

1 Introduced by Council Members Arias, Johnson and Amaro:
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4 **ORDINANCE 2025-411**

5 AN ORDINANCE REGARDING THE JACKSONVILLE SMALL
6 AND EMERGING BUSINESS ("JSEB") PROGRAM; AMENDING
7 SECTION 26.205 (OFFICE OF EQUAL BUSINESS
8 OPPORTUNITY - BUSINESS COMPLIANCE), PART 2
9 (FUNCTIONS AND ACTIVITIES), CHAPTER 26 (ECONOMIC
10 DEVELOPMENT), *ORDINANCE CODE*, TO CLARIFY DUTIES
11 OF THE OFFICE OF EQUAL BUSINESS OPPORTUNITY -
12 BUSINESS COMPLIANCE AND REMOVE CONFLICTS WITH
13 CHAPTER 126; AMENDING PART 6 (JACKSONVILLE SMALL
14 AND EMERGING BUSINESS PROGRAM), CHAPTER 126
15 (PROCUREMENT CODE), *ORDINANCE CODE*, TO CLARIFY
16 DUTIES OF THE JSEB ADMINISTRATOR, INCREASE JSEB
17 PROGRAM MINIMUM FUNDING TO \$750,000 SUBJECT TO
18 THE AVAILABILITY OF FUNDING, CLARIFY REPORTING
19 REQUIREMENTS, CLARIFY PARAMETERS OF MICRO-
20 BUSINESS PROGRAM, AND CREATE A JSEB PRIME MENTOR
21 STATUS PROVIDING FOR UP TO 9 ADDITIONAL YEARS IN
22 THE PROGRAM AS MENTORS; PROVIDING FOR
23 CODIFICATION INSTRUCTIONS; PROVIDING AN
24 EFFECTIVE DATE.
25

26 **WHEREAS,** the City of Jacksonville ("City") determined in 2004
27 that growing Jacksonville Small and Emerging Businesses ("JSEBs") was
28 beneficial to the City and its individual residents; and

29 **WHEREAS,** to that end, the City devised the Jacksonville Small
30 and Emerging Business Program (the "Program") to address several
31 concerns that were found to impede the growth of small businesses,

1 including bonding issues, access to capital, training, City
2 procurement barriers, and lack of resources for growth; and

3 **WHEREAS,** the City desires to further improve certain aspects
4 of the Program to better assist JSEBs, for-profit and non-profit
5 alike, in achieving their individual and collective goals and to
6 promote continued participation in the Program, ensuring continuity
7 and mentorships within the Program; and

8 **WHEREAS,** a Special Committee on the Jacksonville Small &
9 Emerging Business ("Special Committee") was established on March 17,
10 2025, to review the Program and make improvements and recommendations
11 to the Program based on feedback from various Program participants,
12 City staff, and community stakeholders; and

13 **WHEREAS,** the Special Committee held multiple meetings and
14 heard from various guest speakers and presenters, including JSEB
15 vendors, and other stakeholders, interested parties, and the public;
16 and

17 **WHEREAS,** based on the Special Committee's review of the
18 Program, the City desires to further improve certain aspects of the
19 Program to better assist JSEBs in achieving their individual and
20 collective goals and to promote continued participation in the
21 Program, ensuring continuity and mentorships within the Program; and

22 **WHEREAS,** Ordinance 2024-175-E approved a reorganization of the
23 Executive Branch of City government, which included moving the Office
24 of Equal Business Opportunity - Business Compliance ("EBO Office"),
25 which oversees the JSEB Program, from the Procurement Division to the
26 Office of Economic Development; however the EBO Office duties as
27 articulated in Section 26.205, *Ordinance Code*, conflict with
28 provisions of Chapter 126, Part 6, *Ordinance Code*, requiring
29 clarification; now therefore

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

31 **Section 1. Amending Section 26.205 (Office of Equal**

1 **Business Opportunity - Business Compliance), Part 2 (Functions and**
2 **Activities), Chapter 26 (Economic Development), Ordinance Code.**
3 Section 26.205 (Office of Equal Business Opportunity - Business
4 Compliance), Part 2 (Functions and Activities), Chapter 26 (Economic
5 Development), *Ordinance Code*, is hereby amended to read as follows:

