

1 Introduced by Council Member Pittman:
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3

4 **ORDINANCE 2023-**

5 AN ORDINANCE REGARDING THE JACKSONVILLE SMALL
6 AND EMERGING BUSINESS PROGRAM; AMENDING SUBPART
7 A (GENERAL PROVISIONS), SUBPART B (PROGRAM
8 ADMINISTRATION), SUBPART C (PROGRAM SUPPORT
9 SERVICES; MARKETING AND OUTREACH; DISPARITY
10 STUDY UPDATE), AND SUBPART D (PROGRAM
11 ELIGIBILITY, PROCEDURES, AND OTHER
12 REQUIREMENTS), PART 6 (JACKSONVILLE SMALL AND
13 EMERGING BUSINESS PROGRAM), CHAPTER 126
14 (PROCUREMENT CODE), *ORDINANCE CODE*; REPEALING
15 SECTION 7 OF ORDINANCE 2021-117-E REGARDING THE
16 TEMPORARY SUSPENSION OF THE JSEB
17 ADMINISTRATOR'S AUTHORITY TO DECERTIFY A JSEB
18 DUE TO NONCOMPLIANCE WITH THE JSEB PROGRAM
19 ELIGIBILITY CRITERION PERTAINING TO PERSONAL
20 NET WORTH LIMITATIONS; PROVIDING FOR
21 CODIFICATION; PROVIDING AN EFFECTIVE DATE.

22
23 **BE IT ORDAINED** by the Council of the City of Jacksonville:

24 **Section 1. Amending Subpart A (General Provisions),**
25 **Subpart B (Program Administration), Subpart C (Program Support**
26 **Services; Marketing Outreach; Disparity Study Update), and Subpart**
27 **D (Program Eligibility, Procedures, and Other Requirements), Part 6**
28 **(Jacksonville Small and Emerging Business Program), Chapter 126**
29 **(Procurement Code), *Ordinance Code*.** Subpart A (General Provisions),
30 Subpart B (Program Administration), Subpart C (Program Support
31 Services; Marketing Outreach; Disparity Study Update), and Subpart

1 D (Program Eligibility, Procedures, and Other Requirements), Part 6
2 (Jacksonville Small and Emerging Business Program), Chapter 126
3 (Procurement Code), *Ordinance Code*, are hereby amended to read as
4 follows:

5 **CHAPTER 126 PROCUREMENT CODE**

6 * * *

7 **PART 6. JACKSONVILLE SMALL AND EMERGING BUSINESS PROGRAM**

8 **SUBPART A. GENERAL PROVISIONS**

9 * * *

10 **Sec. 126.604 - Definitions.** The following words and phrases as used
11 in this Part shall have the following meaning:

12 * * *

13 "*micro-business JSEB*" shall mean a JSEB ~~who has a personal net worth~~
14 ~~of \$300,000 or less~~ having annual gross revenue, averaged over the
15 immediately preceding three-year period, not exceeding \$3,000,000
16 ~~and is at least a 51 percent majority owner of the business.~~

17 * * *

18 **SUBPART B. PROGRAM ADMINISTRATION**

19 * * *

20 **Sec. 126.607. - JSEB Monitoring Committee; Annual Program Review.**

21 (a) *Establishment; purpose.* There is established a seven-member
22 JSEB Monitoring Committee ("Committee"), to annually review,
23 in consultation with the JSEB Administrator: (i) the status
24 of the Program Goals, including, but not limited to, the
25 percentage, number, and dollar value of contracts awarded to
26 JSEBs through direct contracting and subcontracts; (ii) the
27 training programs, the "AC Program," and the bond
28 enhancement program required herein; (iii) difficulties or
29 accomplishments of the Program; (iv) a comparison of the
30 achievements under the Program compared with the Program

1 Goals; (v) the maximum threshold ~~amounts~~ amount for ~~personal~~
2 ~~net worth~~ and

3 annual averaged gross ~~receipts~~ revenue referenced in Section
4 126.613(c); and (vi) the limitation on the number of program
5 participation years in Section 126.613(c) to determine if such
6 amounts and limitation on the number of years are appropriate for
7 the Program. Based on the Committee's required Program review, the
8 Committee may recommend to the Mayor or City Council amendments to
9 the Program in the form of a report.

10 * * *

11 **SUBPART C. PROGRAM SUPPORT SERVICES; MARKETING AND OUTREACH;**

12 **DISPARITY STUDY UPDATE**

13 * * *

14 **Sec. 126.612. - Disparity Study Update.** Subject to availability of
15 funds, the Equal Business Opportunity Office shall have completed
16 an update to the 2013 disparity study regarding the City of
17 Jacksonville contracts on or before ~~August 31, 2023~~ February 29,
18 2024. Upon receipt and review of the completed disparity study
19 update, the JSEB Administrator shall provide a report to the Mayor
20 and City Council regarding the analysis and results of the disparity
21 study update.

