

1 Introduced by Council Member Diamond and amended on the Floor of  
2 Council:

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5 **ORDINANCE 2020-160-E**

6 AN ORDINANCE CREATING A NEW SECTION 602.408  
7 (LOBBYING, EMPLOYMENT OR CONSULTING BY FORMER  
8 APPOINTED OFFICIALS REQUIRED TO FILE FORM 1  
9 FINANCIAL DISCLOSURES; PROHIBITION), PART 4  
10 (CONFLICTS OF INTEREST), CHAPTER 602  
11 (JACKSONVILLE ETHICS CODE), *ORDINANCE CODE*, TO  
12 PROHIBIT LOBBYING, EMPLOYMENT OR CONSULTING FOR  
13 COMPENSATION BY FORMER APPOINTED OFFICIALS  
14 REQUIRED TO FILE FORM 1 FINANCIAL DISCLOSURES TO  
15 THE BOARD, COMMISSION, COMMITTEE, COUNCIL OR  
16 AUTHORITY FOR A PERIOD OF 2 YEARS AFTER VACATING  
17 THAT POSITION; PROVIDING FOR A CURRENT LIST OF  
18 FORM 1 FINANCIAL DISCLOSURE AGENCIES; PROVIDING  
19 FOR AN EFFECTIVE DATE.

20  
21 **WHEREAS**, Section 112.313, Florida Statutes, prohibits elected  
22 officials from lobbying their governing body for compensation for a  
23 period of 2 years after they leave office; and

24 **WHEREAS**, the statute only applies to one who has been elected  
25 to office, not merely appointed to an elective office or body  
26 (Commission on Ethics Opinion 09-16); and

27 **WHEREAS**, under Section 112.313(13), Florida Statutes, at the  
28 option of the local governing body through ordinance or resolution,  
29 appointed county or municipal officials of the Boards, Commissions,  
30 Councils, or Authorities may be subjected to a similar two-year  
31 prohibition, except for collective bargaining matters; and

1       **WHEREAS**, Section 112.326, Florida Statutes, also provides that  
2 a local governing body through ordinance or resolution, may impose  
3 more stringent standards of conduct and disclosure requirements than  
4 those required under state law; and

5       **WHEREAS**, if a local prohibition was enacted for appointed  
6 officials, such an ordinance or resolution is not within the  
7 jurisdiction of the Commission on Ethics and a violation of it would  
8 not constitute a violation of the State Code of Ethics (Commission on  
9 Ethics Opinion 07-19); and

10       **WHEREAS**, the Council is considering seven new appointees to the  
11 JEA board at its April 14, 2020 Council meeting and hereby states its  
12 intention that the newly created Section 602.408, *Ordinance Code*, be  
13 applicable to those individuals; now therefore

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

15       **Section 1.       Creating a new Section 602.408 (Lobbying,**  
16 **Employment or Consulting by former appointed officials required to**  
17 **file Form 1 Financial Disclosures; Prohibition), Part 4 (Conflicts of**  
18 **Interest), Chapter 602 (Jacksonville Ethics Code), Ordinance Code.** A  
19 new Section 602.408 (Lobbying, Employment or Consulting by former  
20 appointed officials required to file Form 1 Financial Disclosures;  
21 Prohibition), Part 4 (Conflicts of Interest), Chapter 602  
22 (Jacksonville Ethics Code), *Ordinance Code*, is hereby created to read  
23 as follows:

24                   **CHAPTER 602. JACKSONVILLE ETHICS CODE**

25                                   **\* \* \***

26                                   **PART 4. CONFLICTS OF INTEREST**

27                                   **\* \* \***

28       **Sec. 602.408. - Lobbying, Employment or Consulting by former**  
29 **appointed officials required to file Form 1 Financial Disclosures;**  
30 **Prohibition.**

31       A person who has been appointed to any county, municipal, or

1 state, Board, Commission, Committee, Council or authority may not  
2 personally benefit or represent another person or entity for  
3 compensation before the Board, Commission, Committee, Council or  
4 Authority of which the person was an appointed official required to  
5 file Form 1 Financial Disclosures for a period of 2 years after  
6 vacating that office. For purposes of this section, "personally  
7 benefit" is intended to mean directly benefit financially and  
8 includes such scenarios as employment with the Board, Commission,  
9 Committee, Council or Authority, or retention/engagement by the  
10 Board, Commission, Committee, Council or Authority for consulting or  
11 lobbying on its behalf, or contracted or employed or retained by a  
12 third party for consulting or lobbying services for interaction with  
13 the Board, Commission, Committee, Council or Authority. For purposes  
14 of this section an "Appointed Official" is defined in Section  
15 602.201, *Ordinance Code*. This section shall apply to all Appointed  
16 Officials subject to Form 1 Financial Disclosures filing requirements  
17 appointed or reappointed on or after April 14, 2020.

18 **Section 2. Appointed Official Form 1 Financial Disclosure**  
19 **Agencies.** As of the filing of this legislation, the Form 1 Financial  
20 Disclosure Agencies are as noted in **Exhibit 1** attached hereto.

21 **Section 3. Effective Date.** This ordinance shall become  
22 effective upon signature by the Mayor or upon becoming effective  
23 without the Mayor's signature.

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25 Form Approved:

26  
27 /s/ Margaret M. Sidman

28 Office of General Counsel

29 Legislation prepared by: Paige H. Johnston

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