6 **CHAPTER 26 - ECONOMIC DEVELOPMENT**

7 * * *

8 **PART 2. - FUNCTIONS AND ACTIVITIES**

9 * * *

10 **Sec. 26.205. - Office of Equal Business Opportunity - Business**
11 **Compliance.**

12 There is created as a function in OED the Office of Equal
13 Business Opportunity - Business Compliance. The Office of Equal
14 Business Opportunity - Business Compliance ("EBO Office") ~~shall have~~
15 ~~the responsibilities set forth below and~~ shall be managed by
16 the ~~JSEB ("Jacksonville Small and Emerging Business")~~ Administrator,
17 ~~who shall be responsible for managing the JSEB Program,~~ described in
18 Chapter 126, Part 6. ~~All employees within~~ The the EBO Office shall
19 be responsible for deployment and administration of Chapter 126, Part
20 6, and in addition shall:

21 ~~(a) Process certification applications;~~

22 ~~(b) Coordinate with the Chief of Procurement in implementing~~
23 ~~participation JSEB goals on a project by project basis;~~

24 ~~(a) (e) Monitor City projects for compliance with the requirements~~
25 ~~of Chapter 126 of the Code; and~~

26 ~~(d) Report on the expenditure of City funds paid to certified~~
27 ~~companies to the City Council Finance Committee semi-annually, with~~
28 ~~the first report to include the first six months of the fiscal year~~
29 ~~due by May 15 and the second report to include the full fiscal year's~~
30 ~~activity due by November 30;~~

31 ~~(e) Assist in the resolution of disputes between City vendors~~

1 ~~regarding issues of payment, performance and overall contract~~
2 ~~compliance;~~

3 ~~(f) Provide support services to assist JSEBs in their efforts to~~
4 ~~secure training, bonding and access to capital pursuant to Chapter~~
5 ~~126, Part 6 of the Code;~~

6 ~~(b)(g)~~ Provide annual training, in consultation with the Chief
7 of Procurement, to department heads and division chiefs, or their
8 designees, and applicable staff of City boards and commissions
9 regarding compliance with ~~pursuant to~~ Chapter 126, Part 6 of the
10 Code. ~~;~~ and

11 ~~(h) Perform the various duties defined in and/or required by Part~~
12 ~~6, Chapter 126 of the Code.~~

13 **Section 2. Amending Part 6 (Jacksonville Small and Emerging**
14 **Business Program), Chapter 126 (Procurement Code), Ordinance Code.**
15 Part 6 (Jacksonville Small and Emerging Business Program), Chapter
16 126 (Procurement Code), *Ordinance Code*, is hereby amended to read as
17 follows:

18 **CHAPTER 126 - PROCUREMENT CODE**

19 * * *

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

21 **SUBPART A. - GENERAL PROVISIONS**

22 * * *

23 **Sec. 126.604. - Definitions.**

24 The following words and phrases as used in this Part shall have
25 the following meaning:

26 *Direct contracting* shall mean any contract between the City and
27 a JSEB that has been awarded to a JSEB as a prime contractor
28 pursuant to Chapter 126 of the Code.

29 *EBO Office* shall mean the Office of Equal Business Opportunity
30 - Business Compliance ~~Equal Business Opportunity Office~~
31 established pursuant to Chapter 26 ~~24~~, Part 2 ~~6~~ of the Code.

1 *Front, broker, or pass-through* shall mean a JSEB that is not
2 registered as a supplier or distributor through the Florida
3 Department of Revenue, or a JSEB subcontractor who does not self-
4 perform 100 percent of the subcontractor work pursuant to the
5 Schedule of Participation, or a JSEB prime contractor who does not
6 self-perform at least 40 percent of the work for the project.

7 *JSEB* shall mean ~~a person or~~ an entity certified as a
8 "Jacksonville Small and Emerging Business" pursuant to the
9 requirements set forth in Subpart D of this Part 6. Unless
10 otherwise specified, the term *JSEB* includes both for-profit
11 businesses and non-profit businesses.

