

1 Introduced by Council Member Dennis:

4 **ORDINANCE 2020-705-W**

5 AN ORDINANCE REGARDING THE JACKSONVILLE ETHICS
6 CODE; AMENDING CHAPTER 602 (JACKSONVILLE ETHICS
7 CODE), PART 8 (LOBBYING), *ORDINANCE CODE*, TO
8 RENAME PART 8, ESTABLISH SUBPART A, AND TO ADD
9 A NEW SUBPART B (POLITICAL CONSULTANTS) TO
10 PROVIDE FOR A CITY REGISTRATION PROCESS FOR
11 POLITICAL CONSULTANTS; PROVIDING AN EFFECTIVE
12 DATE.

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

15 **Section 1. Amending Part 8 (Lobbying), Chapter 602**
16 **(Jacksonville Ethics Code), Ordinance Code.** Part 8 (Lobbying),
17 Chapter 602 (Jacksonville Ethics Code), *Ordinance Code*, is hereby
18 amended to read as follows:

19 **CHAPTER 602. JACKSONVILLE ETHICS CODE**

20 * * *

21 **PART 8. LOBBYING AND POLITICAL CONSULTANTS**

22 **SUBPART A.- LOBBYING**

23 * * *

24 **SUBPART B.- POLITICAL CONSULTANTS**

25 **Sec. 602.805. Purpose.**

26 The City of Jacksonville has a paramount interest in protecting
27 the integrity and credibility of its electoral and government
28 institutions. Election campaigns are highly competitive and
29 candidates frequently contract for services of professional political
30 consultants who specialize in guiding and managing campaigns. The
31 purpose of this Subpart is to improve transparency by requiring

1 political consultants advising City elected officials and candidates
2 for City elected office to meet certain registration and reporting
3 requirements. Required registration and disclosure of information by
4 political consultants will assist the public in making informed
5 decisions and protect public confidence in the electoral and
6 governmental processes.

7 **Sec. 602.806. Definitions.**

- 8 (a) "Political Consultant" means any person or entity that
9 receives or is promised economic consideration equaling
10 \$1,000 or more in a calendar year for political consulting.
11 The term "political consultant" includes any person or
12 entity that subcontracts with a political consultant to
13 provide political consulting services, and that receives
14 or is promised economic consideration equaling \$1,000 or
15 more in a calendar year for providing political consulting
16 services. The term "political consultant" does not include
17 persons who are employees of a political consultant,
18 attorneys who provide only legal services, accountants who
19 provide only accounting services, pollsters who provide
20 only polling services, and campaign treasurers who provide
21 only those services under Chapter 106, Florida Statutes.
- 22 (b) "Political consulting services" means participating in
23 campaign management or developing or participating in the
24 development of political or campaign strategy.
- 25 (c) "Candidate" means a person who has taken affirmative action
26 to seek nomination or election to local office, a local
27 officeholder who has taken affirmative action to seek
28 nomination or election to any elective office, or a local
29 officeholder who is the subject of a recall election.
- 30 (d) "Campaign management" means conducting, coordinating or
31 supervising a campaign to elect, defeat, retain or recall

1 a candidate, or adopt or defeat a measure, including but
2 not limited to hiring or authorizing the hiring of campaign
3 staff and consultants, spending or authorizing the
4 expenditure of campaign funds, directing, supervising or
5 conducting the solicitation of contributions to the
6 campaign, and selecting or recommending vendors or sub-
7 vendors of goods or services for the campaign.

8 (e) "Campaign strategy" means plans for election, defeat,
9 retention or recall of a candidate, or for the adoption or
10 defeat of a measure, including but not limited to producing
11 or authorizing the production of campaign literature and
12 print and broadcast advertising, seeking endorsements of
13 organizations or individuals, seeking financing, or
14 advising on public policy positions.

15 (f) "Economic consideration" means any payments, fees,
16 commissions, reimbursements for expenses, gifts, or
17 anything else of value.

18 (g) "Local office" or "Local officeholder" means the following
19 elective offices in the City of Jacksonville: Mayor, City
20 Council Members, Constitutional Officers, Sheriff, State
21 Attorney, Public Defender, and School Board Members.

22 (h) "Measure" means a local referendum or ballot measure,
23 whether or not it qualifies for the ballot, or local
24 legislation which has been filed or is intended to be filed
25 for consideration by the Jacksonville City Council.

26 **Sec. 602.807 Prohibitions.**

27 It shall be unlawful for any political consultant to provide
28 political consulting services, or accept any economic consideration
29 for the provision of political consulting services, without first
30 registering with the Council Secretary and complying with the
31 reporting requirements specified in Section 602.808 below.

1 Sec. 602.808. Registration of political consultants;
2 registration statements.

3 (a) Beginning on January 1, 2021, and following annually on
4 each January 1 thereafter, each political consultant shall report to
5 the City's Council Secretary the following information:

6 (1) The name, business address and business phone number of the
7 political consultant;

8 (2) If the political consultant is an individual, the name of
9 the political consultant's employer and a description of
10 the business activity engaged in by the employer;

11 (3) The names of any individuals employed by the political
12 consultant to assist in providing political consulting
13 services;

14 (4) The name, address and telephone number of each client to
15 whom the political consultant provided political
16 consulting services during the preceding twelve months;

17 (5) Each political contribution of \$100 or more made or delivered
18 by the political consultant, or made by a client at the
19 behest of the political consultant, or for which the
20 political consultant acted as an agent or intermediary,
21 during the preceding twelve months in support of or in
22 opposition to each individual candidate or measure,
23 provided that the cumulative total is \$500 or more;

24 (6) The cumulative total of all political contributions made
25 or delivered by the political consultant, or which is made
26 by a client at the behest of the political consultant, for
27 which the political consultant acted as an agent or
28 intermediary, during the preceding twelve months in support
29 of or in opposition to each individual candidate or
30 measure, provided the cumulative total is \$1,000 or more;

1 (7) Any gifts promised or made by the political consultant to
2 a local officeholder during the preceding twelve months
3 which in the aggregate total \$100 or more; and

4 (8) Any other information required by the Ethics Commission
5 consistent with the purposes and provisions of this
6 Subpart.

