

1 Introduced by Council Member Diamond:
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4 **ORDINANCE 2020-160**

5 AN ORDINANCE CREATING A NEW SECTION 602.408
6 (LOBBYING, EMPLOYMENT OR CONSULTING BY APPOINTED
7 OFFICIALS REQUIRED TO FILE FORM 1 FINANCIAL
8 DISCLOSURES; PROHIBITION), PART 4 (CONFLICTS OF
9 INTERESTS), CHAPTER 602 (JACKSONVILLE ETHICS
10 CODE), *ORDINANCE CODE*, TO PROHIBIT LOBBYING,
11 EMPLOYMENT OR CONSULTING FOR COMPENSATION BY
12 FORMER APPOINTED OFFICIALS REQUIRED TO FILE FORM
13 1 FINANCIAL DISCLOSURES TO THE BOARD,
14 COMMISSION, COMMITTEE, COUNCIL OR AUTHORITY FOR
15 A PERIOD OF 2 YEARS AFTER VACATING THAT
16 POSITION; PROVIDING FOR A CURRENT LIST OF FORM 1
17 FINANCIAL DISCLOSURE AGENCIES; PROVIDING FOR AN
18 EFFECTIVE DATE.
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20 **WHEREAS**, Section 112.313, Florida Statutes, prohibits elected
21 officials from lobbying their governing body for compensation for a
22 period of 2 years after they leave office; and

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

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

31 **WHEREAS**, Section 112.326, Florida Statutes, also provides that

1 a local governing body through ordinance or resolution, may impose
2 more stringent standards of conduct and disclosure requirements than
3 those required under state law; and

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

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

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

18 **CHAPTER 602. JACKSONVILLE ETHICS CODE**

19 * * *

20 **PART 4. CONFLICTS OF INTEREST**

21 **Sec. 602.408. - Lobbying, Employment or Consulting by former**
22 **appointed officials required to file Form 1 Financial Disclosures;**
23 **Prohibition.**

24 A person who has been appointed to any county, municipal, or
25 state, Board, Commission, Committee, Council or authority may not
26 personally benefit or represent another person or entity for
27 compensation before the Board, Commission, Committee, Council or
28 Authority of which the person was an appointed official required to
29 file Form 1 Financial Disclosures for a period of 2 years after
30 vacating that office. For purposes of this section, "personally
31 benefit" is intended to mean directly benefit financially and

1 includes such scenarios as employment with the Board, Commission,
2 Committee, Council or Authority, or retention/engagement by the
3 Board, Commission, Committee, Council or Authority for consulting or
4 lobbying on its behalf, or contracted or employed or retained by a
5 third party for consulting or lobbying services for interaction with
6 the Board, Commission, Committee, Council or Authority. For purposes
7 of this section an "Appointed Official" is defined in Section
8 602.201, *Ordinance Code*.

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

12 **Section 3. Effective Date.** This ordinance shall become
13 effective upon signature by the Mayor or upon becoming effective
14 without the Mayor's signature.

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16 Form Approved:

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18 /s/ Paige H. Johnston

19 Office of General Counsel

20 Legislation prepared by: Paige H. Johnston

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