22 * * *

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

24 **REQUIREMENTS**

25 **Sec. 126.613. - Jacksonville Small and Emerging Businesses defined.**

26 * * *

27 (c) To be certified as a JSEB, an individual owner must meet the
28 following criteria:

29 (1) Either reside currently in Duval County for a minimum twelve
30 consecutive month period immediately preceding the JSEB
31 application date or have an established business with a

1 principal place of business in Duval County for a minimum
2 eighteen (18) month consecutive period and reside in Duval,
3 St. Johns, Nassau, Baker, or Clay County for one year total
4 within the five County area;

5 ~~(2) Have a personal net worth, excluding personal residence,~~
6 ~~that is equal to or less than \$1,320,000, such personal net~~
7 ~~worth to include business value and assets (measured as book~~
8 ~~value), ownership in other businesses, and all other assets~~
9 ~~personally owned or held in trust for the individual owner's~~
10 ~~benefit; provided, however, that, notwithstanding personal net~~
11 ~~worth, certification hereunder shall require that annual gross~~
12 ~~receipts revenue, averaged over the immediately preceding~~
13 ~~three-year period, not ~~exceed~~ exceeding \$12,000,000. The~~
14 ~~averaged annual gross receipts and personal net worth revenue~~
15 ~~maximum threshold ~~amounts~~ amount shall be subject to annual~~
16 ~~analysis by the JSEB Administrator and reviewed by the JSEB~~
17 ~~Monitoring Committee pursuant to Section 126.607 herein;~~

18 * * *

19 (12) Be a business, including a sole proprietorship,
20 partnership, corporation, limited liability company, or any
21 other business or professional entity:

22 (i) Which business is at least 51 percent owned by one or
23 more individuals who have held such ownership interests for at
24 least one year and who have each met the criterion in paragraph
25 (c)(1) provided that such business has been in existence for
26 at least one year; and

27 ~~(ii) In the case of a publicly owned business, at least~~
28 ~~51 percent of all classes of the stock of which is owned by~~
29 ~~one or more of such persons each of whom meets the personal~~
30 ~~net worth criteria set forth above; and~~

1 ~~(iii)~~ Be a citizen or lawfully admitted permanent resident
2 of the United States and be compliant with the residency
3 requirements of this Program.

4 * * *

5 **Sec. 126.615. - Jacksonville Small and Emerging Business Program**
6 **Goals; Other Program Directives.**

7 * * *

8 (f) *Micro-business program.* The JSEB Administrator in consultation
9 with the Chief shall be responsible for developing and implementing
10 a micro-business program. The purpose of the micro-business program
11 shall be to ensure that a micro-business JSEB (as defined in Subpart
12 A of this Chapter) has an adequate share of direct contracting and
13 subcontracting opportunities in the Program. Such program may
14 include participation requirements based on tiered levels of
15 ~~personal net worth and annual averaged gross receipts~~ revenue, not
16 to exceed the ~~maximum personal net worth and annual averaged gross~~
17 ~~receipt amounts~~ revenue amount set forth in Section 126.613 herein.
18 The JSEB Administrator shall promulgate rules and guidelines
19 regarding such program ~~with~~ without further Council approval.

20 * * *

21 **Section 2. Repealing Section 7 of Ordinance 2021-117-E**
22 **regarding the temporary suspension of the JSEB Administrator's**
23 **authority to decertify a JSEB due to noncompliance with the JSEB**
24 **Program eligibility criterion contained in Section 126.613(c) (2),**
25 **Ordinance Code, pertaining to personal net worth limitations.**

26 Section 7 of Ordinance 2021-117-E regarding the temporary suspension
27 of the JSEB Administrator's authority to decertify a JSEB due to
28 noncompliance with the JSEB Program eligibility criterion contained
29 in Section 126.613(c) (2), *Ordinance Code*, pertaining to personal net
30 worth limitations, is hereby repealed as of the effective date of
31 this ordinance.

1 **Section 3. Codification.** The Codifier and the Office of
2 General Counsel are authorized to make all Ordinance Code changes
3 set forth herein, editorial changes, and any others changes necessary
4 to make the Ordinance Code consistent with the intent of this
5 legislation. Additionally, the Codifier and the Office of General
6 Counsel are approved and directed to make changes to the Ordinance
7 Code consistent with this ordinance when inconsistencies are
8 discovered.

9 **Section 4. Effective date.** This ordinance shall become
10 effective upon signature by the Mayor or upon becoming effective
11 without the Mayor's signature.

12
13 Form Approved:

14
15 /s/ Lawsikia J. Hodges

16 Office of General Counsel

17 Legislation Prepared by: Lawsikia J. Hodges

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19 _Amendment).docx