

SYNOPSIS OF ETHICS BILLS

CHARTER ETHICS AMENDMENT: Passed into law November, 2010.

-- Established that the Ethics Code has jurisdiction over all of consolidated government

--Independent Ethics Commission; members with subject matter expertise; duties: same as in current code; added civil fines (set by Council) and hiring responsibility for the executives in the citywide Ethics Office

--Established the "ECO" office: Ethics, Compliance and Oversight to coordinate training, compliance, and oversight issues and to staff the Ethics Commission

2011-232 (just rearranged the Ethics Code and took out irrelevant provisions; put into Chapter 601.

2011-167 Ethics Commission (most sections pulled from current law)

New: the 9 members must meet certain qualifications (attorney/CPA, etc.); the members are chosen from certain citizen groups (Bar Association, League of Women Voters, etc.)

Duties: Same as current code, except: penalties eliminated (section c); can issue fines if Council sets them up; can hire executives of the ECO office.

Due Process provisions added: can dismiss complaints; can fine for filing of frivolous ones; if it's a criminal or HR matter, deferred; 2 year statute of limitations; appeals

2011-197 Ethics, Compliance and Oversight Office

Coordination on training, compliance and oversight issues; shall ensure the investigation of all situations involving fraud, waste, corruption and conflicts of interest. (602.611)

Staff: a Director chosen by the Ethics Commission; 5 year term; separation for cause; minimum staff—a director and one support person; support of General Counsel (eliminate City Council Auditor); If a conflict, can ask for General Counsel to appoint outside counsel.

Duties: advice and training (same as current Ethics Officer duties); new: set up Ethics Coordination Council to coordinate best practices/assess risks; Respond to requests for assistance; serves as Executive Director of the Ethics Commission; sections k) and l): can investigate and report on fraud, waste and corruption and request data from relevant parties (including contractors); will not interfere with criminal or HR cases.

All city entities appoint an "Ethics Officer" to identify risks and come up with an "ethics plan" and to participate in the citywide Ethics Coordination Council. The director of the ECO office shall assist in receiving complaints (hotline) and make sure "that they get directed to the appropriate authority". If

any of the Ethics Officers are in doubt as to what to do, or worried about consequences of reporting a matter, they have a duty to report this to the Director of the ECO office. (602.622 (4)).

Protection of Whistleblowers, Ethics Officers (602.623); The ECO office shall be a "safe haven" for reporting ethics issues, fraud, waste, abuse and corruption. There shall be no retaliation for reporting matters to this office.

Transition: Office will be established for 2011-12 budget year; input from new Mayor's transition team; should be done with existing funds.

Ethics Commission and ECO office; Interaction

1. Ethics Commission hires the executives of the ECO office; Ethics Commission focuses on Chapter 602 – Ethics Violations/ Conflicts of Interest
2. ECO Office: acts as the Executive Director of the Ethics Commission; in addition:
 - (a) COORDINATES citywide ethics training, compliance and oversight issues; and ensures investigation of all situations involving fraud, waste and corruption;
 - (b) coordinates the citywide Ethics Coordination Council with all city agencies (assess risks, develop ethics plans);
 - (c) acts as a resource for city Ethics Officers if they are "concerned about consequences" of reporting matters.

CITY COUNCIL
RULES SUBCOMMITTEE
ON
ETHICS BILLS



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1 Introduced by Council Member Johnson and substituted by the Rules
2 Committee:

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5 **ORDINANCE 2010-616-E**

6 AN ORDINANCE RELATING TO THE CHARTER OF THE
7 CITY OF JACKSONVILLE, AS ESTABLISHED IN
8 CHAPTER 67-1320, AND RECODIFIED IN CHAPTER 92-
9 341, LAWS OF FLORIDA, AS AMENDED; RELATING TO
10 ETHICS, THE CITY OF JACKSONVILLE'S ETHICS
11 CODE, AND THE CITY OF JACKSONVILLE'S ETHICS
12 COMMISSION; AMENDING ARTICLE 1 TO ADD A
13 CHAPTER 2 (ETHICS) TO ESTABLISH AN ETHICS
14 POLICY, TO AUTHORIZE THE ESTABLISHMENT OF AN
15 ETHICS CODE AND AN ETHICS COMMISSION, AND TO
16 PROVIDE THAT THE CITY'S CONSTITUTIONAL
17 OFFICERS SHALL BE SUBJECT TO THE ETHICS CODE;
18 REPEALING SECTION 18.10 OF THE CHARTER;
19 PROVIDING AN EFFECTIVE DATE.

20
21 **WHEREAS**, Section 3.01(e) of the Charter of the City of
22 Jacksonville provides that the Council may repeal or amend most
23 provisions of the Charter, and adopt other provisions of the
24 Charter, with limited exceptions, by ordinance, to the same extent
25 as could be done by the Legislature; and

26 **WHEREAS**, the Council deems it to be in the public interest to
27 devote a chapter of the Charter to the promotion of an ethical
28 government; now therefore

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

30 **Section 1. Article 1, Charter, Amended.** Part A, Article
31 1, of the Charter of the City of Jacksonville, as established in



1 Chapter 67-1320, and recodified in Chapter 92-341, Laws of Florida,
2 as amended, is amended to divide Article 1 into chapters, to title
3 Chapter 1 (Consolidated Government), and to create a new Chapter 2
4 (Ethics), all to read as follows:

5 **CHARTER LAWS**

6 **CHARTER OF THE CITY OF JACKSONVILLE**

7 **ARTICLE 1. GOVERNMENT AND ETHICS**

8 **CHAPTER 1. CONSOLIDATED GOVERNMENT**

9 **Section 1.101. Consolidated government.**

10 * * *

11 **Section 1.102. Cities of Jacksonville Beach, Atlantic Beach, and**
12 **Neptune Beach and Town of Baldwin.**

13 * * *

14 **CHAPTER 2. ETHICS**

15 **Section 1.201. Declaration of Ethics Policy**

16 The proper operation of responsible government requires that
17 public officials and employees be independent, impartial, and
18 responsible to the people; that government decisions and policy be
19 made in the best interests of the people, the community and the
20 government; that public office not be used for personal gain, and
21 that the public have confidence in the integrity of its government.