12 *JSEB Administrator* shall mean as described in Section 126.606
13 herein. ~~the individual responsible for administering and managing~~
14 ~~the JSEB Program pursuant to Chapter 26, Part 2 of the Code.~~

15 *Micro-business JSEB* shall mean as described in Section 126.615
16 herein. ~~a JSEB having annual gross revenue, averaged over the~~
17 ~~immediately preceding three-year period, not exceeding \$3,000,000~~
18 ~~as to a for-profit business.~~

19 *Program* shall mean the Jacksonville Small and Emerging Business
20 Program set forth in this Part 6.

21 *Project Specific Goals* shall mean specific JSEB subcontractor
22 participation goals, as set by the JSEB Administrator and Chief of
23 Procurement, that a prime contractor must adhere to in a City
24 awarded contract.

25 *Program Goals* shall mean the goals for the Program set forth in
26 Subpart D herein.

27 *Schedule of Participation* shall mean the bidder/proposer's
28 detailed list of all JSEB and non-JSEB subcontractors from which
29 the bidder/proposer solicited bids or quotations in accordance
30 with Section 126.616 herein.

31 * * *

1 **Sec. 126.605. - Minimum Program Funding Requirement.**

2 Subject to availability of funding, the Program, as provided for
3 in this Part, shall be funded at a minimum of \$750,000 ~~\$500,000~~,
4 excluding staff, in the annual budget appropriation. A minimum of
5 \$200,000 of such \$750,000 ~~\$500,000~~ minimum funding requirement shall
6 be used to fund the training programs, community outreach and program
7 marketing set forth in Section 126.610 herein.

8
9 **SUBPART B. - PROGRAM ADMINISTRATION**

10
11 **Sec. 126.606. - JSEB Administrator.**

12 (a) *Responsibilities.* The JSEB Administrator shall administer
13 and manage the Program, including:

14 * * *

15 (11) Identifying each ~~all~~ JSEBs on the EBO
16 ~~Equal Business Opportunity~~ Office website within
17 three business days of certification;

18 (12) Advertising all pre-bid conferences in applicable
19 JSEB newspapers, direct-mail or e-mail notices to
20 JSEBs, as appropriate, and otherwise seek to
21 increase the interest of all JSEBs certified in the
22 scopes of work of the contract;

23 (13) Providing interested JSEBs with timely, adequate
24 information about the plans, specifications and
25 requirements of the contract to allow them to
26 respond to the solicitation either directly or by
27 referral to the City department seeking the
28 procurement;

29 (14) Maintaining a list of JSEBs and posting such list
30 on the EBO
31 ~~Equal Business Opportunity~~ Office website;

(15) Adjusting the annual averaged gross receipts for good cause shown, subject to the appeals procedure set forth in Section 126.621 herein;

~~(16)~~ Performing onsite inspections of the JSEB local offices and business locations; ~~and~~

~~(17)~~ Facilitating and coordinating all aspects of the Program so as to provide Program participants and prospective participants with a primary Program contact; and -

(18) Reporting on the expenditure of City funds paid to certified companies to the City Council Finance Committee semi-annually, with the first report to include the first six months of the fiscal year due by May 15 and the second report to include the full fiscal year's activity due by November 30; such report shall include the number of contracts awarded to JSEBs compared to the total number of contracts awarded by City annually, either directly or as subcontractors, and the dollar-amount of contracts awarded to JSEBs compared to the total dollar-amount of contracts awarded by City annually.

(b) *Department Training.* Each City department, office or board shall identify to the JSEB Administrator the person with the responsibility of ensuring JSEB participation in such department, office or board. Such person shall receive diversity training and shall prepare quarterly reports to the JSEB Administrator identifying for the three month quarter period the extent of non-JSEB and JSEB participation, including the number and dollar value of contracts awarded to JSEBs and City funds actually disbursed to JSEBs, either directly or as subcontractors, in any procurement within its

1 department, office or board.

2 (c) *Courtesy Application Reviews and Meeting Conferences.* The
3 JSEB Administrator, or ~~his~~ designee, shall provide courtesy reviews
4 of a small business's JSEB application to confirm whether the
5 application has complied with the requirements of this Part. The JSEB
6 Administrator may conduct such courtesy reviews in person or
7 electronically with the small business upon request and appointments
8 shall be scheduled on a first come, first serve basis as time allows.
9 Additionally, the JSEB Administrator, or ~~his~~ designee, may meet with
10 prospective JSEBs interested in the Program to provide information
11 regarding the Program's support and outreach services available to
12 JSEBs as set forth in this Part.

