ord. 97-890-E, § 1; and Ord. 2007-329-E, § 3.

[Secs. 602.450—602.455. - Reserved.](#)

**Secs. 602.450—602.455. - Reserved.**

**PART 5. - RESERVED** <sup>[250]</sup>

<sup>(250)</sup> **Editor's note**— Ord. 2011-232-E, §§ 2, 3, in effect repealed former Pt. 5, which pertained to miscellaneous malfeasance or misfeasance, by renumbering former §§ 602.501—602.505 as §§ 601.206, 601.115, 601.116, 601.110, and 602.1204, respectively, and specifically repealing former § 602.506. Former § 602.506 pertained to forfeiture of pension rights, and derived from Ord. 97-890-E, § 1.

**PART 6. - OFFICE OF ETHICS, COMPLIANCE AND OVERSIGHT**

SUBPART A. - CREATION AND ORGANIZATION  
SUBPART B. - DUTIES  
SUBPART C. - INDEPENDENT AUTHORITIES

**SUBPART A. - CREATION AND ORGANIZATION**

[Sec. 602.611. - Office of Ethics, Compliance and Oversight; Creation.](#)  
[Sec. 602.612. - Organization.](#)

**Sec. 602.611. - Office of Ethics, Compliance and Oversight; Creation.**

(a) There is hereby created, pursuant to Section 1.203 of the Charter of the City of Jacksonville, the Office of Ethics, Compliance and Oversight, the purpose of which is to coordinate and handle citywide

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ethics training, compliance, and oversight issues. In furtherance of the above, the Office shall ensure the investigation of all situations involving fraud, waste, corruption and conflicts of interest by city officials and employees, and to staff the Jacksonville Ethics Commission. The organization and administration of the office shall be independent to assure that no external interference or influence adversely affects the independence and objectivity of the office.

- (b) The Office of Ethics, Compliance and Oversight is an independent office which is:
- (1) Independently budgeted and accounted for; and
  - (2) Whose executive director is appointed by the Jacksonville Ethics Commission subject to Council confirmation; and
  - (3) Whose budget is recommended to the Mayor by the Director of the Office of Ethics, Compliance and Oversight and approved by Council.

(Ord. 2011-197-E, § 1)

**Sec. 602.612. - Organization.**

(a) *Staffing.*

(1) *General staffing.* The Office of Ethics, Compliance and Oversight shall be staffed, at the discretion of the Ethics Commission, and subject to available funding, with a director and such other executive positions approved by Council, each of whom must be knowledgeable and experienced in management, leadership, auditing, oversight, investigation, training, contract administration, and clerical functions deemed necessary to the proper functioning of the office.

(2) *Director.*

(i) *Appointment.* The director of the Office of Ethics, Compliance and Oversight shall be a registered Duval County voter at the time of hire, or shall relocate to Duval County within six (6) months of hire, and shall be appointed for a term of three (3) years by the Jacksonville Ethics Commission, and the appointment shall be confirmed by Council. The Director shall be exempt from civil service.

(ii) *Separation.* The director may be separated from employment by the Jacksonville Ethics Commission before the completion of his or her term for cause, which shall include misfeasance, malfeasance, or conduct unbecoming or detrimental to the performance of his or her position or the integrity of the Office of Ethics, Compliance and Oversight. Separation shall only be effected at a public meeting, and only after the employee has been provided a minimum of 60 business days written notice of the basis for cause and has been provided an opportunity to be informally heard at the public meeting. The 60-day written notice shall be reduced to 15 days written notice in the event of the director's arrest for a felony.

(iii) *Vacancy.* In the event of a director vacancy, the position shall be filled temporarily by a non-confirmed appointment by the Ethics Commission for a period not to exceed 180 days, and then as provided for in subsection (i) above.

(3) *Volunteers.* The Director may utilize the services of such volunteer personnel who have agreed to perform services without compensation, in accordance with the volunteer policies of the Division of Human Resources. Such volunteer personnel shall act with such authority as granted

by the Ethics Commission.

(b) *Administrative support.*

(1) *Additional staffing.* The Director of the Office of Ethics, Compliance and Oversight shall have the power to appoint, employ, and remove such other personnel as is deemed necessary for the efficient and effective administration of the activities of the office, subject to the budget approval of City Council. All such appointees shall serve at the pleasure of the Director and shall be exempt from civil service.

(2) *Supplemental support.* To the extent that additional support is necessary beyond that which is funded by Council, administrative support shall be provided by the Office of General Counsel, and investigative support shall be provided both by the Council Auditor's Office and the Office of General Counsel, all at the request of the Ethics Commission.

(3) *Legal Support.* Pursuant to the Charter, the Office of General Counsel shall provide legal services to the Office of Ethics, Compliance and Oversight. Recognizing that legal conflicts may present themselves from time to time, special counsel may be retained in accordance with Section 108.505 Ordinance Code.

(c) *Qualifications.* The Executive Director shall have a bachelor's degree or higher from an accredited college or university, with a preference for an advanced degree in applied ethics, law, or public administration; at least ten years experience in related activities such as administration of an ethics office or activity, ethics related legal work, criminal justice administration; and administrative experience.