22 **Section 1.202. Ethics Code, Ethics Commission.**

23 The City of Jacksonville, acting in its capacity as a county,
24 shall enact an ethics code with jurisdiction over the officers and
25 employees of the consolidated government of the City of
26 Jacksonville, its constitutional officers, and independent agencies
27 and districts, whether elected or appointed, paid or unpaid, and to
28 the officers and employees of the school district. The ethics code
9 may, as allowed by law, supplement state ethics laws. The ethics
30 code shall provide for an independent ethics commission, whose

1 membership shall have appropriate subject matter expertise, and
2 which shall:

- 3 (a) manage a citywide ethics hotline for intakes of
4 allegations of violations of the ethics code;
- 5 (b) manage and coordinate the training and education of
6 local officers and employees in state and local
7 ethics;
- 8 (c) have the authority to refer ethics matters to
9 appropriate enforcement agencies;
- 10 (d) recommend changes in legislation to City Council in
11 the areas of ethics laws and administration,
12 conflicts of interests, hotline policies, ethics
13 education, ethics in procurement, campaign ethics,
14 and lobbying;
- 15 (e) have jurisdiction to levy those civil fines or
16 penalties authorized by the City Council for
17 violations of the City's ethics code;
- 18 (f) act as the hiring committee for the administrative
19 staff of the ethics oversight and compliance office;

20 and whose enforcement power is limited to the ethics code
21 authorized by this section and enacted by city council. A structure
22 shall be established for the ethics commission that ensures
23 independence and impartiality

24 **Section 1.203 Ethics oversight and compliance office.**

25 The ethics code shall include the establishment of an
26 independent citywide ethics oversight and compliance office to
27 coordinate ethics training, ethics compliance, and ethics oversight
28 issues and to staff the ethics commission. The ethics code, ethics
29 commission, and ethics oversight and compliance office in place at
30 the time of enactment of this section shall continue until amended
31 or altered by the Council.

1 **Section 1.204 Administrative Support.**

2 Appropriate support, as determined by City Council, shall be
3 provided to the ethics commission and to the citywide ethics
4 oversight and compliance office to carry out its duties and
5 responsibilities. This support shall include a mechanism to obtain
6 documents and testimony in connection with violations of the City's
7 ethics code.

8 **Section 1.205. Ethics Education and Application of Ethics Laws.**

9 Within 90 days after taking office, every elected official
10 within the consolidated government shall complete such ethics
11 training as may be required by the ethics code. This requirement
12 shall apply to all elected officials within the consolidated
13 government, including, without limitation, the Mayor, all City
14 Council Members, all Duval County School Board Members, the
15 Sheriff, the Supervisor of Elections, the Property Appraiser, the
16 Tax Collector, and the Clerk of the Circuit and County Court.
17 Additionally, all such elected officials shall be included in the
18 definition of the term "officer" regarding any ethics code
19 definition referring to officers as any person elected to any City
20 office and all such elected officials shall comply with all laws
21 applicable to officers in the city's ethics code.

22 **Section 2. Section 18.10, Charter, Repealed.** Having
23 enacted a new Chapter 2 to Article 1, which includes the provisions
24 of Section 18.10 (Ethics education and application of ethics laws),
25 Section 18.10 of the Charter of the City of Jacksonville, as
26 established in Chapter 67-1320, and recodified in Chapter 92-341,
27 Laws of Florida, as amended, is hereby repealed.

28 **Section 3.** This ordinance shall become effective upon
29 signature by the Mayor or upon becoming effective without the
30 Mayor's signature.
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Form Approved:

 /s/ Steven E. Rohan

Office of General Counsel

Legislation Prepared By: Steven E. Rohan

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1 Introduced by Council Member Shad:
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4 **ORDINANCE 2011-167**

5 AN ORDINANCE REGARDING CHAPTER 602 (ETHICS
6 CODE), PART 9 (ETHICS COMMISSION), *ORDINANCE*
7 *CODE*, REPEALING THE EXISTING PART 9 OF CHAPTER
8 602; CREATING A NEW PART 9 (ETHICS COMMISSION)
9 OF CHAPTER 602 (ETHICS CODE) TO IMPLEMENT THE
10 SECTION 1.202, CHARTER OF THE CITY OF
11 JACKSONVILLE AS AMENDED BY ORDINANCE 2010-616-
12 E; PROVIDING FOR TRANSITION; PROVIDING AN
13 EFFECTIVE DATE.
14

15 **WHEREAS**, Ordinance 2010-616-E amended the Charter of the City
16 of Jacksonville to provide for an Ethics Code and an Ethics
17 Commission; and

18 **WHEREAS** the Council is responsible for establishing the Ethics
19 Code and the Ethics Commission; and

20 **WHEREAS** the Council finds that addressing the Chapter 602
21 generally (Ethics Code) and Part 9 (Ethics Commission)
22 specifically, in separate ordinances, will provide for more
23 thoughtful and focused consideration of each; and that the
24 amendment of the structure of the Ethics Commission as set forth in
25 Part 9 (Ethics Commission) of Chapter 602 will establish a proper
26 predicate for the review and amendment of the Ethics Code
27 generally, now therefore

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

29 **Section 1. Part 9 (Ethics Commission, of Chapter 602**
30 **(Ethics Code) Repealed.** Part 9 (Ethics Commission, of Chapter
31 602 (Ethics Code) is hereby repealed. A copy of the existing



1 experience; a certified public accountant with forensic audit
2 experience; a former elected official; a former judge; a higher
3 education faculty member or former faculty member with experience
4 in ethics; a former law enforcement official with experience in
5 investigating public corruption; a corporate official with a
6 background in human resources or ethics; a former board member of a
7 City of Jacksonville independent authority; a former government
8 executive with ethics experience.

9 (c) *Limitations.*

10 (1) No member shall be an elected or appointed official, or
11 an employee of the City of Jacksonville or any of its independent
12 agencies, or of any governmental agency subject to the authority of
13 the Commission. No member shall be an active state court judge, an
14 assistant state attorney or assistant public defender, or an
15 officer of a political party.

16 (2) Ethics Commission members shall not use their position in
17 any manner that decreases public trust or gives the appearance of
18 impropriety.

19 (3) Any Commission member who files to be a candidate for
20 public office shall immediately resign from the Commission and
21 their position shall be deemed vacant upon filing.

