

1 Introduced by Council Member Pittman and Co-Sponsored by Council  
2 Member Johnson and amended by the Finance Committee:

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5 **ORDINANCE 2023-765-E**

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

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

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

1 Support Services; Marketing and Outreach; Disparity Study Update),  
2 and Subpart D (Program Eligibility, Procedures, and Other  
3 Requirements), Part 6 (Jacksonville Small and Emerging Business  
4 Program), Chapter 126 (Procurement Code), *Ordinance Code*, are hereby  
5 amended to read as follows:

6 **CHAPTER 126 PROCUREMENT CODE**

7 \* \* \*

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

9 **SUBPART A. GENERAL PROVISIONS**

10 \* \* \*

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

13 \* \* \*

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

18 \* \* \*

19 **SUBPART B. PROGRAM ADMINISTRATION**

20 \* \* \*

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

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

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

9 \* \* \*

10 **SUBPART C. PROGRAM SUPPORT SERVICES; MARKETING AND OUTREACH;**  
11 **DISPARITY STUDY UPDATE**

12 \* \* \*

13 **Sec. 126.612. - Disparity Study Update.** Subject to availability of  
14 funds, the Equal Business Opportunity Office shall have completed  
15 an update to the 2013 disparity study regarding the City of  
16 Jacksonville contracts on or before ~~August 31, 2023~~ September 30,  
17 2024. Upon receipt and review of the completed disparity study  
18 update, the JSEB Administrator shall provide a report to the Mayor  
19 and City Council regarding the analysis and results of the disparity  
20 study update.

21 **SUBPART D. - PROGRAM ELIGIBILITY, PROCEDURES, AND OTHER**  
22 **REQUIREMENTS**

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

24 \* \* \*

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

- 27 (1) Either reside currently in Duval County for a minimum twelve  
28 consecutive month period immediately preceding the JSEB  
29 application date or have an established business with a  
30 principal place of business in Duval County for a minimum  
31 eighteen (18) month consecutive period and reside in Duval,

1 St. Johns, Nassau, Baker, or Clay County for one year total  
2 within the five County area;

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

16 \* \* \*

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

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

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

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

\* \* \*

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

\* \* \*

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

\* \* \*

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

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

**Section 3. Codification.** The Codifier and the Office of General Counsel are authorized to make all Ordinance Code changes set forth herein, editorial changes, and any others changes necessary

1 to make the Ordinance Code consistent with the intent of this  
2 legislation. Additionally, the Codifier and the Office of General  
3 Counsel are approved and directed to make changes to the Ordinance  
4 Code consistent with this ordinance when inconsistencies are  
5 discovered.

6           **Section 4.           Effective date.** This Ordinance shall become  
7 effective upon signature by the Mayor or upon becoming effective  
8 without the Mayor's signature.

9  
10 Form Approved:

11  
12                     /s/ Mary E. Staffopoulos          

13 Office of General Counsel

14 Legislation Prepared By: Lawsikia J. Hodges

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