(Ord. 2011-197-E, § 1)

## SUBPART B. - DUTIES

[Sec. 602.621. - Duties.](#)

[Sec. 602.622 - Department/Independent Agency Ethics Officers.](#)

[Sec. 602.623. - Confidentiality/Whistleblowing.](#)

### **Sec. 602.621. - Duties.**

The Office of Ethics, Compliance and Oversight, through its executive officials, shall have authority to:

- (a) Encourage compliance with the spirit and letter of ethics laws, and provide advice and training to departments and agencies;
- (b) Develop policies, programs and strategies to deal with all ethics-related matters;
- (c) Develop training and education programs with assistance of the General Counsel and City training personnel;
- (d) Organize a citywide Ethics Coordination Council with one representative each from the executive branch, the legislative branch, each constitutional officer and each independent agency,

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with the purpose of avoiding duplication of ethics resources, sharing best practices and training, evaluating risk areas and devising plans to eliminate any city fraud, waste or corruption;

(e) Review periodically this Code and other applicable laws and regulations and recommend appropriate changes to this Code;

(f) Administer a confidential "Hotline" for the discovery of government waste, fraud, and ethics violations;

(g) Respond to requests for assistance from all public officers and employees subject to this Ethics Code;

(h) Act as the executive officer of the Jacksonville Ethics Commission, responsible for its administration and operation;

(i) Work with the human resources and procurement offices and other appropriate divisions to integrate ethics into procurement, hiring, retention and promotion policies of the executive branch of the City and to share these practices with the Ethics Coordination Council;

(j) Lead, direct, and be responsible for the development of the citywide ethics plan and report to be created by the Ethics Coordination Council;

(k) Investigate, review and report on City issues, and past, present and proposed programs, activities, accounts, records, contracts and transactions all as related to the prevention and remediation of conflicts of interest, fraud, waste, and corruption;

(l) Request and obtain data relevant to its authorized investigations and to receive full access to the records of all elected and appointed city officials and employees, and departments, divisions, agencies and contractors and other persons and entities doing business with the City and/or receiving City funds, that is not otherwise deemed confidential by law, regarding any such contracts or transactions with the City. All elected and appointed City and county officials and employees, and contractors and other parties doing business with the City and/or receiving City funds shall fully cooperate with the Office of Ethics, Compliance and Oversight.

(m) Where possible violations of any state, federal or local law are suspected, to notify the appropriate civil, criminal or administrative agencies, and assist those agencies as appropriate. In the case of a possible violation of a human resource rule, regulation or policy governing a City employee, the official shall also notify the City administrator and the head of the department for which the employee works, unless to do so would otherwise jeopardize an ongoing investigation.

(n) Personnel within the office shall not interfere with any ongoing criminal investigation or prosecution of the state attorney or the U.S. Attorney for the Middle District of Florida. When the state attorney or the U.S. Attorney for the Middle District of Florida has explicitly notified the office in writing that the investigation is interfering with an ongoing criminal investigation or prosecution, then all investigative activities shall be suspended.

(o) Respond to requests for assistance from all public officers subject to this Ethics Code.

(Ord. 2011-197-E, § 1)

**Sec. 602.622 - Department/Independent Agency Ethics Officers.**

(a) The Mayor, the Council President, each constitutional officer, and each executive director of the independent agencies of the City shall designate one of their employees as an "Ethics Officer." Each Ethics Officer's duties are in addition to his or her principal operational role unless there is an approved budget for a separate position dealing exclusively with ethics and oversight functions. Specific responsibilities assigned to these Ethics Officers include, but are not limited to the following:

- (1) Conduct periodic meetings with senior management, boards and employee groups to assess risk areas and to provide advice on ethics issues and to work to instill an ethical culture in their agency;
- (2) Assist their department head or senior management in the development of an overall internal ethics plan;
- (3) Participate in a citywide Ethics Coordination Council, which shall identify risks, recommend programs to implement national best practices to combat fraud, waste and corruption, and provide department and agency reports to be included in the citywide ethics.
- (4) Assist in the receipt of ethics, fraud, waste, and corruption complaints from employees and the general public, and to assure that such complaints and information are directed to an appropriate authority, in a manner that best protects the complaining parties. When an Ethics Officer is in doubt about the relief available within a chain of command, or the consequences of reporting within the chain of command, the Ethics Officer shall have a duty to report complaints to the Director of the Office of Ethics, Compliance and Oversight.

(b) In addition to those Ethics Officers set forth in subsection (a) above, there may be appointed within the executive branch additional department ethics officers (DEOs) to assist the Ethics Officer in the duties required by this section at the department or division level. These duties shall be in addition to the principal operational role of the department ethics officer.

(Ord. 2011-197-E, § 1)

**Sec. 602.623. - Confidentiality/Whistleblowing.**

(a) It is the policy of the City that employees, ethics officers, administrators, complainants, whistleblowers and innocent parties shall be protected to the maximum extent of the law.

(b) All records of complaints and investigations shall remain confidential to the extent authorized by F.S. 112.3188 (2) and any other state law so applicable.

(c) In furtherance of the City policy set forth herein, the director and such authorized personnel in the Office of Ethics, Compliance and Oversight are deemed "safe havens" and whistleblower report-to authorities for the receipt of information and complaints related to ethics, waste, fraud, and corruption. A complainant or ethics officer shall not be penalized or retaliated against in any way for disclosing information to the Office of Ethics, Compliance and Oversight. The director shall take all such action as is appropriate under the circumstances to address the allegations disclosed to them.

**Sec. 602.624. – Reporting of Violations by Council Auditor.**

The Council Auditor, in addition to the reporting requirements of Section 102.103, Ordinance Code, shall, when he or she has reasonable grounds to believe that a violation of the City's Ethics Code has

occurred, report the facts relating to the probable violation in writing to the General Counsel and the City's Director of Ethics, Compliance and Oversight.