22 (4) No individual while a member of the Commission shall
23 allow his or her name and title as a commission member to be used
24 by a campaign in support of or against any candidate for public
25 office. Nothing herein shall preclude a member from signing a
26 petition in support of or against any referendum, ballot question
27 or candidate. This rule does not prohibit any campaign
28 contributions by a member, or a member supporting any candidate in
29 his or her own name.

30 (d) *Selection.* Each of the following six persons shall
31 appoint one Commission member, to wit: the Dean of Florida Coastal

1 Part 9, Chapter 602 is **on file** with the Legislative Services
2 Division.

3 **Section 2. A new Part 9 (Ethics Commission, of Chapter**
4 **602 (Ethics Code) Created.** A new Part 9 (Ethics Commission, of
5 Chapter 602 (Ethics Code) is hereby created to read as follows:
6

7 **CHAPTER 602. ETHICS CODE**

8 * * *

9 **PART 9**

10 **JACKSONVILLE ETHICS COMMISSION**

11 **SUBPART A**

12 **CREATION AND ORGANIZATION**

13 **Sec. 602.911. - Jacksonville Ethics Commission; Creation**

14 There is hereby created, pursuant to Section 1.202 of the
15 Charter of the City of Jacksonville, the Jacksonville Ethics
16 Commission, the purpose of which is to provide a local forum for
17 consideration and investigation of ethical problems and issues.

18 **Sec. 602.912. - Membership, terms, appointment.**

19 (a) *Number; terms.* The Commission shall be composed of nine
20 members each of whom shall be appointed to serve for fixed January
21 1 to December 31 three-year terms. The terms of the members shall
22 be so staggered that the terms of no more than three members shall
23 expire in any one year. No person shall serve more than two
24 consecutive full terms. If, because of a delay in appointment, a
25 member serves less than two years during the term, then in that
26 event, the term shall not have been considered a full term for
27 purposes of reappointment. A member made ineligible by reason of
28 service of two consecutive full terms may be appointed for another
29 term following a waiting period of three years.

30 (b) *Qualifications.* Each member shall have one or more of
31 the following qualifications: an attorney with litigation

1 Law School, the Director of the University of North Florida Ethics
2 Center, the President of the Jacksonville League of Women Voters;
3 the President of the Perkins Bar Association; the Director of JCCI;
4 and the President of Florida State College of Jacksonville. Three
5 Commission members shall be appointed by the Ethics Commission.
6 All appointment decision makers are encouraged to consider the
7 cultural and ethnic diversity of the community in their selections.
8 All appointments should be made within 30 days of a vacancy
9 occurring. Vacancies. All appointees shall be confirmed by Council
10 but shall serve until Council confirmation or denial.

11 **SUBPART B. POWERS AND DUTIES**

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

13 The Jacksonville Ethics Commission (Commission) shall be
14 authorized to exercise such powers and shall be required to perform
15 such duties as are hereinafter provided. The Commission shall be
16 empowered to review, interpret, render advisory opinions and
17 enforce Chapter 602, *Ordinance Code*; and, in accordance with
18 Section 1.202 of the Charter, to exercise the following powers and
19 duties:

20 (a) The Commission, in coordination with the Ethics Office,
21 is authorized to receive, and to investigate and issue findings
22 with regard to any complaint alleging a violation of this Chapter.
23 All complaints and records shall be confidential as allowed by
24 Section 112.324, Florida Statutes, or any other applicable state
25 law. In support of this power, the Commission, in coordination with
26 the Ethics Office, is authorized to establish an ethics "hotline"
27 to receive tips and complaints, each of which shall be treated as a
28 complaint with its related confidentiality as authorized by Florida
29 law. The General Counsel, with the assistance of all appropriate
30 and available offices of the City, shall assist the Ethics
31 Commission and Ethics Office in the investigation of complaints.

1 The Ethics Commission may refer matters brought to its attention to
2 the State Attorneys' Office or the Florida Commission on Ethics if
3 it determines jurisdiction is vested in, and action is more
4 appropriate if taken by said agencies.

5 (b) In coordination with the Office of General Counsel and
6 the Ethics Office, manage and coordinate the training and education
7 of local officers and employees in state and local ethics. The
8 Commission shall work with the City Ethics Officer(s) and the
9 City's Ethics Office in establishing, presenting, and expanding the
10 City's Ethics Education Program as set forth in Section 602.1001,
11 as well as all public records and sunshine law training throughout
12 the government.

13 (c) The Commission may, upon employee or citizen complaint,
14 or upon its own initiative, seek information and gather facts for
15 the purpose of investigating any circumstance or situation of which
16 the Commission may become aware that appears to violate or may
17 potentially violate an acceptable standard of ethics conduct for
18 City officers and employees. Based upon such investigation and
19 findings the Commission may make such recommendations to the Mayor
20 and the Council as it deems appropriate;

21 (d) Have jurisdiction to levy those civil fines or penalties
22 authorized in this Chapter 602 for violations of the City's ethics
23 code;

24 (e) Act as the hiring committee for the administrative staff
25 of the ethics oversight and compliance office;

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

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

29 In accordance with Section 602.921(d), and the Charter, the
30 Commission shall perform the following duties in association with
31 the enforcement of Chapter 602 and the imposition of sanctions and

1 penalties including the imposition of public censures and civil
2 penalties.

3 (a) The Commission shall establish and post rules and
4 procedures to provide for the investigation of citizen, hotline,
5 employee and self- initiated complaints of violations of Chapter
6 602.

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

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
16 complaints and charges authorized by this Chapter.

17 **Sec. 602.933. - Cooperation of other City agencies.**

18 The services of other departments, boards and agencies of the
19 City shall be made available to the Commission at its request,
20 subject to their ability and capacity to provide them. Other City
21 agencies shall cooperate with the Commission in the exercise of the
22 Commission's responsibilities.

23 **Sec. 602.934. - Dismissal of complaints.**

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

1 subsection, the Commission shall issue a public report stating with
2 particularity its reasons for the dismissal. The Commission, at the
3 request of the state attorney or any other law enforcement agency,
4 shall stay an ongoing proceeding. The Commission shall not
5 interfere with any ongoing criminal investigation of the state
6 attorney or the U.S. Attorney for the Middle District of Florida.

7 **Sec. 602.935. - Frivolous or groundless complaints.**

8 In any case in which the Commission determines that the
9 complaining party filed a frivolous or groundless complaint as
10 defined in Florida Statutes, § 57.105, or a complaint with
11 malicious intent and with the knowledge that the complaint contains
12 one or more false allegations, or with reckless disregard for
13 whether the complaint contains material false allegations, the
14 Commission may, upon proper notice and hearing, order the
15 complaining party to pay any costs and attorney's fees incurred by
16 the Commission and/or the alleged violator.

