

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

4
5
6 **ORDINANCE 2024-499**

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; PROVIDING AN EFFECTIVE DATE.

19
20 **WHEREAS**, the Florida Legislature recently adopted Senate Bill
21 7014 that impacts both the Florida Commission on Ethics and local
22 ethics commissions, including the Jacksonville Ethics Commission; and

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

30 **WHEREAS**, the Jacksonville Ethics Commission held special
31 meetings on March 14, 2024 and May 13, 2024, to discuss the impact

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

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

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

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

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

26 * * *

27 **CHAPTER 602. JACKSONVILLE ETHICS CODE**

28 * * *

29 **PART 9**

30 **JACKSONVILLE ETHICS COMMISSION**

31 * * *

1 **SUBPART B. POWERS AND DUTIES**

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

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

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

31 (b) Provide assistance and input into the management and

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

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

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

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

22 **SUBPART C. PROCEDURES AND DUE PROCESS**

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

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

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

1 of Chapter 602.

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

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

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

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

23 * * *

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

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

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

8 * * *

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

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

19
20 Form Approved:

21
22 /s/Dylan Reingold

23 Office of General Counsel

24 Legislation Prepared By: Paige H. Johnston

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