

1 Introduced by Council Member Dennis and amended by the Finance
2 Committee:

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5 **ORDINANCE 2020-528-E**

6 AN ORDINANCE AMENDING SECTION 108.507
7 (REPRESENTATION OF CITY OFFICIALS AND
8 EMPLOYEES IN CIVIL MATTERS), PART 5 (LEGAL
9 SERVICES), CHAPTER 108 (CENTRAL SERVICES),
10 *ORDINANCE CODE*, TO INCLUDE A PROVISION FOR
11 NOTICE TO THE OFFICE OF GENERAL COUNSEL IF AN
12 INDIVIDUAL INTENDS TO SEEK REIMBURSEMENT FOR
13 OUTSIDE COUNSEL ATTORNEY'S FEES FROM THE CITY
14 FOR CIVIL OR CRIMINAL ACTIONS; PROVISION
15 REGARDING RIGHTS UNDER FLORIDA COMMON LAW AND
16 REGARDING CRIMINAL ACTIONS OR CRIMINAL
17 INVESTIGATIONS; PROVIDING AN EFFECTIVE DATE.

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

20 **Section 1. Amending Section 108.507 (Representation of**
21 **City Officials and employees in civil matters), Part 5 (Legal**
22 **Services), Chapter 108 (Central Services), *Ordinance Code*.** Section
23 108.507 (Representation of City Officials and employees in civil
24 matters), Chapter 108 (Central Services), *Ordinance Code*, is hereby
25 amended to read as follows:

26 **CHAPTER 108. CENTRAL SERVICES**

27 * * *

28 **PART 5. LEGAL SERVICES**

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30 **Sec.108.507. - Representation of City Officials and employees**

1 **in civil and criminal matters or investigations.**

2 (a) The Office of General Counsel is authorized, without the
3 necessity of Council approval, to represent elected and
4 appointed officials and employees of the City (herein
5 referred to collectively as "Official") in civil or
6 criminal actions or investigations filed in any state or
7 federal court if it determines that the civil or criminal
8 action or investigation is based upon an act or omission
9 of the official done by him or her or his or her
10 authorized deputy or agent while performing an official
11 duty of his or her office, whether or not this official
12 capacity is alleged in the complaint. For purposes of
13 this section, the term civil or criminal action or
14 investigation includes administrative proceedings and
15 investigations and the term state or federal courts
16 includes an administrative tribunal. However, nothing in
17 this section authorizes the Office of General Counsel to
18 provide representation in a filed criminal matter on
19 behalf of an accused who has been indicted or otherwise
20 formally charged with a crime.

21 (b) An Official who has a common law right to retain outside
22 legal counsel to represent him or her in a civil or
23 criminal action or investigation based upon an act or
24 omission of the Official done by him or her in their
25 official employment or official duty of his or her office
26 and intends to seek reimbursement of the reasonable
27 attorney's fees associated with retaining outside legal
28 counsel shall provide notification to the Office of
29 General Counsel in accordance with the Office of General
30 Counsel Policy #14, dated November 1, 2020, as may be
31 amended from time to time. "Reasonable attorney's fees"

1 as used herein shall mean the fees earned by an attorney
2 licensed to practice law in the State of Florida while
3 based on the customary per hour rate charged within the
4 City of Jacksonville for similar work, but in no event to
5 exceed \$400.00 per hour. Reimbursement of attorney's fees
6 by the City in an amount in excess of the reasonable
7 attorney's fees herein must be submitted to Council for
8 approval through legislation.

9 **Section 2. Proviso regarding rights under Florida common law**
10 **and criminal actions or criminal investigations.** Nothing provided
11 for herein should be construed as diminishing or expanding the
12 limited right to reimbursement of reasonable attorney's fees as
13 established under Florida common law for civil and criminal actions
14 or investigations. Moreover, nothing in this section shall be
15 construed to require reimbursement of fees prior to the final
16 resolution of an action or investigation as it relates to the
17 individual seeking reimbursement.

18 **Section 3. Effective Date.** This ordinance shall become
19 effective upon signature by the Mayor or upon becoming effective
20 without the Mayor's signature.

21 Form Approved:

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23 /s/ Paige H. Johnston

24 Office of General Counsel

25 Legislation prepared by: Paige H. Johnston

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