17 **Sec. 602.936. -Effect on other laws.**

18 The provisions of Chapter 602 shall be deemed supplemental to
19 any other applicable county ordinance or state or federal law and
20 are not intended to replace or repeal any provision of state or
21 federal law, or of this Code.

22 **Sec. 602.937. Prospective jurisdiction.**

23 The Commission shall be empowered to consider alleged
24 violations within its jurisdiction committed on or after the
25 effective date of this Subpart.

26 **Sec. 602.938. Personnel or other regulatory proceeding.**

27 Where an officer or employee subject to the jurisdiction of
28 this Chapter is alleged to have violated an ordinance within the
29 jurisdiction of the Commission, and, based upon the same set of
30 facts, is subject to an ongoing disciplinary, regulatory
31 administrative, or criminal action initiated by the officer or

1 employee's agency or employer, or by any other governmental entity
2 with jurisdiction over the officer or employee, the Commission
3 shall stay consideration of a complaint under this Part applicable
4 to said officer or employee until the conclusion of the
5 administrative, civil, or criminal proceeding. Nothing herein shall
6 abridge employees' constitutional right to collective bargaining.

7 **Sec. 602.939. - Statute of limitations.**

8 No action may be taken on a complaint filed more than two (2)
9 years after the violation is alleged to have occurred unless a
10 person, by fraud or other device, prevents discovery of the
11 violation. Where the allegations are the subject of a personnel,
12 criminal or administrative proceeding or where the complainant is
13 required to exhaust his or her administrative remedies prior to
14 filing a complaint, the statute of limitations shall be tolled
15 until the termination of said proceeding or the exhaustion of
16 administrative remedies.

17 **Sec. 602.940. - Advisory opinion.**

18 Any person within the jurisdiction of the Commission, when in
19 doubt about the applicability or interpretation of any provision
20 within the Commission's jurisdiction to himself or herself in a
21 particular context, may submit in writing the facts of the
22 situation to the Commission with a request for an advisory opinion
23 to establish the standard of public duty, if any. A person
24 requesting an advisory opinion may withdraw the request at any time
25 up to ten days before the Commission convenes a public meeting to
26 consider the request. An advisory opinion shall be rendered by the
27 Commission on a timely basis, and each such opinion shall be
28 numbered, dated and published.

29 **Sec. 602.941. - Appeals.**

30 Any final order of the Commission imposing civil penalties,
31 censure, or costs or attorneys' fees may be appealed by filing a

1 petition for writ of certiorari in the Fourth Judicial Circuit
2 Court in and for Duval County.

3 **Section 3. Transition.** For the purposes of providing an
4 orderly transition from the former Jacksonville Ethics Commission
5 to the Jacksonville Ethics Commission approved by this ordinance,
6 all former commissioners shall continue to serve until the
7 expiration of their terms. As terms expire, appointments shall be
8 made by and in the order of the selectors set forth in Section
9 602.912, with initial terms staggered for one, two, or three year
10 terms in order to facilitate the staggering required therein. All
11 initial one or two year terms shall not be considered full terms
12 for purposes of the term limit provisions contained therein.

13 **Section 4. 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/ Steven E. Rohan

20 Office of General Counsel

21 Legislation Prepared By: Steven E. Rohan

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1 Introduced by Council Member Shad:
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4 **ORDINANCE 2011-197**

5 AN ORDINANCE REGARDING CHAPTER 602 (ETHICS
6 CODE), PURSUANT TO ORDINANCE 2010-616-E;
7 CREATING AND ESTABLISHING A NEW PART 6 (OFFICE
8 OF ETHICS, COMPLIANCE AND OVERSIGHT), TO
9 ESTABLISH AN OFFICE OF ETHICS, COMPLIANCE AND
10 OVERSIGHT TO COORDINATE ETHICS TRAINING,
11 COMPLIANCE, AND OVERSIGHT ISSUES AND TO STAFF
12 THE ETHICS COMMISSION; PROVIDING AN EFFECTIVE
13 DATE.
14

15 **WHEREAS**, Ordinance 2010-616-E amended the Charter of the City
16 of Jacksonville to provide for an ethics code, an ethics
17 commission, and an independent citywide Office of Ethics,
18 Compliance and Oversight to coordinate ethics training, ethics
19 compliance, and oversight issues and to staff the ethics
20 commission; and

21 **WHEREAS**, the citizens' trust in government is an essential
22 foundation of democratic government; and citizens deserve to know
23 that City officials are working exclusively for the good of the
24 public as opposed to self interests; and

25 **WHEREAS**, the Council, in amending the Charter, recognized that
26 a centralized independent and non-political citywide office with
27 the power to address ethical issues, would further promote citizen
28 trust in government; and

29 **WHEREAS**, the Council recognizes the importance of taking
30 proactive measures in combating corruption, fraud and waste by
31 training, increased transparency, use of a Hotline process and



1 obtaining citizen input on ethical issues; and

2 **WHEREAS,** the Council is responsible by Charter for
3 establishing the ethics code, the Ethics Commission and the
4 independent citywide Office of Ethics, Compliance and Oversight;
5 and

6 **WHEREAS,** the Council finds that there is a need to coordinate
7 the oversight, ethics and anti-corruption efforts of all agencies
8 of the consolidated city of Jacksonville, including the Independent
9 Authorities and Constitutional Officers in order to improve
10 efficiencies and to enhance public trust; and

11 **WHEREAS,** through this ordinance, the Council can effect the
12 consolidation and strengthening of oversight functions between the
13 general government, constitutional officers, and independent
14 agencies by utilizing and coordinating existing oversight
15 resources; now therefore

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

17 **Section 1. Part 6 (Office of Ethics, Compliance and**
18 **Oversight) created.** Part 6 (Office of Ethics, Compliance and
19 Oversight) of Chapter 602 (Ethics Code) is hereby created to read
20 as follows:

21
22 **CHAPTER 602. ETHICS CODE**

23 * * *

24 **PART 6**

25 **OFFICE OF ETHICS, COMPLIANCE AND OVERSIGHT**

26 **SUBPART A**

27 **CREATION AND ORGANIZATION**

28 **Sec. 602.611. - Office of Ethics, Compliance and Oversight;**

29 **Creation**

30 (a) There is hereby created, pursuant to Section 1.203 of the
31 Charter of the City of Jacksonville, the Office of Ethics,

1 Compliance and Oversight, the purpose of which is to coordinate and
2 handle citywide ethics training, compliance, and oversight issues.
3 In furtherance of the above, the Office shall ensure the
4 investigation of all situations involving fraud, waste, corruption
5 and conflicts of interest by city officials and employees, and to
6 staff the Jacksonville Ethics Commission. The organization and
7 administration of the office shall be independent to assure that no
8 external interference or influence adversely affects the
9 independence and objectivity of the office.