7 (b) When a person registers as a political consultant, he or
8 she shall file a registration statement and oath in the form developed
9 from time to time by the Office of General Counsel, in consultation
10 with the City Ethics Officer, the Council Secretary and the Ethics
11 Commission. The Council Secretary, in consultation with the Office
12 of General Counsel, is authorized to reject or strike non-conforming
13 registrations. No person may commence or continue political
14 consulting services related to a rejected or stricken registration
15 statement until such time as a corrected registration statement is
16 submitted and accepted by the Council Secretary.

17 (c) The Council Secretary shall maintain a book or electronic
18 file in which the registration statements and oaths submitted by
19 political consultants shall be entered, together with corrections and
20 amendments as herein authorized and required.

21 (d) Each political consultant shall reregister annually no later
22 than January 1 each year.

23 (e) When a client is acquired by a political consultant
24 subsequent to initial registration or reregistration, the political
25 consultant shall submit an amendment to the registration to the City's
26 Council Secretary no later than 15 days after being retained to
27 provide political consulting services to the client. The amendment
28 shall contain the client information for the new client required in
29 subsection (a) above.

30 (f) If a client terminates the services of a political
31 consultant or the political consultant ceases to represent the client

1 for political consulting services for matters within the jurisdiction
2 of the City of Jacksonville, the political consultant shall submit
3 an amendment to the registration no later than 15 days after the
4 termination. The amendment to the registration must include all
5 information required by subsection (a) above for the period since the
6 political consultant's last annual registration for that client. A
7 political consultant may not provide political consulting services
8 to a client or accept economic consideration for the provision of
9 political consulting services after an amendment for client
10 termination is filed, until a new amendment of registration is filed
11 under subsection (c) above.

12 (g) Each political consultant shall verify, under penalty of
13 perjury, the accuracy and completeness of the information provided
14 under this Subpart.

15 (h) A registration statement may be corrected or amended at any
16 time by the registrant by the submission of a subsequent registration
17 statement and oath setting forth the correcting or additional
18 information that the registrant wishes to place on file. A statement
19 that the subsequent registration statement corrects or amends the
20 previous registration statement shall be inserted in the body of the
21 statement, above the lobbyist's signature, noting the substance of
22 the correction or amendment. A registration statement shall be
23 corrected or amended if any material fact concerning the purpose for
24 which or persons on whose behalf the registrant filed the registration
25 statement changes.

26 (i) Each campaign consultant shall retain for a period of five
27 years all books, papers and documents necessary to substantiate the
28 reports and statements required under this Subpart.

29 (j) This section is limited to registration issues only, and
30 nothing contained in this section shall be interpreted to limit the
31 gift and honoraria solicitation and acceptance prohibitions set forth

1 in Part 7 of this Chapter.

2 **Sec. 602.809. Ethics Commission Powers and Duties.**

3 In accordance with Section 602.921, the Ethics Commission shall:

- 4 (a) Provide assistance and coordination of the training and
5 education of local officeholders, candidates and political
6 consultants as to the City's political consulting laws and
7 any related material which the Commission determines will
8 serve the purposes of this Subpart. Each political
9 consultant must sign a statement acknowledging receipt of
10 these materials;
- 11 (b) Preserve all original registrations, reregistrations,
12 amendments and other records required to be kept or filed
13 by the City under this Subpart for a period of five years.
14 Such records shall constitute a part of the public records
15 of the Ethics Commission and shall be open to public
16 inspection;
- 17 (c) Provide formal and informal advice regarding the duties
18 under this Subpart of a person or entity pursuant to the
19 procedures specified in Part 9 below;
- 20 (d) Have the power to adopt all reasonable and necessary rules
21 and regulations for implementation of this Subpart.

22 **Sec. 602.810. Restricted activities.**

23 No information obtained from registration statements required
24 by Section 602.808, or from lists compiled from such statements,
25 shall be sold or utilized by any person for the purpose of soliciting
26 campaign contributions or selling tickets to a testimonial or similar
27 fund-raising affair or for commercial purposes.

28 **Sec. 602.811. Penalties.**

29 A person who, knowingly and willfully:

- 30 (a) Being at the time required to register as a political
31 consultant fails or refuses to do so; or

1 (b) Having registered as a political consultant, fails or
2 refuses to properly file with the Council Secretary a
3 corrected or amended registration statement when required
4 by Section 602.808 to do so; or fails to disclose on the
5 registration statement any information required by this
6 Subpart;

7 (c) Continues to act as a political consultant after expiration
8 of the period for which the registration statement was
9 filed with the Council Secretary; or

10 (d) Commits, or procures or acquiesces in the commission of,
11 any violation of this Subpart;

12 Shall be guilty of a class D offense against the City.

13 **Section 2. Effective Date.** This ordinance shall become
14 effective upon signature by the Mayor or upon becoming effective
15 without the Mayor's signature.

16
17 Form Approved:

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19 /s/ Paige H. Johnston

20 Office of General Counsel

21 Legislation Prepared By: Paige H. Johnston

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