

1 Introduced by Council President Salem at the request of the  
2 Jacksonville Ethics Commission and Co-Introduced by Council Members  
3 Salem and White:  
4  
5

6 **ORDINANCE 2024-499-E**

7 AN ORDINANCE REGARDING CHAPTER 602 (JACKSONVILLE  
8 ETHICS CODE), AMENDING SECTION 602.921 (DUTIES  
9 AND POWERS), SUBPART B (POWERS AND DUTIES), AND  
10 SECTIONS 602.931 (PROCESS FOR THE IMPOSITION OF  
11 SANCTIONS AND PENALTIES), 602.932 (DOCUMENTS AND  
12 TESTIMONY), AND 602.934 (DISMISSAL OF  
13 COMPLAINTS), SUBPART C (PROCEDURES AND DUE  
14 PROCESS), PART 9 (JACKSONVILLE ETHICS  
15 COMMISSION), CHAPTER 602 (JACKSONVILLE ETHICS  
16 CODE), *ORDINANCE CODE*, TO IMPLEMENT RECENT  
17 CHANGES IN STATE LAW; REQUESTING ONE-CYCLE  
18 EMERGENCY PASSAGE UPON INTRODUCTION; PROVIDING  
19 AN EFFECTIVE DATE.  
20

21 **WHEREAS**, the Florida Legislature recently adopted Senate Bill  
22 7014 that impacts both the Florida Commission on Ethics and local  
23 ethics commissions, including the Jacksonville Ethics Commission; and

24 **WHEREAS**, Senate Bill 7014 includes new requirements for the  
25 complaints process of local ethics commissions that are effective  
26 immediately upon Senate Bill 7014 being enacted into law, including  
27 requiring all complaints to be in writing and signed under oath,  
28 requiring all complaints to be based upon personal knowledge or  
29 information other than hearsay, and prohibiting local ethics  
30 commissions from initiating complaints and investigations; and

31 **WHEREAS**, the Jacksonville Ethics Commission held special

1 meetings on March 14, 2024 and May 13, 2024, to discuss the impact  
2 of the new requirements applicable to local ethics commissions'  
3 complaints processes and recommended that certain provisions of the  
4 Jacksonville Ethics Code (Chapter 602 of the Ordinance Code) be  
5 revised to be in compliance with the requirements in Senate Bill 7014  
6 if it is enacted into law. Pursuant to Section 3.106, Ordinance Code,  
7 a Resolution of the Jacksonville Ethics Commission is attached as  
8 **Exhibit 1**; and

9 **WHEREAS**, Senate Bill 7014 has been enacted into law; and

10 **WHEREAS**, the Council desires to adopt the changes to the  
11 Jacksonville Ethics Code recommended by the Jacksonville Ethics  
12 Commission to ensure that the Ordinance Code is in compliance with  
13 the requirements enacted into law as soon as possible; now therefore

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

15 **Section 1. Section 602.921 (Duties and powers), Subpart B (Powers**  
16 **and Duties), and Sections 602.931 (Process for the imposition of sanctions and**  
17 **penalties), 602.932 (Documents and testimony), 602.934 (Dismissal of**  
18 **complaints), Subpart C (Procedures and Due Process), Part 9 (Jacksonville Ethics**  
19 **Commission) of Chapter 602 (Jacksonville Ethics Code), Ordinance Code, Amended.**  
20 Section 602.921 (Duties and powers), Subpart B (Powers and Duties), and Sections  
21 602.931 (Process for the imposition of sanctions and penalties), 602.932  
22 (Documents and testimony), 602.934 (Dismissal of complaints), Subpart C  
23 (Procedures and Due Process), Part 9 (Jacksonville Ethics Commission) of Chapter  
24 602 (Jacksonville Ethics Code), *Ordinance Code*, are hereby amended to read as  
25 follows:

26 **CHAPTER 602. JACKSONVILLE ETHICS CODE**

27 \* \* \*

28 **PART 9**

29 **JACKSONVILLE ETHICS COMMISSION**

30 \* \* \*

31 **SUBPART B. POWERS AND DUTIES**

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

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

8 (a) The Commission is authorized to receive, and to investigate  
9 and issue findings with regard to any sworn written complaint alleging  
10 a violation of this Chapter that is based upon personal knowledge or  
11 information other than hearsay or any written referral of a possible  
12 violation of this Chapter from the Council Auditor, Employee Services,  
13 the Office of Inspector General, or the State Attorney's Office for  
14 the Fourth Judicial Circuit. ~~or by a complaint initiated by a minimum~~  
15 ~~vote of six members of the Commission alleging a violation of this~~  
16 ~~Chapter.~~ The Commission shall not initiate a complaint or  
17 investigation regarding a violation of this Chapter. All complaints,  
18 referrals, and records shall be confidential as allowed by Section  
19 112.324, Florida Statutes, or any other applicable State law. In  
20 support of this power, the Commission is authorized to establish an  
21 ethics "hotline" ~~to receive tips and information, each of which shall~~  
22 ~~be treated with confidentiality as authorized by Florida law.~~ The  
23 General Counsel or Inspector General, with the assistance of all  
24 appropriate and available offices of the City, shall assist the ~~Ethics~~  
25 Commission in the investigation of complaints or referrals, as  
26 applicable. The ~~Ethics~~ Commission may also refer matters brought to  
27 its attention to the State Attorneys' Office or the Florida Commission  
28 on Ethics if it determines jurisdiction is vested in, and action is  
29 more appropriate if taken by said agencies.

30 (b) Provide assistance and input into the management and  
31 coordination of the training and education of local officers and

1 employees in State and local ethics, including the City's Ethics  
2 Education Program as set forth in Section 602.1001, as well as all  
3 public records and sunshine law training throughout the government.

4 ~~(c) The Commission may, upon employee or citizen complaint, or~~  
5 ~~upon its own initiative, seek information and gather facts for the~~  
6 ~~purpose of reviewing any circumstance or situation of which the~~  
7 ~~Commission may become aware that appears to violate or may potentially~~  
8 ~~violate an acceptable standard of ethics conduct for City officers~~  
9 ~~and employees as delineated in Section 1.202(d) of the Charter. Based~~  
10 ~~upon such review the Commission may make such recommendations to the~~  
11 ~~Mayor and the Council as it deems appropriate;~~ Recommend changes in  
12 legislation to City Council in the areas of ethics laws and  
13 administration, conflicts of interests, hotline policies, ethics  
14 education, ethics in procurement, campaign ethics, and lobbying.

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

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

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

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

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

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

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

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

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

10 The Commission is authorized to exercise and utilize all  
11 procedures and processes available to City agencies, which are  
12 authorized by ordinance, the Charter, or Chapter 119, Florida  
13 Statutes, to secure the production of documents and testimonial  
14 evidence relevant to the investigation and prosecution of complaints,  
15 referrals, and charges authorized by this Chapter; except that, the  
16 issuance of a subpoena to compel the production of documents or  
17 testimony shall be authorized by a Circuit or County Judge of the  
18 Fourth Judicial Circuit upon a facial demonstration of the relevancy  
19 of the documentation or testimony to the enforcement of a provision  
20 of Chapter 602, Ordinance Code, the City of Jacksonville's Ethics  
21 Code.

22 \* \* \*

23 **Sec. 602.934. - Dismissal of complaints or referrals.**

24 Notwithstanding any other provisions of this Part, the  
25 Commission may, at its discretion: (a) dismiss any complaint or  
26 referral at any stage of disposition should it determine that the  
27 public interest would not be served by proceeding further, or (b)  
28 dismiss any complaint at any stage of disposition and issue a letter  
29 of instruction to the respondent ~~when it appears that the alleged~~  
30 ~~violation was inadvertent, unintentional or insubstantial.~~ In the  
31 event the Commission dismisses a complaint or referral as provided

1 in this subsection, the Commission shall issue a public report stating  
2 with particularity its reasons for the dismissal. The Commission, at  
3 the request of the State Attorney or any other law enforcement agency,  
4 shall stay an ongoing proceeding. The Commission shall not interfere  
5 with any ongoing criminal investigation of the State Attorney or the  
6 U.S. Attorney for the Middle District of Florida.

7 \* \* \*

8 **Section 2. Requesting One-Cycle Emergency Passage Pursuant**  
9 **to Council Rule 4.901.** One-cycle emergency passage of this  
10 legislation is requested. The nature of the emergency is that the  
11 changes in Senate Bill 7014 have been enacted into law and take effect  
12 immediately as to local ethics commissions. The Council desires that  
13 the City's Ethics Code be in compliance with the enacted law as near  
14 the effective date as possible.

15 **Section 3. Effective Date.** This Ordinance shall become  
16 effective upon signature by the Mayor or upon becoming effective  
17 without the Mayor's signature.

18  
19 Form Approved:

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21           /s/ Mary E. Staffopoulos          

22 Office of General Counsel

23 Legislation Prepared By: Paige H. Johnston

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