10 (b) The Office of Ethics, Compliance and Oversight is an
11 independent office which is:

12 (1) administratively housed in the Office of General
13 Counsel, but separately budgeted and accounted for; and

14 (2) whose executive employees are selected by the Ethics
15 Commission pursuant to Section 1.202(f) of the Charter; and

16 (3) whose budget is recommended to the Mayor by the
17 Director of the Office of Ethics, Compliance and Oversight and
18 approved by Council.

19 **Sec. 602.612. - Organization.**

20 (a) *Staffing.*

21 (1) *General staffing.* The Office of Ethics, Compliance
22 and Oversight shall be staffed, at the discretion of the Ethics
23 Commission, and subject to available funding, with a director and
24 such other executive positions approved by Council, each of whom must
25 be knowledgeable and experienced in management, leadership, auditing,
26 oversight, investigation, training, contract administration, and
27 clerical functions deemed necessary to the proper functioning of the
28 office.

29 (2) *Director.* The director of the Office of Ethics,
30 Compliance and Oversight shall be appointed for a term of five (5)

1 years by the Jacksonville Ethics Commission, and shall be exempt from
2 civil service.

3 (i) *Separation.* The director may be separated from
4 employment by the Jacksonville Ethics Commission before the
5 completion of his or her term for cause, which shall include
6 misfeasance, malfeasance, or conduct unbecoming or detrimental to the
7 performance of his or her position or the integrity of the Office of
8 Ethics, Compliance and Oversight. Separation shall only be effected
9 at a public meeting, and only after the employee has been provided a
10 minimum of 60 business days written notice of the basis for cause and
11 has been provided an opportunity to be informally heard at the public
12 meeting. The 60 day written notice shall be reduced to 15 days
13 written notice in the event of the director's arrest for a felony.

14 (ii) *Vacancy.* In the event of a director vacancy,
15 the Ethics Commission shall appoint an interim person to fill the
16 position. Upon expiration of a five year term, the Jacksonville
17 Ethics Commission by majority vote of the members present may, in
18 its sole discretion, reappoint the director to another term. At
19 least six (6) months prior to the end of each term, the Ethics
20 Commission will determine whether or not to renew the appointment
21 for an additional term of five (5) years, and shall promptly notify
22 the director of its decision. In the event the Commission elects
23 not to renew the appointment, they shall promptly convene as
24 necessary to solicit candidates for and to select a new director.
25 In lieu of reappointment, the Commission will coordinate with the
26 Human Resources Division regarding a new appointment. All
27 selection processes may be conducted with an ex-officio non-voting
28 representative from the Office of the Mayor and the President of
29 City Council for input as to the selection.

30 (3) *Minimal staffing.* The minimal staffing of the
31 Office of Ethics, Compliance and Oversight, subject to annual

1 budgeting by Council, shall be composed of a full or part time
2 director, and at least one full time administrative support /
3 clerical position.

4 (4) *Volunteers.* The Director may utilize the services
5 of such volunteer personnel who have agreed to perform services
6 without compensation, in accordance with the volunteer policies of
7 the Division of Human Resources. Such volunteer personnel shall act
8 with such authority as granted by the director.

9 (b) *Administrative support.*

10 (1) *Additional staffing.* The director of the Office of
11 Ethics, Compliance and Oversight shall have the power to appoint,
12 employ, and remove such other personnel as deemed necessary for the
13 efficient and effective administration of the activities of the
14 office, subject to the budget approval of City Council. All such
15 appointees shall serve at the pleasure of the director and shall be
16 exempt from civil service.

17 (2) *Offices.* The Office of Ethics, Compliance and
18 Oversight shall be provided such office space in City Hall that is
19 commensurate with its staffing, and that maintains the dignity of
20 the Office.

21 (3) *Supplemental support.* To the extent that
22 administrative support is necessary beyond that which is funded by
23 Council, such support shall be provided by the Office of General
24 Counsel and the City Council Auditor's Office at the request of the
25 Director of the Office of Ethics Compliance and Oversight.

26 (4) *Legal Support.* Pursuant to the Charter, the Office
27 of General Counsel shall provide legal services to the Office of
28 Ethics, Compliance and Oversight. Recognizing that legal conflicts
29 may present themselves from time to time, upon request by the
30 Office of Ethics, Compliance and Oversight to the General Counsel,
31 and his or her concurrence, and subject to available funding in the

1 OGC Ancillary Legal Account, the General Counsel is authorized to
2 retain special counsel, acceptable to the director of the Office of
3 Ethics, Compliance and Oversight, and set reasonable compensation
4 and other terms of the engagement. In the event the Office of
5 Ethics Compliance and Oversight cannot agree with a General Counsel
6 decision to not retain special counsel, the decision may be
7 informally appealed to the Chief Judge of the Fourth Judicial
8 Circuit whose decision, after hearing the positions of the parties,
9 shall be final.

10 (c) *Qualifications.* The Executive Director shall have a
11 bachelor's degree or higher from an accredited college or
12 university, with a preference for an advanced degree in applied
13 ethics, law, or public administration; at least ten years
14 experience in related activities such as administration of an
15 ethics office or activity, ethics related legal work, criminal
16 justice administration; and administrative experience.

