

1 Introduced by Council Member Freeman:
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3

4 **ORDINANCE 2025-795**

5 AN ORDINANCE REGARDING THE JACKSONVILLE SMALL
6 AND EMERGING BUSINESS ("JSEB") PROGRAM; AMENDING
7 SECTION 126.607 (JSEB MONITORING COMMITTEE;
8 ANNUAL PROGRAM REVIEW), SUBPART B (PROGRAM
9 ADMINISTRATION), PART 6 (JACKSONVILLE SMALL AND
10 EMERGING BUSINESS PROGRAM), CHAPTER 126
11 (PROCUREMENT CODE), *ORDINANCE CODE*, TO RESOLVE
12 CONFLICTING LANGUAGE REGARDING REQUIRED REPORTS
13 AND TO ALLOW FOR MORE FREQUENT MEETINGS OF THE
14 MONITORING COMMITTEE; AMENDING SECTION 126.613
15 (JACKSONVILLE SMALL AND EMERGING BUSINESSES
16 CERTIFICATION CRITERIA), SUBPART D (PROGRAM
17 ELIGIBILITY, PROCEDURES, AND OTHER
18 REQUIREMENTS), PART 6 (JACKSONVILLE SMALL AND
19 EMERGING BUSINESS PROGRAM), CHAPTER 126
20 (PROCUREMENT CODE), *ORDINANCE CODE*, TO RESOLVE
21 CONFLICTING LANGUAGE, TO CODIFY ALONG-STANDING
22 PROGRAM PRACTICE THAT A BUSINESS MUST BE IN
23 EXISTENCE FOR AT LEAST ONE YEAR TO QUALIFY FOR
24 CERTIFICATION AND PROVIDING THAT THE
25 AFOREMENTIONED ONE YEAR REQUIREMENT BE
26 RETROACTIVE TO THE ENACTMENT DATE OF ORDINANCE
27 2021-117-E; PROVIDING FOR CODIFICATION
28 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.
29

30 **WHEREAS**, the City of Jacksonville ("City") determined in 2004
31 that growing Jacksonville Small and Emerging Businesses ("JSEBs") was

beneficial to the City and its individual residents; and

WHEREAS, to that end, the City devised the Jacksonville Small and Emerging Business Program (the "Program") to address several concerns that were found to impede the growth of small businesses, including bonding issues, access to capital, training, City procurement barriers, and lack of resources for growth; and

WHEREAS, the JSEB Monitoring Committee ("Monitoring Committee") was established by Ordinance 2021-117-E to review the Program and make recommendations to the Mayor and/or City Council regarding amendments to the Program in the form of a report; and

WHEREAS, the Monitoring Committee desires to ensure the Program remains comprehensive and robust, and continues to grow and to benefit local small and emerging businesses in the City in achieving their individual and collective goals, ensuring continuity and success within the Program; and

WHEREAS, at the June 26, 2025, meeting of the Monitoring Committee, the members of the Monitoring Committee expressed the desire to hold more frequent meetings to reinforce accountability in the administration of the Program; and

WHEREAS, at the August 13, 2025, meeting of the Monitoring Committee, the JSEB Administrator requested legislation to clarify the long-standing practice and intent that a business must be in business for at least one year to qualify for certification as a JSEB; and

WHEREAS, at the September 19, 2025, meeting of the Monitoring Committee, the Monitoring Committee requested this legislation be presented to City Council to improve and clarify the codification of the Program requirements; now therefore

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

Section 1. Amending Section 126.607 (JSEB Monitoring Committee; Annual Program Review), Subpart B (Program

Administration), Part 6 (Jacksonville Small and Emerging Business Program), Chapter 126 (Procurement Code), Ordinance Code. Section 126.607 (JSEB Monitoring Committee; Annual Program Review), Subpart B (Program Administration), Part 6 (Jacksonville Small and Emerging Business Program), Chapter 126 (Procurement Code), Ordinance Code, is hereby amended to read as follows:

CHAPTER 126 - PROCUREMENT CODE

*** * ***

PART 6. - JACKSONVILLE SMALL AND EMERGING BUSINESS PROGRAM

*** * ***

SUBPART B. - PROGRAM ADMINISTRATION

*** * ***

**Sec. 126.607. - JSEB Monitoring Committee; ~~Annual Program Review;~~
Reports.**

- (a) *Establishment; purpose; reports.* There is established a seven-member JSEB Monitoring Committee ("Committee"), to ~~annually~~ review, in consultation with the JSEB Administrator:
- (i) the status of the Program Goals, including, but not limited to, the percentage, number, and dollar value of contracts awarded to JSEBs through direct contracting and subcontracts, to set annual, achievable goals to grow and improve the Program; (ii) the training programs, and the "AC Program"; (iii) difficulties or accomplishments of the Program; (iv) a comparison of the achievements under the Program compared with the Program Goals; (v) the maximum threshold amount for annual averaged gross revenue referenced in Section 126.613(c); and (vi) the limitation on the number of program participation years in Section 126.613(c) to determine if such amounts and limitation on the number of years are appropriate for the Program; (vii) the need for legislation. The Equal Business Opportunity Office shall

