

1 Introduced by Council Member Priestly Jackson & Co-Sponsored by  
2 Council Members Salem, Hazouri, Pittman, DeFoor, Bowman, Freeman,  
3 Diamond, Morgan, Newby, Carlucci, Ferraro, Gaffney, Dennis, Becton,  
4 Wilson and White and Substituted by the Finance Committee:  
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7 **ORDINANCE 2020-185-E**

8 AN ORDINANCE CONCERNING CONTRACTS WITH THE  
9 CITY, INCLUDING CONTRACTS AND COMPENSATION OF  
10 CITY EMPLOYEES AND OFFICERS; AMENDING CHAPTER  
11 129 (SALARIES OF PUBLIC OFFICIALS AND  
12 EMPLOYEES), *ORDINANCE CODE*, TO RENAME THE  
13 CHAPTER; CREATING A NEW SECTION 129.113  
14 (UNLAWFUL COMPENSATION), *ORDINANCE CODE*, TO  
15 PROHIBIT VARIOUS COMPENSATION PROVISIONS;  
16 CREATING A NEW SECTION 601.409 (UNLAWFUL  
17 CONTRACTS), CHAPTER 601 (OFFENSES AGAINST  
18 OPERATION OF GOVERNMENT), *ORDINANCE CODE*, TO  
19 PROHIBIT VARIOUS CONTRACTS AND CONTRACT  
20 PROVISIONS; PROVIDING AN EFFECTIVE DATE.  
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22 **BE IT ORDAINED** by the Council of the City of Jacksonville:

23 **Section 1. Amending Chapter 129 (Salaries of Public**  
24 **Officials and Employees), Ordinance Code.** The title of Chapter 129  
25 (Salaries of Public Officials and Employees), *Ordinance Code*, is  
26 hereby amended to read as follows:

27 **CHAPTER 129 - ~~SALARIES~~ COMPENSATION OF ~~PUBLIC~~ CITY OFFICIALS AND**  
28 **EMPLOYEES.**

29 \* \* \*

30 **Section 2. Creating a new Section 129.113 (Unlawful**

1 **Compensation), Ordinance Code.** A new Section 129.113 (Unlawful  
2 Compensation), Chapter 129 (Salaries of Public Officials and  
3 Employees), *Ordinance Code*, is hereby created to read as follows:

4 **CHAPTER 129. SALARIES OF PUBLIC OFFICIALS AND EMPLOYEES.**

5 \* \* \*

6 **Sec. 129.113. Unlawful Compensation.** The types of compensation  
7 described herein below shall be prohibited.

8 (a) Any compensation other than:

9 (1) Salary;

10 (2) City or State authorized pension or retirement  
11 plans; or

12 (3) A bonus program that meets all the requirements of  
13 state law.

14 This subsection shall not prohibit non-taxable benefits  
15 such as insurance, mileage, club membership, or other  
16 allowances.

17 (b) A pension, retirement, or deferred compensation plan that  
18 is not approved by the State of Florida as part of the  
19 Florida Retirement System or as part of the City  
20 retirement system or approved by City ordinance.

21 (c) A retirement or deferred compensation plan that is not  
22 fully exempt pursuant to federal Internal Revenue Service  
23 laws, rules, and regulations.

24 (d) A bonus program based on any budget differential for the  
25 City or any department or agency of the City. This  
26 includes, but is not limited to, circumstances wherein  
27 actual expenses are lower than budgeted expenses either  
28 due to revenues above projected revenues or expenses  
29 below projected expenses. This subsection shall not,  
30 however, prevent the creation of a bonus program, which  
31 is consistent with state law and which may include an

1 employee suggestion program, provided that such program  
2 awards individual efforts and achievements, provided  
3 further that such program is approved by the Council by  
4 ordinance or is contained within a collective bargaining  
5 agreement.

6 (e) A contract or program that in any manner purports to  
7 grant to any officer or employee any property or  
8 ownership interest of any sort in the City or any  
9 department or agency of the City or any property of the  
10 City.

11 (f) Compensation based or calculated upon the value or growth  
12 or loss in value of the City or any of its agencies or  
13 departments or any property of any sort owned by the City  
14 or any of its agencies or departments.

15 (g) A contract or program that purports to grant to any  
16 officer or employee any equity or other property interest  
17 in a city department or agency that is recapitalized or  
18 sold.

19 **Section 3. Creating a new Section 601.409 (Unlawful**  
20 **Contracts), Ordinance Code.** A new Section 601.409 (Unlawful  
21 Contracts), Chapter 601 (Offenses against Operation of Government),  
22 *Ordinance Code*, is hereby created to read as follows:

23 **CHAPTER 601. OFFENSES AGAINST OPERATION OF GOVERNMENT.**

24 \* \* \*

25 **Sec. 601.409. Unlawful Contracts.**

26 The contracts and contract provisions described herein below  
27 are prohibited. Any contract containing such provision is void.

28 (a) A contract based on any budget differential for the City  
29 or any department or agency of the City. This includes,  
30 but is not limited to, circumstances wherein actual  
31 expenses are lower than budgeted expenses either due to

1 revenues above projected revenues or expenses below  
2 projected expenses. This subsection shall not, however,  
3 prevent the creation of a bonus program, which is  
4 consistent with state law and which may include an  
5 employee suggestion program, provided that such program  
6 awards individual efforts and achievements, provided  
7 further that such program is approved by the Council by  
8 ordinance or is contained within a collective bargaining  
9 agreement.

10 (b) A contract that in any manner purports to grant to any  
11 person any property or ownership interest of any sort in  
12 the City or any department or agency of the City or any  
13 property of the City.

14 (c) A contract that bases compensation to any person upon the  
15 value or growth or loss in value of the City or any of  
16 its agencies or departments or any property of any sort  
17 owned by the City or any of its agencies or departments.

18 (d) A contract that purports to exist in perpetuity.

19 (e) A contract with an officer or employee exempt from civil  
20 service that:

21 (1) Creates a relationship other than at-will  
22 status or modifies, in any manner, the at-will  
23 status of such officer or employee; or

24 (2) Contains a clause that restricts the power to  
25 terminate the employment of such officer or  
26 employee by requiring cause or by requiring  
27 any sort of process before the termination  
28 becomes effective.

29 **Section 4. Effective Date.** This Ordinance shall become  
30 effective upon signature by the Mayor or upon becoming effective  
31 without his signature.

1 Form Approved:

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3 /s/ Paige H. Johnston

4 Office of General Counsel

5 Legislation Prepared By: Stephen Durden

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