18 **SUBPART B. DUTIES**

19 **Sec. 602.621. - Duties.**

20 The Office of Ethics, Compliance and Oversight, through its
21 executive officials, and based upon available resources, shall have
22 authority to:

23 (a) Encourage compliance with the spirit and letter of ethics
24 laws, and provide advice and training to departments and agencies;

25 (b) Develop policies, programs and strategies to deal with
26 all ethics-related matters;

27 (c) Develop training and education programs with assistance
28 of the General Counsel and City training personnel;

29 (d) Organize a citywide Ethics Coordination Council with one
30 representative each from the executive branch, the legislative
31 branch, each constitutional officer and each independent agency,

1 with the purpose of avoiding duplication of ethics resources,
2 sharing best practices and training, evaluating risk areas and
3 devising plans to eliminate any city fraud, waste or corruption;

4 (e) Review periodically this Code and other applicable laws
5 and regulations and recommend appropriate changes to this Code;

6 (f) Administer a confidential "Hotline" for the discovery of
7 government waste, fraud, and ethics violations;

8 (g) Respond to requests for assistance from all public
9 officers and employees subject to this Ethics Code;

10 (h) Act as the executive officer of the Jacksonville Ethics
11 Commission, responsible for its administration and operation;

12 (i) Work with the human resources and procurement offices and
13 other appropriate divisions to integrate ethics into procurement,
14 hiring, retention and promotion policies of the executive branch of
15 the City and to share these practices with the Ethics Coordination
16 Council;

17 (j) Lead, direct, and be responsible for the development of
18 the citywide ethics plan and report to be created by the Ethics
19 Coordination Council;

20 (k) Investigate, review and report on City issues, and past,
21 present and proposed programs, activities, accounts, records,
22 contracts and transactions all as related to the prevention and
23 remediation of conflicts of interest, fraud, waste, and corruption;

24 (l) Request and obtain data relevant to its authorized
25 investigations and to receive full access to the records of all
26 elected and appointed city officials and employees, and
27 departments, divisions, agencies and contractors and other persons
28 and entities doing business with the City and/or receiving City
29 funds regarding any such contracts or transactions with the City.
30 All elected and appointed City and county officials and employees,
31 and contractors and other parties doing business with the City

1 and/or receiving City funds shall fully cooperate with the Office
2 of Ethics, Compliance and Oversight.

3 (m) Where possible violations of any state, federal or local
4 law are suspected, to notify the appropriate civil, criminal or
5 administrative agencies, and assist those agencies as appropriate.
6 In the case of a possible violation of a human resource rule,
7 regulation or policy governing a City employee, the official shall
8 also notify the City administrator and the head of the department
9 for which the employee works, unless to do so would otherwise
10 jeopardize an ongoing investigation.

11 (n) Personnel within the office shall not interfere with any
12 ongoing criminal investigation or prosecution of the state attorney
13 or the U.S. Attorney for the Middle District of Florida. When the
14 state attorney or the U.S. Attorney for the Middle District of
15 Florida has explicitly notified the office in writing that the
16 investigation is interfering with an ongoing criminal investigation
17 or prosecution, then all investigative activities shall be
18 suspended.

19 (o) Respond to requests for assistance from all public
20 officers subject to this Ethics Code.

21
22 **Sec. 602.622 Department/Independent Agency Ethics Officers**

23 (a) The Mayor, the Council President, each constitutional
24 officer, and each executive director of the independent agencies of
25 the City shall designate one of their employees as an "Ethics
26 Officer." Each Ethics Officer's duties are in addition to his or
27 her principal operational role unless there is an approved budget
28 for a separate position dealing exclusively with ethics and
29 oversight functions. Specific responsibilities assigned to these
30 Ethics Officers include, but are not limited to the following:

1 (1) Conduct periodic meetings with senior management,
2 boards and employee groups to assess risk areas and to provide
3 advice on ethics issues and to work to instill an ethical culture
4 in their agency;

5 (2) Assist their department head or senior management in
6 the development of an overall internal ethics plan;

7 (3) Participate in a citywide Ethics Coordination
8 Council, which shall identify risks, recommend programs to
9 implement national best practices to combat fraud, waste and
10 corruption, and provide department and agency reports to be
11 included in the citywide ethics.

12 (4) Assist in the receipt of ethics, fraud, waste, and
13 corruption complaints from employees and the general public, and to
14 assure that such complaints and information are directed to an
15 appropriate authority, in a manner that best protects the
16 complaining parties. When an Ethics Officer is in doubt about the
17 relief available within a chain of command, or the consequences of
18 reporting within the chain of command, the Ethics Officer shall
19 have a duty to report complaints to the Director of the Office of
20 Ethics, Compliance and Oversight.

21 (b) In addition to those Ethics Officers set forth in
22 subsection (a) above, there may be appointed within the executive
23 branch additional department ethics officers (DEOs) to assist the
24 Ethics Officer in the duties required by this section at the
25 department or division level. These duties shall be in addition to
26 the principal operational role of the department ethics officer.

27 **Sec. 602.623 Confidentiality / Whistleblowing**

28 (a) It is the policy of the City that employees, ethics
29 officers, administrators, complainants, whistleblowers and innocent
30 parties shall be protected to the maximum extent of the law.

1 (b) All records of complaints and investigations shall remain
2 confidential to the extent authorized by F.S. 112.3188 (2) and any
3 other state law so applicable.

4 (c) In furtherance of the City policy set forth herein, the
5 director and such authorized personnel in the Office of Ethics,
6 Compliance and Oversight are deemed "safe havens" and whistleblower
7 report-to authorities for the receipt of information and complaints
8 related to ethics, waste, fraud, and corruption. A complainant or
9 ethics officer shall not be penalized or retaliated against in any
10 way for disclosing information to the Office of Ethics, Compliance
11 and Oversight. The director shall take all such action as is
12 appropriate under the circumstances to address the allegations
13 disclosed to them.

14
15 **SUBPART C.**

16 **INDEPENDENT AUTHORITIES**

17 **Sec. 602.631 Investigations related to officers and employees of**
18 **independent agencies.**

19 In accordance with section 1.202 of the Charter, officers and
20 employees of independent agencies are subject to the jurisdiction
21 of the Ethics Code. The Office of Ethics, Compliance and Oversight
22 shall defer handling any investigations when the applicable
23 independent agency has an established ethics program with
24 investigatory functions and is appropriately undertaking the
25 investigation. Nothing contained herein shall limit an independent
26 agency from seeking cooperation and assistance from the Office of
27 Ethics, Compliance and Oversight and such assistance being
28 provided.

