

June 2019

This manual is printed for your convenience once every four years.

The Office of Ethics, Compliance and Oversight will periodically add updates to the digital copy available on the City of Jacksonville's Website.

If you have an issue, please check the latest online version of this manual at www.coj.net, search keyword "ethics office." Look at the menu there for "Elected Officials Manual."

TABLE OF CONTENTS

BASIC SUMMARIES

Top Danger Areas	5
State Ethics in a Nutshell	6
Jacksonville Ethics Code in Plain English	7

PART I – ETHICS LAWS

Gifts & Travel

State and Local Gift Laws Summary	9
Jaguars Tickets	11
City Travel	12

State Disclosures

Summary of Required State Disclosures	15
Gift Disclosures	16
Calendar of Important Dates	17
Form 6 - Financial Disclosure (Sample)	19
Form 9 - Gift Disclosure (Sample)	25
Form 10 - Government Gift Disclosure (Sample)	27

Conflicts

State and Local Conflicts of Interest Laws	29
State Voting Conflict Law	30
Form 8B – Memo of Voting Conflict (Sample)	33

Other Ethics Laws

Misuse of Position	35
State Nepotism Law	37
State Post-Office Restrictions	39
Local Lobbyist Registration Law	41
Local Election Ethics	42

PART II – SUNSHINE LAW & PUBLIC RECORDS

Sunshine Laws

State Sunshine Law	43
Sunshine Meetings	44
Notice Requirements	45
Attending Other Publicly Noticed Meetings	46
Council Leadership Elections	47
Jacksonville Sunshine Law Compliance Act	48

Public Records

State Public Records Law	49
--------------------------	----

PART III – ETHICS PROGRAMS

State Ethics Commission	51
--------------------------------	----

Local Ethics Program	52
-----------------------------	----

Jacksonville Ethics Commission	53
--------------------------------	----

Complaint Process	54
-------------------	----

Inspector General	55
-------------------	----

ATTACHMENTS

Other State Laws	57
------------------	----

Other Local Laws	58
------------------	----

State Ethics Commission Opinion on Travel as Gift	59
---	----

Jacksonville Ethics Code – Chapter 602	65
--	----

CITY OF JACKSONVILLE GOVERNMENT ETHICS



PROMOTING PUBLIC TRUST IN GOVERNMENT
More on the Ethics Page at COJ.NET

TOP DANGER AREAS



**GIFTS OVER \$100 OR
ASKING FOR THINGS**



**NOT FILING
FINANCIAL DISCLOSURES**



**TRAVEL PAID
BY 3RD PARTY**



**VOTING
CONFLICTS**



**CONFLICTS
OF INTEREST**



**MISUSE
OF POSITION**



**SUNSHINE
VIOLATIONS**



**HIRING OR PROMOTING
RELATIVES**



**DESTROYING PUBLIC
RECORDS**

ASK BEFORE YOU ACT!
ETHICS HOTLINE 630-1015

STATE ETHICS LAWS IN A NUTSHELL

Top 10 Danger Areas for Elected Officials

- **TAKING THINGS**. If you **accept** anything of value for you or your family (Gifts) over \$100, it can violate state laws; OK to take gifts from relatives! Can't take anything of any value in exchange for a vote or action.
- **ASKING FOR THINGS**. Don't! Favors, gifts, help for you or your family.
- **GOING PLACES**. All travel should go through The City or it must be approved by Ethics/OGC.
- **FORGETTING TO FILE DISCLOSURES**. Financial or Gift forms due to the State Ethics Commission.
- **CONFLICTS BETWEEN YOUR CITY DUTIES AND PERSONAL LIFE**. Doing business with the City; you or your family or business partners having City contracts or business dealings; being a consultant for a company doing business with the City.
- **MISUSING YOUR POSITION**. Throwing "your weight around," interfering with City employees/City process; using City resources; sexual harassment.
- **VOTING WHEN YOU HAVE A CONFLICT**.
- **TALKING TO YOUR FELLOW COUNCIL MEMBERS** outside of noticed meetings about City business.
- **DESTROYING PUBLIC RECORDS**. Text messages, emails regardless of where they are stored.
- **BEING QUIET** when you have a concern; ASK QUESTIONS BEFORE YOU ACT!!!