(Ord. 2011-197-E, § 1)

### **SUBPART C. - INDEPENDENT AUTHORITIES**

[Sec. 602.631. - Investigations related to officers and employees of independent agencies.](#)

#### **Sec. 602.631. - Investigations related to officers and employees of independent agencies.**

In accordance with section 1.202 of the Charter, officers and employees of independent agencies are subject to the jurisdiction of the Ethics Code. The Office of Ethics, Compliance and Oversight shall defer handling any investigations when the applicable independent agency has an established ethics program with investigatory functions and is appropriately undertaking the investigation. Nothing contained herein shall limit an independent agency from seeking cooperation and assistance from the Office of Ethics, Compliance and Oversight and such assistance being provided.

(Ord. 2011-197-E, § 1)

### **PART 7. - GIFTS AND HONORARIA**

[Sec. 602.701. - Prohibited receipt of gifts.](#)

[Sec. 602.702. - Prohibited offering of gifts.](#)

[Sec. 602.703. - Receipt or charge of commissions or gifts for official transactions.](#)

[Sec. 602.704. - Honoraria.](#)

#### **Sec. 602.701. - Prohibited receipt of gifts.**

(a) No officer or employee of the City or of an independent agency, or any other person on his or her behalf, shall knowingly accept, directly or indirectly, any one gift with a value greater than \$100 or an accumulation of gifts in any one calendar year that exceeds \$250 from any person or business entity that the recipient knows is:

- (1) A lobbyist who lobbies the recipient's agency or executive department;
- (2) Any principal or employer of a lobbyist who lobbies the recipient's agency or executive department;
- (3) A person or business entity which is doing business with, or has made written application within the previous six months, to do business with an agency of which he or she is an officer or employee;

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

For purposes of the \$250 annual accumulation of gifts, gifts of food and beverage not exceeding \$25 on any given day shall not be included.

(b) No officer or employee of the City or of an independent agency, or any other person on his or her behalf, shall knowingly accept, directly or indirectly, any one gift with a value greater than \$100, or an accumulation of gifts in any one calendar year that exceeds \$250 dollars, from any person or business entity, when the gift is given as a result of the officer or employee's official position, or as a result of the business relationship developed as a result of the officer or employee's position or employment. For purposes of the \$250 annual accumulation of gifts, gifts of food and beverage not exceeding \$25 on any given day shall not be included.

(c) The Mayor and the Council Secretary shall identify a mayoral and a council representative who will be officers or employees responsible for the receipt of and distribution of business-related gifts to the City through its executive and legislative branches. The chief executive officer of an independent agency shall identify a designee or designees who will be officers or employees responsible for the receipt of and distribution of business-related gifts to the independent agency. Registries shall be established wherein gifts will be identified by date, donor, type, purpose, and City or independent agency officer or employee carrying out the purpose; and shall be posted on a City or independent agency internet site. (Examples of gifts covered by this subsection include, but are not limited to, tickets or travel to events where City or independent agency official or employee presence is requested, or travel and per diem to inspect products and equipment, or gifts of personal property to the City or independent agency.)

(d) It shall be unlawful and a class A offense for any officer or employee of the City or an independent agency, or any person on his or her behalf, to violate subsections (a) and (b) of this Section.

(Ord. 97-890-E, § 1; Ord. 2002-117-E, § 1; Ord. 2007-329-E, § 3; Ord. 2008-839-E, § 4)

**Sec. 602.702. - Prohibited offering of gifts.**

It is unlawful and a Class A offense for a lobbyist, or principal or employer of a lobbyist, or any person or entity listed in Section 602.701, to knowingly offer a gift to an officer or employee of the City or an independent agency which would cause a violation of Section 602.701 if accepted.

(Ord. 97-890-E, § 1; Ord. No. 2002-117-E, § 1; Ord. 2008-839-E, § 4)

**Sec. 602.703. - Receipt or charge of commissions or gifts for official transactions.**

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

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

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a civil action in the name of the city or an independent agency.

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

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

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2011-232-E, § 3)

**Note**—Former § 602.303.

**Sec. 602.704. - Honoraria.**

(a) A reporting individual is prohibited from soliciting an honorarium which is related to the reporting individual's public office or duties.

(b) A reporting individual is prohibited from knowingly accepting an honorarium from a political committee or committee of continuous existence, as defined in F.S. § 106.011, from a lobbyist or from the employer, principal, partner, or firm of such a lobbyist.

(c) A political committee of continuous existence, as defined in F.S. § 106.011, a lobbyist or the employer, principal, partner or firm of a lobbyist is prohibited from giving an honorarium to a reporting individual.

(d) A person who is prohibited by subsection (c) from paying an honorarium to a reporting individual but who provides a reporting individual or reporting individual and his or her spouse, with expenses related to an honorarium event, shall provide to the reporting individual, no later than 60 days after the honorarium event, a statement listing the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses providing for the honorarium event.

(e) A reporting individual who receives payment or provision of expenses related to any honorarium event from a person who is prohibited by subsection (c) from paying an honorarium to a reporting individual shall publicly disclose on an annual statement the name, address, and affiliation of the person paying or providing the expenses; the amount of the honorarium expenses; the date of the honorarium event; a description of the date of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the reporting individual in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1 of each year for such expenses received during the previous calendar year. The reporting individual shall attach to the annual statement a copy of each statement received by him or her in accordance with subsection (d) regarding honorarium expenses paid or provided during the calendar year for which the annual statement is filed. Such attached statement shall become a public record upon the filing of the annual report. The annual statement of a reporting individual shall be filed in compliance with state law. Where this Chapter requires a person to file a report and that person is not required to file a report pursuant to state law, the report shall be on a form which is substantially the same in content as that required by state law, and the form shall be submitted annually, by July 1, to the Human Resources

Chief.