29 **Section 2. Transition.** For the purposes of recommending
30 the budgeting and staffing of the initial Office of Ethics,
31 Compliance and Oversight, the City's existing Ethics Officer, with

1 input and assistance from the Council Auditor, the General Counsel,
2 and the Inspector General, and in consultation with the new Mayor's
3 transition team, shall present a recommendation to the Mayor for
4 the first year fiscal year funding and staffing of the Office of
5 Ethics, Compliance, and Oversight.

6 It is the intention of Council that the Office of Ethics,
7 Compliance, and Oversight be budgeted and operational commencing
8 with the 2011-2012 fiscal year, and that all positions of this
9 office be filled with existing budgeted city positions and that no
10 additional funding be necessary to staff the office.

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

14
15 Form Approved:

16
17 ____/s/ Steven E. Rohan_____

18 Office of General Counsel

19 Legislation Prepared By: Steven E. Rohan
20 and Carla Miller, Ethics Officer

21
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1 Introduced by Council Member Shad:
2
3

4 **ORDINANCE 2011-232**

5 AN ORDINANCE REGARDING CHAPTERS 601 (OFFENSES
6 AGAINST OPERATIONS OF GOVERNMENT) AND 602
7 (ETHICS CODE), *ORDINANCE CODE*, REORGANIZING
8 AND RENUMBERING EXISTING PARTS AND SECTIONS,
9 AND REPEALING AND REENACTING OTHER PARTS AND
10 SECTIONS, FOR TRANSPARENCY AND ORGANIZATIONAL
11 PURPOSES; PROVIDING AN EFFECTIVE DATE.
12

13 **WHEREAS**, Ordinance 2010-616-E amended the Charter of the City
14 of Jacksonville to provide for an ethics code, an ethics
15 commission, and an independent citywide Office of Ethics,
16 Compliance and Oversight to coordinate ethics training, ethics
17 compliance, and oversight issues and to staff the ethics
18 commission; and

19 **WHEREAS**, the citizens' trust in government is an essential
20 foundation of democratic government, and citizens deserve to know
21 that City officials are working exclusively for the good of the
22 public as opposed to self interests; and

23 **WHEREAS**, Chapters 601 (Offenses Against The Operations Of
24 Government) and 602 (Ethics Code), *Ordinance Code*, are in need of
25 reorganization so as to eliminate duplications and redundancies and
26 to better inform public employees and the citizenry of the
27 standards set by the Council; and

28 **WHEREAS**, the amendment of ethics related ordinances is an
29 ongoing process which most recently has included Ordinance 2011-167
30 and 2011-197, which such process may continue into the near future
31 so as to build transparency and trust in government; now therefore

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

2 **Section 1. Chapter 601 (Offenses Against The Operations Of**
3 **Government) amended and reformatted.** Chapter 601 (Offenses Against
4 The Operations Of Government), *Ordinance Code*, is hereby amended
5 and reformatted to create the following Parts:

6 **PART 1. USE OF PUBLIC PROPERTY AND POSITION**

7 **PART 2. LAW ENFORCEMENT**

8 **PART 3. OBSTRUCTION OF PROCEEDINGS**

9 **PART 4. FINANCIAL GAIN**

10 **PART 5. PENALTIES**

11 **Section 2. Chapter 601 (Offenses Against The Operations Of**
12 **Government) amended and renumbered.** Those certain sections found
13 below of Chapter 601 (Offenses Against The Operations Of
14 Government) and Chapter 602 (Ethics Code), *Ordinance Code*, are
15 renumbered into Chapter 601 so as to amend Chapter 601 (Offenses
16 Against The Operations Of Government):

17 **CHAPTER 601. OFFENSES AGAINST THE OPERATIONS OF GOVERNMENT.**

18 **PART 1. USE OF PUBLIC PROPERTY AND POSITION**

19 <u>Former Section</u>	<u>New Section</u>	<u>Title</u>
20 602.302	601.101	Use of public property
21 601.101	601.102	Damaging and improper use
22		of public property unlawful
23 601.103	601.103	Refusal to leave school
24		premises
25 601.104	601.104	Solicitation of employees on
26		City property
27 601.110	601.105	Official badges,
28		identification cards and
29		other insignia
30 601.112	601.106	Use of City seal, flag or
31		other insignia

<u>Former Section</u>	<u>New Section</u>	<u>Title</u>
602.308	601.107	City seal wrongfully used and instruments wrongfully sealed; permitting use under certain procedures
601.118	601.108	Official representation of City of County
602.309	601.109	Prohibited activities relating to promotion or appointment
602.504	601.110	Interference with civil service examinations
602.311	601.111	Private use of City vehicles prohibited
601.102	601.112	Restrictions on commercial activities and motor vehicular traffic in Kathryn Abbey Hanna Park area
601.119	601.113	Fishing in Colonial Manor Lake prohibited
602.301	601.114	Coercion of specific business trading prohibited
602.502	601.115	Title records.
602.503	601.116	Officer or employee failing to make returns or reports

PART 2. LAW ENFORCEMENT

<u>Former Section</u>	<u>New Section</u>	<u>Title</u>
601.106	601.201	Resisting police officer
601.107	601.202	Unauthorized use of insignia of Office Sheriff

<u>Former Section</u>	<u>New Section</u>	<u>Title</u>
601.108	601.203	Impersonating law enforcement officers
601.109	601.204	Escape of person in custody of law enforcement or correctional officer
601.120	601.205	Striking or interfering with law enforcement animals
602.501	601.206	Officer permitting escape

PART 3. OBSTRUCTION OF PROCEEDINGS

<u>Former Section</u>	<u>New Section</u>	<u>Title</u>
601.114	601.301	Obstruction of proceeding before City agencies

PART 4. FINANCIAL GAIN

<u>Former Section</u>	<u>New Section</u>	<u>Title</u>
602.304	601.401	Accounting generally for public money
602.305	601.402	Officer, employee or agent falsely certifying full payment
602.306	601.403	Officer or employee converting property or another
602.307	601.404	Officer or employee trading in public property
601.111	601.405	False advertising or misuse of names to indicate City agency

<u>Former Section</u>	<u>New Section</u>	<u>Title</u>
601.113	601.406	Compromise, adjustment or cancellation of indebtedness to City
601.116	601.407	Fraudulent receipt of payments deducted from salary or wage
601.117	601.408	Solicitation or use of gifts for wrongful purpose

PART 5. PENALTIES

<u>Former Section</u>	<u>New Section</u>	<u>Title</u>
602.312	601.501	Penalty provisions

