

1 Introduced by Council Member Dennis:
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4 **ORDINANCE 2020-528**

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

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

25 **CHAPTER 108. CENTRAL SERVICES**

26 * * *

27 **PART 5. LEGAL SERVICES**

28 * * *

29 **Sec.108.507. - Representation of City Officials and employees**
30 **in civil and criminal matters or investigations.**

31 (a) The Office of General Counsel is authorized, without the

1 necessity of Council approval, to represent elected and
2 appointed officials and employees of the City (herein
3 referred to collectively as "Official") in civil or
4 criminal actions or investigations filed in any state or
5 federal court if it determines that the civil or criminal
6 action or investigation is based upon an act or omission
7 of the official done by him or her or his or her authorized
8 deputy or agent while performing an official duty of his
9 or her office, whether or not this official capacity is
10 alleged in the complaint. For purposes of this section,
11 the term civil or criminal action or investigation includes
12 administrative proceedings and investigations and the term
13 state or federal courts includes an administrative
14 tribunal. However, nothing in this section authorizes the
15 Office of General Counsel to provide representation in a
16 filed criminal matter on behalf of an accused who has been
17 indicted or otherwise formally charged with a crime.

18 (b) An Official who has a common law right to retain outside
19 legal counsel to represent him or her in a civil or criminal
20 action or investigation based upon an act or omission of
21 the Official done by him or her in their official
22 employment or official duty of his or her office and
23 intends to seek reimbursement of the reasonable attorney's
24 fees associated with retaining outside legal counsel shall
25 provide notification to the Office of General Counsel
26 within thirty (30) days of engagement or retainer of
27 outside counsel by sending notification to the Office of
28 General Counsel by certified mail. Provided however, any
29 individual who has hired outside counsel prior to October
30 1, 2020, shall have thirty (30) days from October 1, 2020
31 to provide notice to the Office of General Counsel by

1 certified mail if they intend to seek reimbursement from
2 the City for their legal fees related to such action.
3 "Reasonable attorney's fees" as used herein shall mean the
4 fees earned by an attorney licensed to practice law in the
5 State of Florida while based on the customary per hour rate
6 charged within the City of Jacksonville for similar work,
7 but in no event to exceed \$350.00 per hour.

8 (c) If an Official does not provide the notification in
9 subsection (b) within the time prescribed therein, and
10 seeks reimbursement by the City of the reasonable
11 attorney's fees associated with retaining outside legal
12 counsel, the appropriation of the reasonable attorney's
13 fees reimbursed to the Official must be submitted to
14 Council for approval through legislation.

15 (d) On an annual basis beginning on October 1, 2021, the Office
16 of General Counsel will submit a report to the Council on
17 a yearly basis which will fix the customary market rate
18 for establishing reasonable attorney's fees for purposes
19 of reimbursement under subsection (b) above.

20 **Section 2. Proviso regarding rights under Florida common law**
21 **and criminal actions or criminal investigations.** Nothing provided
22 for herein should be construed as diminishing or expanding the limited
23 right to reimbursement of reasonable attorney's fees as established
24 under Florida common law for civil and criminal actions or
25 investigations. Moreover, nothing in this section shall be construed
26 to require reimbursement of fees prior to the final resolution of an
27 action or investigation as it relates to the individual seeking
28 reimbursement.

29 **Section 3. Effective Date.** This ordinance shall become
30 effective upon signature by the Mayor or upon becoming effective
31 without the Mayor's signature.

1 Form Approved:

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3 /s/ Paige H. Johnston

4 Office of General Counsel

5 Legislation prepared by: Paige H. Johnston

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