(Ord. 97-890-E, § 1)

**Editor's note**— Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

## PART 8. - LOBBYING

[Sec. 602.801. - Registration of lobbyists; registration statements.](#)

[Sec. 602.802. - Restricted activities.](#)

[Sec. 602.803. - Fee disclosure.](#)

[Sec. 602.804. - Penalties.](#)

### **Sec. 602.801. - Registration of lobbyists; registration statements.**

(a) For purposes of the registration provisions of this Part, lobbying is defined as the attempt to influence the governmental decision making of an officer or employee of the City, or of an independent agency, or the attempt to encourage the passage, defeat, or modification of any legislation, proposal or recommendation of the City or of an independent agency, or of an officer or employee of the City or of an independent agency. Lobbying shall not include the following:

- (1) Legal or settlement discussions directed toward an attorney for the City or of an independent agency; or
- (2) Participation in a quasi-judicial proceeding involving the City or an independent agency (except that all ex-parte communication to a decision maker or non-lawyer City or independent agency employee constitutes lobbying).

(b) Each person who lobbies, for compensation as a lobbyist, any officer or employee of the City, or of an independent agency, shall, prior to commencement of lobbying activities on any issue, register his or her name, the person or entity for which the lobbying is taking place (principal), and the purpose and issue for which the lobbying is taking place, with the City's Council Secretary. 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. The Council Secretary 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.

(c) (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 Office of General Counsel, in consultation with the City Ethics Officer, the Council Secretary and the Ethics Commission. The Council Secretary, in consultation with the Office of General Counsel, is authorized to reject or strike non-conforming

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registrations. No person may commence or continue lobbying activity related to a rejected or stricken registration statement until such time as a corrected registration statement is submitted and accepted by the Council Secretary.

(2) A registration statement may be corrected or amended at any time by the registrant by the submission of a subsequent registration statement and oath setting forth the correcting or additional information that the registrant wishes to place on file. A statement that the subsequent registration statement corrects or amends the previous registration statement shall be inserted in the body of the statement, above the lobbyist's signature, noting the substance of the correction or amendment. A registration statement shall be corrected or amended if any material fact concerning the purpose for which or persons on whose behalf the registrant filed the registration statement changes.

(3) A registration statement and oath that is not renewed by the end of the period for which it is filed shall expire and may not thereafter be relied upon by the lobbyist in support of lobbying activities.

(d) The following persons shall not be required to register as lobbyists:

(1) A public official, City or independent agency employee or salaried employee of a public agency acting in his or her official capacity or in connection with his or her job responsibilities or as authorized or permitted to lobby pursuant to a collective bargaining agreement;

(2) A person who only addresses the Council or independent agency board during the "public comment" portion of its meeting agenda;

(3) A person who appears at the specific request or under compulsion of the Council or a Council committee; or of the board or committee of the board of an independent agency;

(4) Expert witnesses and other persons who give factual testimony about a particular matter or measure, but do not advocate passage or defeat of the matter or measure or any amendment thereto;

(5) A person, not exempt under paragraphs (1) through (4) and otherwise meeting the definition of a lobbyist who received no compensation as a lobbyist;

(6) A Principal or an officer or employee of a principal who performs lobbying activities as part of his or her assigned duties.

(e) This section is limited to registration issues only, and nothing contained in this section shall be interpreted to limit the gift and honoraria solicitation and acceptance prohibitions set forth in Part 7 of this Chapter.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2008-470-E, § 2; Ord. 2008-839-E, § 5)

**Sec. 602.802. - Restricted activities.**

No information obtained from registration statements required by Section 602.801, Jacksonville Ordinance Code, or from lists compiled from such statements, shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

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(Ord. 97-890-E, § 1)

**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; or an independent agency board member, committee, or the independent agency as a whole; on any project, contract, development, ordinance, resolution, or agenda item, shall, prior to commencing lobbying efforts, file with the City's Council Secretary a disclosure revealing whether the lobbyist has a financial interest in the contract, development or project that extends beyond its approval, and the percent of that interest.

(Ord. 2007-329-E, § 3; Ord. 2008-839-E, § 5)

**Editor's note**— Ord. No. 2007-329-E, § 3, amended the Code by adding a new § 602.803, and renumbering former § 602.803 as a new § 602.804

**Sec. 602.804. - Penalties.**

A person who, knowingly and willfully:

- (a) Being at the time required to register as a lobbyist and not exempt from registration, fails or refuses to do so; or
- (b) Having registered as a lobbyist, fails or refuses to properly file with the Council Secretary a corrected or amended registration statement when required by Section 602.801(c) to do so; or fails to disclose on the registration statement any information required by this Part;
- (c) Continues to act as a lobbyist after the expiration of the period for which the registration statement was filed with the Council Secretary; or
- (d) Commits, or procures or acquiesces in the commission of, any violation of this Part;

shall be guilty of a class D offense against the City.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2008-470-E, § 2)

**Note**—See editor's note, § 602.803

## **PART 9. - JACKSONVILLE ETHICS COMMISSION <sup>[251]</sup>**

<sup>(251)</sup> **Editor's note**— Ord. 2011-167-E, §§ 1, 2, amended the Code by repealing former Pt. 9, §§ 602.901—602.904, and adding a new Pt. 9. Former Pt. 9 pertained to similar subject matter, and derived from Ord. 97-890-E, § 1; Ord. 2001-1092-E, § 1; Ord. 2005-1462-E, § 1; and Ord. 2007-329-E, § 3.

SUBPART A. - CREATION AND ORGANIZATION  
SUBPART B. - POWERS AND DUTIES  
SUBPART C. - PROCEDURES AND DUE PROCESS

## SUBPART A. - CREATION AND ORGANIZATION

[Sec. 602.911. - Jacksonville Ethics Commission; Creation.](#)

[Sec. 602.912. - Membership, terms, appointment.](#)

### **Sec. 602.911. - Jacksonville Ethics Commission; Creation.**

There is hereby created, pursuant to Section 1.202 of the Charter of the City of Jacksonville, the Jacksonville Ethics Commission, the purpose of which is to provide a local forum for consideration and investigation of ethical problems and issues.