Section 3. Chapter 602 (Ethics Code) amended and renumbered.
 Those certain sections found below of Chapter 602 (Ethics Code), *Ordinance Code*, are renumbered so as to amend Chapter 602:

CHAPTER 602. ETHICS CODE

* * *

PART 4. CONFLICTS OF INTEREST

<u>Former Section</u>	<u>New Section</u>	<u>Title</u>
602.310	602.401	Misuse of position, information, etc.
602.401	602.402	Activities of officers and employees in matters affecting City
602.403	602.403	Moonlighting provisions
602.404(a) and (b)	602.404	Soliciting future employment or compensation
602.405	602.405	Responsibility of contracts with former employer prohibited

<u>Former Section</u>	<u>New Section</u>	<u>Title</u>
602.453	602.406	Public official bid and contract disclosure
602.507	602.407	Obstruction of proceedings by City officers or employees
602.402	602.411	Disqualification of former officers and employees in matters connected with former duties or official responsibilities;
602.404(c)	602.412	disqualification of partners Prohibited future employment

PART 7. GIFTS AND HONORARIA

<u>Former Section</u>	<u>New Section</u>	<u>Title</u>
602.303	602.703	Receipt or charge of commissions or gifts for official transactions

PART 12. GENERAL PROVISIONS

<u>Former Section</u>	<u>New Section</u>	<u>Title</u>
602.505	602.1204	Liability for Breach of Public Trust
602.409	602.1210	Cooperation by appointed employees in official investigations
602.410	602.1211	Testimony and questioning Of public officials and employees relating to public affairs

1 **Section 4. New Section 602.1213 (Penalty Provisions) created.**

2 A new Section 602.1213 (Penalty Provisions), similar to former
3 section 602.312 is created to read as follows:

4 **Sec. 602.1213. - Penalty provisions.**

5 Unless otherwise set forth in this Chapter, any violation of
6 this Chapter, which is declared to be unlawful, shall be a class C
7 offense.

8 **Section 5. Sections of Chapters 601 (Offenses Against The**
9 **Operations Of Government) and 602 (Ethics Code) repealed.** The
10 following sections of Chapters 601 (Offenses Against The Operations
11 Of Government) and 602 (Ethics Code), *Ordinance Code*, are hereby
12 repealed:

13 <u>Section Repealed</u>	<u>Justification</u>
14 601.105	Already found in Sec. 350.304
15 602.450	State law governs financial disclosure
16 602.452	State law governs financial disclosure
17 602.455	Redundant
18 602.506	Controlled by Sec. 112.3173(1984) F.S.
19 Subpart B of Part 4	
20 (Reporting Requirements)	
21 Of Chapter 602	All sections therein renumbered or
22	repealed

23 **Section 6. Ordinances and information placed on file.**

24 The following information is placed **on file** with the Legislative
25 Services Division:

26 1. Chapter 601 (Offenses Against The Operations Of
27 Government), *Ordinance Code*, as it existed prior to the enactment
28 of this ordinance.

9 2. Chapter 602 (Ethics Code), *Ordinance Code*, as it existed
30 prior to the enactment of this ordinance.

1 3. An Old Section / New Section index of the ordinance
2 renumbering and repeals made by this ordinance, ordered by old
3 sections.

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

7
8 Form Approved:

9
10 /s/ Steven E. Rohan

11 Office of General Counsel

12 Legislation Prepared By: Steven E. Rohan
13 and Carla Miller, Ethics Officer

14
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ETHICS BILL 2011-167
Ethics Commission

602.912

1. Membership - Who Chooses Commission Members

Note: * = Recommended by everyone

Original Bill

Dean of Coastal Law
*Director, UNF Ethics Center
*Pres. League of Women Voters
Pres. Perkins Bar Assoc.
*Director JCCI
Pres FL State College

Ethics Comm. Recommendations (7)

*The Dean of Florida Coastal Law School
*Director of the UNF Ethics Center
*President of the League of Women Voters
President of the Jacksonville Bar Association
*Director of JCCI
State Attorney for the Fourth Judicial Circuit
Board of One Jax

Ethics Officer Recommendations

*Director of the UNF Ethics Center
*Pres. of League of Women Voters
President of the Jax Bar Ass.
*Director of JCCI
State Attorney
Board of One Jax

Amendment

*Director of the UNF Ethics Center
*President of the League of Women Voters
President of the Jacksonville Bar Association
*Director of JCCI
State Attorney
Board of One Jax

2. Membership - Qualifications;

Original Bill

All subject to 602.912(b) qualifications

Ethics Comm. Recommendations

The 3 seats chosen by the Commission
members open to registered voters

Ethics Officer proposed options

Duval County Registered voters
Adjoining county with business interests in Jacksonville



RULES AMENDMENT

The Rules Committee offers its first amendment to File No. 2011-167:

(1) On **page 3, line 30**, after "Qualifications." **Delete** "Each" and **insert** "Except as provided for in subsection (d) below, each";

(2) On **page 3, line 30**, **delete**:

"(d) *Selection.* Each of the following six persons shall appoint one Commission member, to wit: the Dean of Florida Coastal Law School, the Director of the University of North Florida Ethics Center, the President of the Jacksonville League of Women Voters; the President of the Perkins Bar Association; the Director of JCCI; and the President of Florida State College of Jacksonville. Three Commission members shall be appointed by the Ethics Commission. All appointment decision makers are encouraged to consider the cultural and ethnic diversity of the community in their selections. All appointments should be made within 30 days of a vacancy occurring. Vacancies. All appointees shall be confirmed by Council but shall serve until Council confirmation or denial.

and **insert**:

"(d) *Selection.* Each of the following persons shall make an appointment of one of six Commission members whose qualifications are set forth above, to wit: the Director of the UNF Ethics Center; the President of the League of Women Voters; the President of the Jacksonville Bar Association; the Director of JCCI; the State Attorney for the Fourth

Judicial Circuit; the Executive Director of One Jax. Three Commission members, whose only qualifications are that they are registered voters in the State of Florida, shall be appointed by the Ethics Commission. All appointment decision makers are encouraged to consider the cultural and ethnic diversity of the community in their selections. All appointments should be made within 30 days of a vacancy occurring. All appointees shall be confirmed by Council but shall serve until Council confirmation or denial.

Form Approved:

Office of General Counsel

Legislation Prepared By: Steven E. Rohan

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