JACKSONVILLE ETHICS CODE IN PLAIN ENGLISH

THIS IS A SUMMARY OF LOCAL ETHICS LAWS, AND WHILE THERE IS SOME OVERLAP WITH STATE LAWS, THE FOLLOWING ARE ENFORCED LOCALLY. IF YOU HAVE QUESTIONS, IT IS BETTER TO SEEK GUIDANCE BEFORE YOU TAKE ACTION.

The entire Jacksonville Ethics Code is online at [http://www.coj.net/departments/ethics-office/ethics-code-\(current\).aspx](http://www.coj.net/departments/ethics-office/ethics-code-(current).aspx). (See link on Ethics Office webpage.)

THE BIG PICTURE

Do not use your COJ position to get anything special for yourself, your family or anyone else. Corruption is defined as a public official doing something to benefit themselves or their family/business that goes against the public interest. Sometimes, things are technically “legal,” but will be perceived to be corrupt and that they were done for your own interests, not the public. So we follow not only the law, but the spirit of the law.

JAX ETHICS CODE

This is an outline; for specific situations, please contact the Ethics Office.

- **MISUSE OF POSITION.** Do not misuse your position to get anything special for yourself or anyone else. Jacksonville Code section 602.401
- **CONFIDENTIALITY.** Do not disclose confidential City information. Jacksonville Code section 602.401
- **LENDING MONEY.** Do not lend or borrow money from those you work with. The limit is \$100 if you are in the chain of command; \$500 for anyone else. Jacksonville Code section 602.401
- **MISUSE OF PROPERTY/TIME.** City property, computers, internet and time should be used for City business only. This includes a prohibition on using City resources for campaigning. Jacksonville Code section 602.401
- **CLAIMS AGAINST THE CITY.** Be careful if you or your family are involved in any legal actions or claims against the City. Jacksonville Code section 602.402
- **FUTURE EMPLOYMENT.** Don't accept a job or apply for a job if this could impact your judgment as a current COJ employee. Jacksonville Code section 602.404

- PAST JOBS: Be careful of any connections to your former employer; you cannot be involved in contracts with your former employer. Jacksonville Code section 602.405
- BIDS/CONTRACTS WITH THE CITY. If you have any interest in a City bid or contract, you must disclose that in writing to the department receiving the bid. Jacksonville Code section 602.406
- OBSTRUCTION OF CITY MEETINGS. This law lists 8 specific ways a COJ officer is prohibited from intimidating, obstructing or generally disrupting a City hearing or proceeding or public meeting. Also, you cannot do anything to prevent a person from appearing or speaking at City meetings. Jacksonville Code section 602.407
- AFTER YOU LEAVE THE CITY: When you leave COJ employment, do not get involved in City matters that you had a part in when you were a COJ employee. If you were involved in making a contract decision for the City in excess of \$250,000, you can't go work for that company without approval. (Read Jacksonville Code sections 602.411 and 602.412 for details). Note: there are different laws on this for elected Council members.
- WHISTLEBLOWERS: Whistleblowers are protected from retaliation. Jacksonville Code section 602.501
- GIFTS. Don't take gifts in excess of \$100 at a time, or \$250 in a year, from anyone doing business with the City, a lobbyist or their employer. The best policy is just not to take any gifts. Jacksonville Code section 602.701
- "GIFTS TO THE CITY." If a gift comes in to your department, it is a "gift to the City" and is reported monthly and posted on the internet. Jacksonville Code section 602.702
- LOBBYISTS CANNOT GIVE ILLEGAL GIFTS. Jacksonville Code section 602.703
- LOBBYISTS MUST REGISTER before they can try to influence any governmental decision making in the City. Please check the online lobbyist system before taking meetings. Jacksonville Code section 602.801
- ETHICS EDUCATION. All officers and employees must be trained on ethics laws when they start employment. Jacksonville Code section 602.1001