(Ord. 2011-167-E, § 2)

### **Sec. 602.912. - Membership, terms, appointment.**

(a) *Number; terms.* The Commission shall be composed of nine members each of whom shall be registered voters of Duval County for six months prior to the introduction of their nomination for confirmation, and who shall be appointed to serve for fixed January 1 to December 31 three-year terms. The terms of the members shall be so staggered that the terms of no more than three members shall expire in any one year. No person shall serve more than two consecutive full terms. If, because of a delay in appointment, a member serves less than two years during the term, then in that event, the term shall not have been considered a full term for purposes of reappointment. A member made ineligible by reason of service of two consecutive full terms may be appointed for another term following a waiting period of three years.

(b) *Qualifications.* Except as provided for in subsection (d) below, each member shall have one or more of the following qualifications: an attorney; a certified public accountant with forensic audit experience; a former elected official; a former judge; a higher education faculty member or former faculty member with experience in ethics; a former law enforcement official with experience in investigating public corruption; a corporate official with a background in human resources or ethics; a former board member of a City of Jacksonville independent authority; a former government executive with ethics experience.

(c) *Limitations.*

(1) No member shall be an elected or appointed official, or an employee of the City of Jacksonville or any of its independent agencies, or of any governmental agency subject to the authority of the Commission. No member shall be an active judge, an assistant state attorney or assistant public defender, or an officer of a political party.

(2) Ethics Commission members shall not use their position in any manner that decreases public trust or gives the appearance of impropriety. The Ethics Commission shall establish internal operating rules or bylaws to effectuate this provision.

(3) Any Commission member who files to be a candidate for public office shall immediately resign from the Commission and their position shall be deemed vacant upon filing.

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(4) No individual while a member of the Commission shall allow his or her name and title as a commission member to be used by a campaign in support of or against any candidate for public office. Nothing herein shall preclude a member from signing a petition in support of or against any referendum, ballot question or candidate. This rule does not prohibit any campaign contributions by a member, or a member supporting any candidate in his or her own name.

(d) *Selection.* Each of the following persons or entities shall make an appointment of one of six Commission members whose qualifications are set forth above, to wit: the Mayor, the President of the Council, the Sheriff, the Chief Judge for the Fourth Judicial Circuit, the State Attorney for the Fourth Judicial Circuit, and the Public Defender for the Fourth Judicial Circuit. Three Commission members whose only qualifications are that they have been registered voters in Duval County for six months prior to the introduction of their nomination for confirmation, shall be appointed by the Ethics Commission. All appointments should be made within 30 days of a vacancy occurring. All appointees shall be confirmed by Council but shall serve until Council confirmation or denial.

(Ord. 2011-167-E, § 2)

## SUBPART B. - POWERS AND DUTIES

[Sec. 602.921. - Duties and powers.](#)

### **Sec. 602.921. - Duties and powers.**

The Jacksonville Ethics Commission (Commission) shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided. The Commission shall be empowered to review, interpret, render advisory opinions and enforce Chapter 602, *Ordinance Code*; and, in accordance with Section 1.202 of the Charter, to exercise the following powers and duties:

(a) The Commission is authorized to receive, and to investigate and issue findings with regard to any sworn written complaint alleging a violation of this Chapter or by a complaint initiated by a minimum vote of six members of the Commission alleging a violation of this Chapter. All complaints and records shall be confidential as allowed by Section 112.324, Florida Statutes, or any other applicable state law. In support of this power, the Commission is authorized to establish an ethics "hotline" to receive tips and information, each of which shall be treated with confidentiality as authorized by Florida law. The General Counsel, with the assistance of all appropriate and available offices of the City, shall assist the Ethics Commission in the investigation of complaints. The Ethics Commission may refer matters brought to its attention to the State Attorneys' Office or the Florida Commission on Ethics if it determines jurisdiction is vested in, and action is more appropriate if taken by said agencies.

(b) Provide assistance and input into the management and coordination of the training and education of local officers and employees in state and local ethics, including the City's Ethics Education Program as set forth in Section 602.1001, as well as all public records and sunshine law training throughout the government.

(c) The Commission may, upon employee or citizen complaint, or upon its own initiative, seek

information and gather facts for the purpose of reviewing any circumstance or situation of which the Commission may become aware that appears to violate or may potentially violate an acceptable standard of ethics conduct for City officers and employees as delineated in Section 1.202(d) of the Charter. Based upon such review the Commission may make such recommendations to the Mayor and the Council as it deems appropriate;

(d) Have jurisdiction to levy those civil fines or penalties authorized in this Chapter 602 for violations of the City's ethics code;

(e) Act as the hiring committee, subject to Council confirmation, for the executive director of the Ethics Oversight and Compliance office.

(Ord. 2011-167-E, § 2)

### **SUBPART C. - PROCEDURES AND DUE PROCESS**

[Sec. 602.931. - Process for the imposition of sanctions and penalties.](#)

[Sec. 602.932. - Documents and testimony.](#)

[Sec. 602.933. - Cooperation of other City agencies.](#)

[Sec. 602.934. - Dismissal of complaints.](#)

[Sec. 602.935. - Frivolous or groundless complaints.](#)

[Sec. 602.936. - Effect on other laws.](#)

[Sec. 602.937. - Prospective jurisdiction.](#)

[Sec. 602.938. - Personnel or other regulatory proceedings.](#)

[Sec. 602.939. - Statute of limitations.](#)

[Sec. 602.940. - Advisory opinions.](#)

[Sec. 602.941. - Review.](#)

#### **Sec. 602.931. - Process for the imposition of sanctions and penalties.**

In accordance with Section 602.921(d), and the Charter, the Commission shall perform the following duties in association with the enforcement of Chapter 602 and the imposition of sanctions and penalties including the imposition of public censures and civil penalties.