1 present to the JSEB Monitoring Committee on the status of
2 continuing education, training and mentoring programs, and
3 program marketing and community outreach, as described in
4 Section 126.610, including recommended goals, methods to
5 measure goals, and the achievement or otherwise or previously
6 set goals, as to each topic. At the quarterly spring and fall
7 Committee meetings, at a minimum, the City's Risk Manager
8 shall present to the Committee regarding the available
9 insurance programs for Florida small businesses and make
10 recommendations regarding methods or programs to assist JSEBs
11 in obtaining requisite insurance, as described in Section
12 126.611. Based on the Committee's required Program review,
13 the Committee shall generate a quarterly report for the Mayor
14 no later than 14 days after each quarterly meeting. The
15 Committee shall generate an annual report for the Mayor and
16 City Council by April 30. The ~~the~~ Committee may recommend to
17 the Mayor or City Council amendments to the Program in ~~the~~
18 ~~form of a report~~ or through proposed legislation. All reports
19 issued by the Committee shall be posted to the EBO Office
20 website.

21 (b) *Composition; appointments.* The Mayor shall appoint three
22 members of the Committee. The City Council shall appoint three
23 members. The Council President shall annually designate a
24 City Council Member to serve as a member of the Committee.
25 The Committee shall be comprised as follows:

- 26 (1) One non-JSEB contractor who is a professional engineer,
27 general contractor or architect appointed by the Mayor;
- 28 (2) One member of the Council designated by the Council
29 President;
- 30 (3) Two JSEB contractors, one appointed by the Mayor and one
31 appointed by the City Council;

- 1 (4) Two private citizens, one appointed by the Mayor and one
2 appointed by the City Council; and
- 3 (5) One representative from the Northeast Florida Builders
4 Association, Inc., or similar trade association, or from
5 the Food & Commercial Workers International Union, or
6 similar trade association, appointed by the City
7 Council.

8 Members shall serve for three-year staggered terms. The non-
9 JSEB contractor member must have a current contract with the
10 City or have had a contract with the City in the past. The
11 Mayor shall appoint a Chair and the Chair shall serve until
12 such a time as another Chair shall be appointed by the Mayor.
13 The Council President shall appoint a Vice Chair and the Vice
14 Chair shall serve until such a time as another Vice Chair
15 shall be appointed by the Council President. The Mayor and
16 City Council shall strive to reflect the diversity of Duval
17 County in its appointments; the six appointed members shall
18 be confirmed by City Council. Any member appointed to the
19 Committee for two consecutive full terms shall not be eligible
20 for the next succeeding term. Terms shall conclude on April
21 30. ~~In addition to regular meetings, the Chair may call~~
22 ~~special meetings of the Committee.~~ The Chair shall preside at
23 all meetings of the Committee. The Vice Chair shall preside
24 if the Chair is absent.

- 25 (c) *Meetings; applicable laws.* The Committee shall hold regular
26 meetings at least quarterly at such times and places as it
27 may designate and may hold more frequent meetings as
28 determined by the Chair. The Committee shall meet at least
29 quarterly with the JSEB Administrator. In addition to regular
30 meetings, the Chair may call special meetings of the
31 Committee. ~~The Committee shall generate a quarterly report~~

1 ~~for the Mayor and City Council no later than 14 days after~~
2 ~~each quarterly meeting.~~ The Office of Economic Development
3 shall provide staff support to the Committee. Committee
4 meetings shall be staffed by the Office of General Counsel.
5 The JSEB Monitoring Committee shall be governed by F.S. Chs.
6 286 and 112, Pt. 3, and Chapters 50 (Organization of Boards
7 and Commissions) and 602 (Jacksonville Ethics Code), of the
8 Code.

