

1 Introduced by the Council President at the request of the
2 Jacksonville Ethics Commission and Co-Sponsored by Council Members
3 Carlucci, Morgan, Becton, Bowman, Boylan, Cumber, DeFoor, Dennis,
4 Diamond, Ferraro, Freeman, Gaffney, Hazouri, Newby, Pittman,
5 Priestly Jackson, Salem, White and Wilson and amended by the Rules
6 Committee and amended on the Floor of Council:

7
8
9 **ORDINANCE 2019-805-E**

10 AN ORDINANCE AMENDING CHAPTER 602
11 (JACKSONVILLE ETHICS CODE), PART 4 (CONFLICTS
12 OF INTEREST), SUBPART A. (CONFLICTING
13 RELATIONSHIPS), SECTION 602.401 (MISUSE OF
14 POSITION, INFORMATION, RESOURCES ETC.)
15 ORDINANCE CODE, TO INSERT "INDEPENDENT
16 CONTRACTOR" IN SUBSECTIONS (A) THROUGH (D) AS
17 AN ADDITIONAL GROUP OF INDIVIDUALS SUBJECT TO
18 SECTION 602.401; AMENDING SECTION 602.411
19 (DISQUALIFICATION OF FORMER OFFICERS AND
20 EMPLOYEES IN MATTERS CONNECTED WITH FORMER
21 DUTIES OR OFFICIAL RESPONSIBILITIES;
22 DISQUALIFICATION OF PARTNERS) TO CHANGE THE
23 DESIGNATION TO INCLUDE THE EXECUTIVE DIRECTOR
24 OF THE OFFICE OF ETHICS, COMPLIANCE AND
25 OVERSIGHT AND THE COUNCIL PRESIDENT AS THE
26 AUTHORITY TO ISSUE EXEMPTIONS FROM POST-
27 EMPLOYMENT RESTRICTIONS IN SECTION 602. 411;
28 PROVIDING AN EFFECTIVE DATE.

29
30 **WHEREAS**, during its October 7, 2019 meeting, the Jacksonville

1 Ethics Commission voted unanimously to approve the proposed
2 revisions to the Jacksonville Ethics Code. A Resolution of the
3 Jacksonville Ethics Commission is attached hereto as **Exhibit 1**; and
4 therefore

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

6 **Section 1. Amending Chapter 602 (Jacksonville Ethics**
7 **Code), Part 4 (Conflicts of Interest), Subpart A (Conflicting**
8 **Relationships), Section 602.401 (Misuse of position, information,**
9 **resources etc.), Ordinance Code.** Chapter 602 (Jacksonville Ethics
10 Code), Section 602.401 (Misuse of position, information, resources
11 etc.), *Ordinance Code*, is hereby amended to read as follows:

12 **CHAPTER 602. JACKSONVILLE ETHICS CODE**

13 * * *

14 **PART 4. CONFLICTS OF INTEREST**

15 **SUBPART A. CONFLICTING RELATIONSHIPS**

16 **Sec. 602.401. - Misuse of position, information, resources**
17 **etc.**

18 (a) **Misuse of position, title, or authority.** It is a
19 violation of this Chapter for an officer, ~~or~~ employee or
20 independent contractor of the City or an independent agency to
21 intentionally use his or her official position, title or any
22 authority associated with his or her public office to coerce,
23 induce or attempt to coerce or induce another person, or
24 otherwise act in a manner inconsistent with official duties, to
25 obtain a special privilege or exemption, financial or otherwise,
26 for himself, herself or others, or to secure confidential
27 information for any purpose other than official responsibilities.

28 (b) **Misuse of confidential information.** It is a violation
29 of this Chapter for an officer, ~~or~~ employee or independent
30 contractor of the City or an independent agency to intentionally
31 or knowingly disclose or use any confidential information gained

1 by reason of said person's position for any purpose other than
2 official responsibilities.

3 (c) **Unethical lending or borrowing.** It is a violation of
4 this Chapter for an officer, ~~or~~ employee or independent
5 contractor of the City or an independent agency, to directly or
6 indirectly lend or borrow over \$100, to or from a higher ranking
7 or subordinate officer, employee of the City or an independent
8 agency who is in such person's City chain of command. It is also
9 unlawful for an officer, ~~or~~ employee or independent contractor of
10 the City or an independent agency, to directly or indirectly lend
11 or borrow over \$500 to or from anyone else in the person's City
12 department. This subsection shall not be applicable to lending
13 between family members.

14 (d) City Officers, ~~and~~ employees and independent
15 contractors should recognize their responsibility to protect and
16 conserve City property and resources, and to make an honest
17 effort to use official time and City property only for official
18 business. To that end:

19 (1) **Misuse of property.** It is a violation of this
20 Chapter for an officer, ~~or~~ employee or independent contractor of
21 the City or an independent agency to knowingly use property owned
22 by the City or any independent agency for his or her personal
23 benefit, convenience or profit, or for the benefit, convenience
24 or profit of others, except in accordance with official written
25 City policies or ordinances.

26 (2) **Misuse of time.** It is a violation of this Chapter
27 for an officer, employee or independent contractor of the City or
28 an independent agency to use the official time of a City employee
29 for anything other than official City business.

30 (3) **Misuse of resources for campaigning.** It is a
31 violation of this Chapter for an officer, employee or independent

1 contractor of the City or an independent agency to use any City
2 resources, including property, employee time, computers and the
3 Internet, for any political campaigning or campaign fundraising
4 activities.

5 **Section 2. Amending Section 602.411 (Disqualification of**
6 **former officers and employees in matters connected with former**
7 **duties or official responsibilities; disqualification of partners),**
8 **Ordinance Code.** Section 602.411 (Disqualification of former
9 officers and employees in matters connected with former duties or
10 official responsibilities; disqualification of partners), *Ordinance*
11 *Code*, is hereby amended to read as follows:

12 **CHAPTER 602. JACKSONVILLE ETHICS CODE**

13 * * *

14 **PART 4. CONFLICTS OF INTEREST**

15 **SUBPART A. CONFLICTING RELATIONSHIPS**

16 * * *

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

20 * * *

21 (c) Nothing in subsection (a) or (b) shall prevent a
22 former officer or employee of the City or an
23 independent agency with professional, scientific or
24 technological qualifications, from acting as agent
25 or attorney or from appearing personally in
26 connection with a particular matter in a
27 professional, scientific or technological field if
28 the head of the unit of government concerned with
29 the matter, the Executive Director of the Office of
30 Ethics, Compliance and Oversight or their designee,
31 and the City Council President or their designee,

1 shall certify in writing that the public interest
2 would be served by the action or appearance by the
3 former officer or employee.

4 **Section 3. Effective Date.** This ordinance shall become
5 effective upon signature by the Mayor or upon becoming effective
6 without the Mayor's signature.

7 Form Approved:

8
9 /s/ *Margaret M. Sidman*

10 Office of General Counsel

11 Legislation prepared by: Cherry Shaw Pollock

12 GC-#1327697-v1-2019-805-E.docx
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

1