13 * * *

14 **SUBPART C. - PROGRAM SUPPORT SERVICES; MARKETING AND OUTREACH;**
15 **DISPARITY STUDY UPDATE**

16 * * *

17 **Sec. 126.609. - Access to capital.**

18 * * *

19 (c) The JSEB Administrator, on a quarterly basis, shall provide
20 a report on the activity in the AC Program for the preceding three-
21 month period. Such reports will be posted on the EBO
22 ~~Equal Business Opportunity~~ Office website and the JSEB website.

23 * * *

24 (e) The JSEB Administrator shall provide a quarterly activity
25 report for the preceding three months to the JSEB Monitoring Committee
26 for its use in complying with the reporting requirements pursuant
27 to Section 126.607 herein. Such reports will be posted on the EBO
28 ~~Equal Business Opportunity~~ Office website and the JSEB website.

29 **Sec. 126.610. - Training programs; program marketing; community**
30 **outreach.**

31 * * *

(b) *Program marketing and community outreach.* The EBO
~~Equal Business Opportunity~~ Office shall be responsible for developing
and implementing marketing campaigns, recruitment activities, and
scholarship programs to increase the number of JSEBs in the Program.
Any funds appropriated for such activities shall be inclusive of
scholarships. The EBO ~~Equal Business Opportunity~~ Office shall also
engage in community outreach by hosting small business program
workshops regarding the Program and the support services available
to prospective JSEBs. Additionally, the EBO
~~Equal Business Opportunity~~ Office shall survey JSEBs every two years
on a survey form approved by the JSEB Monitoring Committee to
ascertain what education, training and mentoring programs JSEBs need
most. The EBO ~~Equal Business Opportunity~~ Office shall consider such
survey results in determining which education, training, and
mentoring programs to pursue under this Section.

Sec. 126.611. - Insurance program review.

The City's Risk Manager shall prepare a report on available
insurance programs for Florida small businesses and make
recommendations regarding methods or programs to assist JSEBs in
obtaining requisite insurance. Said report shall be prepared and
submitted every six months to the JSEB Administrator. The JSEB
Administrator and the City's Risk Manager shall meet quarterly
regarding available insurance programs. The JSEB Administrator shall
publish a copy of the report on the EBO
~~Equal Business Opportunity~~ Office website.

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

* * *

Sec. 126.614. - JSEB and Program eligibility.

* * *

(b) The certification status of all JSEBs shall be reviewed every 36 months from the date of initial certification through a re-certification application. Failure of the business to seek re-certification by filing the necessary documentation with the EBO ~~Equal Business Opportunity~~ Office within 60 days from the date of receipt of written notification from the EBO ~~Equal Business Opportunity~~ Office may result in de-certification.

* * *

Sec. 126.615. - Jacksonville Small and Emerging Business Program Goals; ~~Other~~ Program Directives; Micro-business Program.

* * *

(b) *Department Program commitments; training.* The City, through each department head, shall commit in its budget to award at least 20 percent of its contracts for services, including contractual services, professional services, professional design services, construction services or other services, to JSEBs, provided, however, that such awards shall comply with local, State, and federal law and that there exist JSEBs to perform the work. To assist the City in implementing the Program requirements of this Part, the EBO ~~Equal Business Opportunity~~ Office, through the JSEB Administrator and in consultation with the Chief of Procurement shall provide annual training to department heads and division chiefs, or their designees, and applicable staff of City boards and commissions regarding the JSEB program and the requirements set forth in this Part.

* * *

(f) *Micro-business program.* The JSEB Administrator ~~in consultation with the Chief~~ shall be responsible for developing and implementing a micro-business program. The purpose of the micro-business program shall be to ensure that a micro-business JSEB ~~(as defined in Subpart A of this Chapter)~~ has an adequate share of direct contracting and subcontracting opportunities in the Program. To

1 qualify as a micro-business, a for-profit JSEB shall have an annual
2 gross revenue, averaged over the immediately preceding three-year
3 period, not exceeding \$3,000,000. Such program may include
4 participation requirements based on tiered levels of annual averaged
5 gross revenue, ~~not to exceed the annual averaged gross revenue amount~~
6 ~~set forth in Section 126.613 herein.~~ The JSEB Administrator shall
7 promulgate rules and guidelines regarding such program without
8 further Council approval.