(a) The Commission shall establish and post rules and procedures to provide for the investigation of citizen, hotline, employee and self-initiated complaints of violations of Chapter 602

(b) The Commission shall establish and post rules and procedures to provide for due process in the charging and prosecution of violations of Chapter 602

(c) Meetings of the Commission exempted from the provisions of section 286.011 Florida Statutes, shall be recorded and such recording shall become public upon the conclusion of the investigatory matter, by either a finding of no probable cause to proceed or a final determination by the Commission.

(Ord. 2011-167-E, § 2)

**Sec. 602.932. - Documents and testimony.**

The Commission is authorized to exercise and utilize all procedures and processes available to city agencies, which are authorized by ordinance, the Charter, or Chapter 119, Florida Statutes, to secure the production of documents and testimonial evidence relevant to the investigation and prosecution of complaints and charges authorized by this Chapter; except that, the issuance of a subpoena to compel the production of documents or testimony shall be authorized by a circuit or county judge of the Fourth Judicial Circuit upon a facial demonstration of the relevancy of the documentation or testimony to the enforcement of a provision of Chapter 602, Ordinance Code, the City of Jacksonville's Ethics Code.

(Ord. 2011-167-E, § 2)

**Sec. 602.933. - Cooperation of other City agencies.**

The services of other departments, boards and agencies of the City shall be made available to the Commission at its request, subject to their ability and capacity to provide them. Other City agencies shall cooperate with the Commission in the exercise of the Commission's responsibilities.

(Ord. 2011-167-E, § 2)

**Sec. 602.934. - Dismissal of complaints.**

Notwithstanding any other provisions of this Part, the Commission may, at its discretion: (a) dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, or (b) dismiss any complaint at any stage of disposition and issue a letter of instruction to the respondent when it appears that the alleged violation was inadvertent, unintentional or insubstantial. In the event the Commission dismisses a complaint as provided in this subsection, the Commission shall issue a public report stating with particularity its reasons for the dismissal. The Commission, at the request of the state attorney or any other law enforcement agency, shall stay an ongoing proceeding. The Commission shall not interfere with any ongoing criminal investigation of the state attorney or the U.S. Attorney for the Middle District of Florida.

(Ord. 2011-167-E, § 2)

**Sec. 602.935. - Frivolous or groundless complaints.**

In any case in which the Commission determines that the complaining party filed a frivolous or groundless complaint as defined in Florida Statutes, § 57.105, or a complaint filed with malicious intent or with knowledge that the complaint contains one or more false allegations, or filed with reckless disregard for whether the complaint contains material false allegations, the Commission may, upon proper notice and hearing, order the complaining party to pay any costs and attorneys' fees incurred by the Commission and/or the alleged violator. Such order may be enforced by the Circuit Court, as are other board orders of the City.

(Ord. 2011-167-E, § 2)

**Sec. 602.936. - Effect on other laws.**

The provisions of Chapter 602 shall be deemed supplemental to any other applicable county ordinance or state or federal law and are not intended to replace or repeal any provision of state or federal law, or of this Code.

(Ord. 2011-167-E, § 2)

**Sec. 602.937. - Prospective jurisdiction.**

The Commission shall be empowered to consider alleged violations within its jurisdiction committed on or after the effective date of this Subpart.

(Ord. 2011-167-E, § 2)

**Sec. 602.938. - Personnel or other regulatory proceedings.**

Where an officer or employee subject to the jurisdiction of this Chapter is alleged to have violated an ordinance within the jurisdiction of the Commission, and, based upon the same set of facts, is subject to an ongoing disciplinary, regulatory administrative, or criminal action initiated by the officer or employee's agency or employer, or by any other governmental entity with jurisdiction over the officer or employee, the Commission shall stay consideration of a complaint under this Part applicable to said officer or employee until the conclusion of the administrative, civil, or criminal proceeding. Nothing herein shall abridge employees' constitutional right to collective bargaining.

(Ord. 2011-167-E, § 2)

**Sec. 602.939. - Statute of limitations.**

No action may be taken on a complaint filed more than two (2) years after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation. Where the allegations are the subject of a personnel, criminal or administrative proceeding or where the complainant is required to exhaust his or her administrative remedies prior to filing a complaint, the statute of limitations shall be tolled until the termination of said proceeding or the exhaustion of administrative remedies.

(Ord. 2011-167-E, § 2)

**Sec. 602.940. - Advisory opinions.**

Any person within the jurisdiction of the Commission, when in doubt about the applicability or interpretation of any provision within the Commission's jurisdiction to himself or herself in a particular context, may submit in writing the facts of the situation to the Commission with a request for an advisory opinion to establish the standard of public duty, if any. A person requesting an advisory opinion may withdraw the request at any time up to ten days before the Commission convenes a public meeting to consider the request. An advisory opinion shall be rendered by the Commission on a timely basis, and each such opinion shall be numbered, dated and published.

(Ord. 2011-167-E, § 2)

**Sec. 602.941. - Review.**

Any final order of the Commission imposing civil penalties, censure, or costs or attorneys' fees may be reviewed by the Circuit Court, in such manner as is authorized for review of quasi judicial board decisions.

