

## NCSPHS AMENDMENT

The Neighborhoods, Community Services, Public Health and Safety Committee offers the following amendment to File 2021-761:

- (1) On **page 1, line 12**, strike "MEMBERS" and insert "MEMBERS AND THEIR SPOUSES OR CHILDREN";
- (2) On **page 1, line 16**, after "PROVIDING" insert "A DIRECTIVE TO THE COUNCIL DIRECTOR/SECRETARY; PROVIDING";
- (3) On **page 2, line 10**, strike "Notwithstanding the provisions of" and insert "Except as provided for in";
- (4) On **page 2, line 13**, after "applicable." insert "A "competitive evaluated award process" means that funding shall be competitively procured under the procedures set forth in Parts 6 or 8, Chapter 118, or Part 3, Chapter 126, *Ordinance Code*, via an evaluated bid process as outlined therein. This provision is specifically not intended to prevent the use of Section 126.107 (a), (b), (c), (d), (e), (f) or (h), *Ordinance Code*, or single source procurement or noncompetitive purchases under Sections 126.206 and 126.312, *Ordinance Code*. However, the use of Section 126.107(g), *Ordinance Code*, to direct contract with nonprofits would require a waiver of this Section 118.107 with a detailed explanation as to why the direct contract with the nonprofit is necessary.";
- (5) On **page 2, line 16**, after "members" insert "and their spouses or children"
- (6) On **page 2, line 17**, strike "through" and insert "from";

- (7) On **page 2, line 25, strike** "SUBPART A CONFLICT" and **insert** "SUBPART A. CONFLICTING";
- (8) On **page 2, line 28,** after "members" **insert** "and their spouses or children";
- (9) On **page 3, line 1, strike** "Public" and **insert** "City";
- (10) On **page 3, line 2,** after "process." **insert** " A "competitive evaluated award process" means that funding shall be competitively procured under the procedures set forth in Parts 6 or 8, Chapter 118, or Part 3, Chapter 126, *Ordinance Code*, via an evaluated bid process as outlined therein.";
- (11) On **page 3, line 6, strike** "member" and **insert** "member, or their spouse or child"
- (12) On **page 3, lines 8-10, strike** ", the following supplemental information to the Ethics Oversight and Compliance Office:" and **insert** "the following supplemental information to the Office of Ethics, Compliance and Oversight:";
- (13) On **page 3, lines 15-16, strike** "council member is employed by the nonprofit organization" **insert** "council member, or their spouse or child, is employed by the nonprofit organization, defined herein as a registered tax-exempt organization under 501(c) of the Internal Revenue Code,";
- (14) On **page 3, line 13,** after "IRS 990" **insert** "or 990EZ";
- (15) On **page 3, line 17, after** "council member" **insert** ", or their spouse or child,";

- (16) On **page 3, lines 21-23, strike** "the council member is an employee of the nonprofit applying for funding and the employment position of the council member with the nonprofit" and **insert** "the council member, or their spouse or child, is an employee of the nonprofit applying for funding and their employment position";
- (17) On **page 3, line 26, after "member" insert** ", or their spouse or child,";
- (18) On **page 3, lines 27-28, strike** "proprietor, partner and/or owner of more than 5% interest of the nonprofit applying for funding;" and **insert** "or board member of the nonprofit applying for funding;";
- (19) On **page 3, lines 29-31, and page 4, line 1, strike** "the council member's nonprofit salary is not and will not be paid by any funding from the City and the council member will not receive any financial gain from the City's funding of the nonprofit" and **insert** "the council member, or their spouse or child, will not receive any direct or additional financial gain from the City's funding of the nonprofit (in addition to their ordinary salary or compensation as an employee of the nonprofit);";
- (20) On **page 4, line 9, strike** "and";
- (21) On **page 4, lines 11-12, strike** "an entity" and **insert** "a nonprofit";
- (22) On **page 4, line 13, strike** "interest." and **insert** "interest; and";

(23) On **page 4, line 13 ½, insert** "vii) The council member did not disclose or use any confidential City information in the nonprofits' application for City funding of the nonprofit organization."

(24) On **page 4, lines 14-24, strike** language in its entirety and **insert** the following new language:

"The affidavit form shall be prepared by the Office of Ethics, Compliance and Oversight in conjunction with the Office of General Counsel. The affidavit form shall be provided and maintained by the Office of Ethics, Compliance and Oversight. The supplemental disclosure information provided pursuant to this section will be maintained as a public record and available to the public for viewing consistent with Chapter 119, *Florida Statutes*. The disclosure requirements created herein do not negate the obligation of a council member to determine whether a conflict of interest exists in any individual circumstance under Chapter 112, *Florida Statutes*, and Chapter 602, *Ordinance Code*, and to vet that potential conflict with the Office of Ethics, Compliance and Oversight or the Office of General Counsel.";

(25) On **page 4, line 26, insert** a new Section 3 to read as follows:

**"Section 3. Directive to Council Director/Secretary regarding supplemental disclosure information.** The Council Director/ Secretary is directed to coordinate with the Office of Ethics, Compliance and Oversight to

receive copies of and publish the supplemental disclosure information required by Section 602.413, *Ordinance Code*, on the City Council website.”;

(26) Renumber remaining sections accordingly;

(27) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

          /s/ Paige H. Johnston          

Office of General Counsel

Legislation Prepared By: Paige H. Johnston

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