9 * * *

10 **Sec. 126.618. - Good faith efforts in lieu of meeting Program goals.**

11 For a contract with JSEB subcontracting goals, a contractor must
12 comply by either meeting the goal or demonstrating Good Faith Efforts
13 to achieve it that are consistent with the requirements set forth in
14 this Part. In determining whether a bidder/proposer has made Good
15 Faith Efforts, in lieu of achieving the stated goals, the JSEB
16 Administrator shall consider all relevant factors, which include:

17 (a) The ability of other bidders/proposers in meeting the Project
18 Specific Goal(s) may be considered as follows:

- 19 (1) A contact log showing the name, address, and
20 contact number (phone or fax) used to contact the
21 proposed JSEB certified in the scope of work,
22 nature of work requested for quote, date of
23 contact, person making the effort;
- 24 (2) The description of work for which a quote was
25 requested;
- 26 (3) The amount of the quote given, if one was obtained;
- 27 (4) The list of divisions of work not subcontracted and
28 an explanation why not; and
- 29 (5) Subcontractor information as requested by forms
30 developed by the EBO ~~Equal Business~~
31 ~~Opportunity~~ Office.

Sec. 126.620. - Continuing obligations of JSEBs, and graduation, JSEB Prime Members and JSEB Prime Mentors.

A JSEB shall apply for re-certification every 36 months from the date of initial certification through a re-certification application developed by the JSEB Administrator. Failure of the JSEB to seek re-certification by filing the necessary documentation with the EBO ~~Equal Business Opportunity~~ Office within 60 days from the date of receipt of written notification from the EBO ~~Equal Business Opportunity~~ Office may result in de-certification.

(a) It is the responsibility of the JSEB to notify the EBO ~~Equal Business Opportunity~~ of any changes in its circumstances affecting its continued eligibility for the Program. Failure to do so may result in the JSEB's decertification and preclusion from future participation.

(b) The JSEB that no longer meets certification may be decertified at any time.

(c) JSEBs that have participated in the JSEB program for a total of nine years from the date of the JSEB's first contract as a prime contractor of the City or as a subcontractor retained by a prime contractor of the City, whichever is earlier, may earn the designation JSEB Prime Member and are strongly encouraged to serve as mentors to other participants in the Program.

(d) JSEBs that have participated in the JSEB program for a total of 15 years from the date of the JSEB's first contract as a prime contractor of the City or as a subcontractor retained by a prime contractor of the City, whichever is earlier, and subject to the extensions for good cause provided in Section 126.613, shall graduate from the Program. However, JSEB Prime Members that serve as mentors to other participants in the Program for at least 2 years prior to reaching 15 years in the Program are eligible for up to an additional

1 9 years of participation in the Program as a "Prime Mentor", so long
2 as such Prime Mentor continues to mentor Program participants. A
3 Prime Mentor is a graduate of the JSEB Program and shall not be
4 eligible for contracts set aside, including prime contracts from
5 participation goals.

6 (e) The JSEB Administrator shall provide a quarterly activity
7 report for the preceding three months to the JSEB Monitoring Committee
8 for its use in complying with the reporting requirements pursuant
9 to Section 126.607 herein. Such reports will be posted on the EBO
10 Office website and the JSEB website.

11 **Section 3. Codification Instructions.** The Codifier and the
12 Office of General Counsel are authorized to make all chapter and
13 division "tables of contents" consistent with the changes set forth
14 herein. Such editorial changes and any other necessary changes to
15 make the *Ordinance Code* consistent with the intent of this legislation
16 are approved and directed herein, and changes to the *Ordinance Code*
17 shall be made forthwith and when inconsistencies are discovered.

18 **Section 4. Effective Date.** This Ordinance shall become
19 effective upon signature by the Mayor or upon becoming effective
20 without the Mayor's signature.

21
22 Form Approved: /s/ Shannon MacGillis

23 Office of General Counsel

24 Legislation Prepared By: Shannon MacGillis

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