(Ord. 2011-167-E, § 2)

## **PART 10. - ETHICS EDUCATION**

[Sec. 602.1001. - Ethics education program.](#)

### **Sec. 602.1001. - Ethics education program.**

Officers and employees of the City, as public servants, are considered stewards of the public's trust and should aspire to the highest level of integrity and character. Officers and employees shall be informed of their ethical responsibilities at the start of their work with the City and shall receive updates and training materials on ethics issues throughout the span of their public service, as designated by the City Ethics Office and Ethics Officer(s).

- (a) Every officer and employee of the City must be responsible for understanding and complying with the provisions of this Chapter.
- (b) Every elected official shall attend an Ethics in Government Program within 90 days of certification of each election won. Upon fulfillment of this requirement, each elected official will be issued a certificate of completion by the Jacksonville Ethics Office.
- (c) Every appointed employee shall attend an Ethics in Government Program within the first six months of his/her employment with the City. Upon fulfillment of this requirement, each appointed employee will be issued a certificate of completion by the City Ethics Office.
- (d) Every employee of the City shall complete an Employee Ethics Training Program within the first six months of his/her employment with the City. Current employees shall complete training as designated in a schedule developed by the City Ethics Office. Upon fulfillment of this requirement, each employee will be issued a certificate of completion by the City Ethics Office.
- (e) The City Ethics Office shall provide ethics education materials to appointed officials, and encourage appointed officials to attend an Ethics in Government Program.
- (f) The Ethics in Government Program and Employee Ethics Training Program shall be created and delivered by the City Ethics Office with assistance from the City's Ethics Officer(s), the General Counsel's Office and the Jacksonville Ethics Commission.
- (g) The programs shall include topics as determined necessary to explain the provisions of this chapter, the Florida Statutes concerning ethics and general ethics issues. Topics may include but are not limited to:
  - (1) Ethics in government and aspirational goals;
  - (2) Campaign finances;
  - (3) Gifts;
  - (4) City contracts;

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- (5) Potential conflicts with City employees/businesses;
- (6) Jacksonville Ethics Commission;
- (7) Public Records and Sunshine Law;
- (8) Reporting procedures;
- (9) Punishment and discipline procedures;
- (10) Awards and incentives.

(Ord. 97-890-E, § 1; Ord. 2007-770-E, § 1; Ord. 2007-329-E, § 3)

## PART 11. – RESERVED

### ETHICS OFFICERS

(Note: This section used to be the “Ethics Officer” Section. This section was eliminated in March 2012 because of the establishment of the new Ethics, Compliance and Oversight Office.)

## PART 12. - GENERAL PROVISIONS

[Sec. 602.1201. - Voiding transactions in violation of Chapter; recovery by City.](#)

[Sec. 602.1202. - The Constitution of the State of Florida.](#)

[Sec. 602.1203. - State statutes.](#)

[Sec. 602.1204. - Liability for breach of public trust.](#)

[Sec. 602.1205. - Additional ordinances.](#)

[Sec. 602.1206. - Personnel rules and regulations.](#)

[Sec. 602.1207. - Public records.](#)

[Sec. 602.1208. - Government in sunshine.](#)

[Sec. 602.1209. - Severability.](#)

[Sec. 602.1210. - Cooperation by appointed employees in official investigations.](#)

[Sec. 602.1211. - Testimony and questioning of public officials and employees relating to public affairs.](#)

[Sec. 602.1212. - Disclosure of criminal records required.](#)

[Sec. 602.1213. - Penalty provisions.](#)

### **Sec. 602.1201. - Voiding transactions in violation of Chapter; recovery by City.**

The Mayor may declare void and rescind any contract, loan, grant, subsidy, license, right, permit, franchise, use, authority, privilege, certificate, ruling, decision, opinion or other benefit that has been awarded, granted, paid, furnished or published, in relation to which there has been any violation of this Chapter. The City shall be entitled to recover, in addition to any penalty prescribed by law or in a

contract, the amount expended or the thing transferred or delivered on its behalf, or the reasonable value thereof.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3)

**Sec. 602.1202. - The Constitution of the State of Florida.**

All officers and employees of the City and independent agencies shall comply with all applicable provisions of the Constitution of the State of Florida, including, but not limited to the following:

- (a) Article I, Section 24 (Access to public records and meetings);
- (b) Article II, Section 8 (Ethics in government).

(Ord. 97-890-E, § 1)

**Sec. 602.1203. - State statutes.**

In addition to the provisions of this Code, all of officers and employees of the City and independent agencies are expected to comply with the applicable provisions of state laws, including, but not limited to the following:

- (a) Chapter 99 (Candidates, campaign expenses, and contesting elections);
- (b) Section 100.361 (Municipal recall);
- (c) Section 102.031 (Maintenance of good order at polls; authorities; persons allowed in polling rooms; unlawful solicitation of voters);
- (d) Section 104.071 (Remuneration by candidate for services, support, etc.,; penalty);
- (e) Section 104.271 (False or malicious charges against, or false statements about, opposing candidates; penalty);
- (f) Section 104.31 (Political activities of state, County, and municipal officers and employees);
- (g) Chapter 106 (Campaign financing);
- (h) Section 111.075 (Elected officials; prohibition concerning certain committees);
- (i) Section 112.042 (Discrimination in County and municipal employment; relief);
- (j) Section 112.043 (Age discrimination);
- (k) Section 112.044 (Public employers, employment agencies, labor organizations, discrimination based on age prohibited; exceptions; remedy);
- (l) Chapter 112, Part III (Code of ethics for public officers and employees);
- (m) Chapter 119 (Public records);
- (n) Section 163.367 (Public officials, commissioners, and employees subject to code of ethics);
- (o) Section 286.011 (Public meetings and records; public inspection; criminal and civil penalties);

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- (p) Section 286.0115 (Access to local officials);
- (q) Section 286.012 (Voting requirements at meeting of government bodies);
- (r) Chapter 838 (Bribery; misuse of public office);
- (s) Chapter 839 (Offenses by public officers and employees).