9 * * *

10 **Section 2. Amending Section 126.613 (Jacksonville Small and**
11 **Emerging Businesses certification criteria), Subpart D (Program**
12 **Eligibility, Procedures, and Other Requirements), Part 6**
13 **(Jacksonville Small and Emerging Business Program), Chapter 126**
14 **(Procurement Code), Ordinance Code.** Section 126.613 (Jacksonville
15 Small and Emerging Businesses certification criteria), Subpart D
16 (Program Eligibility, Procedures, and Other Requirements), Part 6
17 (Jacksonville Small and Emerging Business Program), Chapter 126
18 (Procurement Code), *Ordinance Code*, is hereby amended to read as
19 follows:

20 **CHAPTER 126 - PROCUREMENT CODE**

21 * * *

22 **PART 6. - JACKSONVILLE SMALL AND EMERGING BUSINESS PROGRAM**

23 * * *

24 **SUBPART D. - PROGRAM ELIGIBILITY, PROCEDURES, AND OTHER**
25 **REQUIREMENTS**

26 * * *

27 **Sec. 126.613. - Jacksonville Small and Emerging Businesses**
28 **certification criteria.**

29 * * *

30 (a) To be certified as a JSEB,

31 (1) A for-profit small business must meet the following

criteria:

a. The business must be a for-profit small business concern, including, but not limited to, a sole proprietorship, partnership, corporation, or limited liability company;

b. The business must have annual gross revenue, ~~averaged over the immediately preceding three-year period,~~ not exceeding \$12,000,000. For a business in existence for one to three years, the annual gross revenue shall be the average of the preceding year(s). For a business in existence for four years or more, the annual gross revenue shall be the average of the immediately preceding three years.

The averaged annual gross revenue maximum threshold amount shall be subject to annual analysis by the JSEB Administrator and reviewed by the JSEB Monitoring Committee pursuant to Section 126.607 herein;

c. The business must be managed and controlled by a JSEB eligible person(s). As used in this Part, a JSEB eligible person means, a person with an ownership of at least 51 percent of the business being certified, and who,

1. Meets the residency requirements as follows:

i. Is a resident of Duval County for a minimum 12 consecutive month period immediately preceding the JSEB application date, or

ii. Is a resident of ~~Duval~~, St. Johns, Nassau, Baker, or Clay County if the business has a principal place of business in Duval County for a minimum 18-month consecutive

1 period immediately preceding the JSEB
2 application date;

3 2. Is a citizen of the United States, or lawfully
4 admitted permanent resident of the United
5 States;

6 3. Has held such ownership interests in the
7 business for at least one year, ~~provided that~~
8 ~~the business has been in existence for at~~
9 ~~least one year; as to a business that has been~~
10 ~~a going concern for less than one year: has~~
11 ~~held such ownership interest for at least 50~~
12 ~~percent of the time the business has been a~~
13 ~~going concern;~~

14 4. Has made real and substantial contributions
15 of capital or expertise to acquire the
16 ownership interest in the business; and,

17 5. Has an overall understanding of, and
18 managerial and technical competence,
19 experience and expertise, directly related to
20 the business operations and work.

21 d. The business must perform a commercially useful
22 function typical of the field for which
23 certification is granted;

24 e. The business must have expertise normally
25 required by the industry for the field for which
26 certification is sought;

27 f. The business must have all current licenses
28 required by local, State, or federal law, to
29 perform the services for which certification is
30 sought;

31 g. The business must not be a front, broker, or

1 pass-through as defined in Subpart A of this
2 Chapter. Familial relationships where capital is
3 provided for the business will be subject to
4 scrutiny and possible rejection;

5 h. A business must not be subject to any formal or
6 informal restrictions that limit the customary
7 discretion of the managing JSEB eligible person.
8 There can be no restrictions through corporate
9 charter provisions, by-law provisions,
10 contracts or any other formal or informal
11 devices that prevent the managing JSEB eligible
12 person, without the cooperation or vote of a
13 non-qualifying person or entity, from making any
14 business decision of the business;-

15 i. A business must be in the business of the
16 commercially useful function for which
17 certification is sought for a minimum 12
18 consecutive month period immediately preceding
19 the JSEB application date. This requirement is
20 retroactive to the enactment of Ordinance, 2021-
21 117-E. Any business that was denied
22 certification solely on the basis of not being
23 in business for one year at the time of the
24 application may re-apply for certification
25 within twelve months of the effective date of
26 this subsection as soon as the business meets
27 the twelve-month in-business requirement
28 notwithstanding Section 126.621(b) (5).

29 * * *

30 **Section 3. Codification Instructions.** The Codifier and the
31 Office of General Counsel are authorized to make all chapter and

1 division "tables of contents" consistent with the changes set forth
2 herein. Such editorial changes and any other changes necessary to
3 make the *Ordinance Code* consistent with the intent of this legislation
4 are approved and directed herein, and changes to the *Ordinance Code*
5 shall be made forthwith and when inconsistencies are discovered.

6 **Section 4. Effective Date.** This Ordinance shall become
7 effective upon signature by the Mayor or upon becoming effective
8 without the Mayor's signature.

9
10 Form Approved:

11
12 /s/ Shannon MacGillis

13 Office of General Counsel

14 Legislation Prepared By: Shannon MacGillis

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