(Ord. 97-890-E, § 1)

**Sec. 602.1204. - Liability for breach of public trust.**

(a) Article II, Section 8(c) of the Constitution of the State of Florida applies to all officers and employees of the City and independent agencies. Section 8(c) states the following:

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

(b) Any officer or employee of the City or an independent agency who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the City or an independent agency for all financial benefits obtained by such actions.

(Ord. 97-890-E, § 1; Ord. 2011-232-E, § 3)

**Note**—Former § 602.505.

**Sec. 602.1205. - Additional ordinances.**

All officers and employee of the City and independent agencies are expected to comply with the applicable provisions of additional ordinances listed in other Chapters of the Ordinance Code, including, but not limited to the following:

- (a) Section 86.107 (Cooperation with the Jacksonville Equal Opportunity Commission);
- (b) Chapter 102 (Auditing regulations);
- (c) Section 106.331 (Indebtedness in excess of appropriates prohibited);
- (d) Section 106.332 (Transfer of expense funds or expense credits prohibited);
- (e) Section 106.334 (Personal liability for authorizing expenditures in excess of the amount appropriated);
- (f) Section 106.336 (Penalties for violation of Sections 106.331 and 106.332);
- (g) Section 106.431 (Maximum indebtedness required in all City contracts);
- (h) Section 106.433 (Personal liability for indebtedness in violation);
- (i) Section 106.434 (Penalties for violation);
- (j) Section 106.713 (Fraudulent claims re travel expense reimbursement);

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- (k) Section 122.811 (Sales of tangible personal property; prohibition of sales to certain persons);
- (l) Sections 124.201—207 (Records retention and disposition);
- (m) Section 126.104 (Integrity of public contracting and purchasing process);
- (n) Section 126.110 (Unauthorized purchases and contracts);
- (o) Section 134.108 (Refusal to obey order during investigation);
- (p) Section 320.302 (Building and Zoning Inspection Division employees; conflicts);
- (q) Chapter 400 (Equal opportunity);
- (r) Chapter 402 (Equal employment opportunity);
- (s) Section 656.144 (Improper influence).

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3)

**Sec. 602.1206. - Personnel rules and regulations.**

All employees of the City shall comply with the applicable provisions of Sections 11.01—11.04, Civil Service and Personnel Rules and Regulations, to the extent that they do not conflict with the provisions of this code of ethics.

(Ord. 97-890-E, § 1)

**Sec. 602.1207. - Public records.**

Subject to confidentiality provisions otherwise provided for in this chapter or state law, any record or document required to be filed pursuant to this chapter shall be a public record.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3)

**Sec. 602.1208. - Government in sunshine.**

(a) All meetings of the Council and of its committees and subcommittees and meetings of the boards and commission of the City are declared to be public meetings open to the public at all times, unless otherwise exempted by Florida law, including section 112.324. No ordinance, resolution, rule, regulation or formal action shall be passed or considered binding except when made at a public meeting.

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

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

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2010-172-E, § 2)

**Sec. 602.1209. - Severability.**

It is not the intent of this Code to conflict with any applicable state law. If any Section, sentence, clause, phrase or word of this Chapter is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portion of this Chapter; and it shall be construed to have been the legislative intent to pass this Chapter without such unconstitutional, invalid or inoperative part therein; and the remainder of this Chapter, after exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included therein.

(Ord. 97-890-E, § 1)

**Sec. 602.1210. - Cooperation by appointed employees in official investigations.**

All appointed employees, as a condition of employment, shall agree to cooperate truthfully, honestly, and completely with official government investigations including but not limited to, investigations by the Ethics Commission, Ethics Officer, State Attorney's Office, or United States Attorneys' Office, concerning his or her official duties or matters related to City government or business.

(Ord. 97-890-E, § 1; Ord. 2011-232-E, § 3)

**Note**—Former § 602.409.

**Sec. 602.1211. - Testimony and questioning of public officials and employees relating to public affairs.**

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

(b) No employee of the City or an independent agency shall refuse to answer any question when directed to by a supervisor related to the employee's performance or fitness to serve; provided, that the employee shall retain those privileges and immunities provided under the Constitution and laws of the state and the United States, relating to the use of said information in a criminal prosecution.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2011-232-E, § 3)

**Note**—Former § 602.410.

**Sec. 602.1212. - Disclosure of criminal records required.**

A person, when applying for or when appointed to a City position, with or without compensation, shall be required to disclose to the appointing or hiring authority any criminal conviction and record thereof, with the exception of crimes that are classified or, if not committed in Florida, would be classified if committed in Florida, as misdemeanors of the second degree. Disclosures shall be made in writing and failure to disclose shall result in automatic removal or dismissal from the position, subject to the rules and regulations of the civil service system where applicable. If, at any time after the person is appointed to a City position, there is an allegation that the disclosure required by this Section is false or incomplete, the matter shall be submitted to the appointing or hiring authority for determination. If, after

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proper notice and hearing the cognizant authority determines that the disclosure is correct, no action shall be taken; but if, after proper notice and hearing, the cognizant authority determines that the disclosure is incorrect, the person submitting the same shall be deemed to have failed to make any disclosure.

(Ord. 97-890-E, § 1; Ord. 2011-232-E, § 3)

**Note**—Former § 602.411

**Sec. 602.1213. - Penalty provisions.**

Unless otherwise set forth in this Chapter, any violation of this Chapter, which is declared to be unlawful, shall be a class C offense.

(Ord. 2011-232-E, § 4)