STATE AND LOCAL GIFT LAWS

GENERAL PRINCIPLE: GIFTS FOR CITY OFFICIALS AND EMPLOYEES ARE RESTRICTED BECAUSE THEY CAN BE A TOOL TO GAIN INFLUENCE AND COULD LEAD TO UNFAIR PRACTICES OR NEGATIVE PERCEPTIONS.

A gift is anything given to you, done for you, or given to someone else on your behalf, by anyone outside your family. If your best friend from college lets you borrow his/her condo, it is a gift. If someone gives your sister tickets to a concert so that she can give them to you or take you to the concert, it is a gift to you. If you give your tickets to someone else to use – it is still a gift to you.

State and local laws place a limit on the value of a gift that may be accepted by City officials and employees from anyone lobbying or doing business with the City. Do not accept a single gift worth more than \$100 or cumulative gifts totaling more than \$250 in a year from anyone lobbying or doing business with the City. If you receive a gift from a lobbyist or vendor of the City over the monetary limits, you can pay the value of the gift down to under the limit. Any payment made to the donor of a gift within 90 days of receiving the gift is subtracted from the gift's value.

Please also remember that the total value is based on the value of the gift accepted, not the value of gifts used. For example, if you receive four \$80 tickets to an event, but use only three tickets, the value of the gift is \$320—the value for all four tickets accepted. If the value of the gift is not known, the law provides a method for assigning a value to each gift—you should contact the Ethics Office to help with valuing the gift to make sure it is accurate.

The Council President can receive gifts on behalf of City Council or the City, such as Jaguars tickets or food. The Council President may then distribute these gifts. If you receive a gift processed through the Council President's office, it is a "gift from the City" to you. There is no value limit on accepting "gifts from the City," but if the value is over \$100, you have to report the gift on your Form 9 quarterly gift disclosure.

Please note, regardless of the value or the person giving the gift, you cannot accept anything, even a cup of coffee, if it is with the understanding your actions will be influenced by the gift.



HIGHLIGHTS

- DO NOT take a gift of any value if it is with the expectation of a favor.**
- DO NOT take gifts valued at over \$100 from someone lobbying or doing business with the City.**
- DO NOT take \$250 in cumulative gifts in a single year from someone lobbying or doing business with the City.**
- DO NOT ask for anything of value from someone for you, your family, your business associates or your friends.**
- FINANCIAL DISCLOSURE FILERS must report allowable gifts.**

STATE GIFT LAW

TIPS FOR ELECTED OFFICIALS

DO NOT ACCEPT GIFTS FROM A POLITICAL COMMITTEE!

(Florida Statutes section 112.31485)

ALWAYS GET THE RECEIPTS

If you go out to eat with a lobbyist or vendor of the City, be sure to have your meal billed separately so you can either pay it yourself or show that the amount for your part was under \$100.

TRACKING GIFTS

Run all of your gifts through your Executive Council Assistant (ECA) so he/she can log them in, confirm their value, check with the Ethics Office if necessary, and help prepare your Form 9 gift disclosure.

HONORARIA

The term honorarium refers to compensation for a speech or written presentation. As an elected official, you are not allowed to solicit or accept an honorarium from a City lobbyist, City vendor or political committee. However, you may accept and solicit reasonable expenses related to an honorarium event, including registration fees, transportation, lodging, and food. If those honorarium expenses are paid by a City lobbyist or vendor, they must be reported on Form 10. This area of the law is complicated, so it is best to work with the Ethics Office when these situations arise. (Florida Statutes section 112.3149(2))

DO NOT ASK FOR THINGS!

This includes favors, perks, upgrades, anything! (Florida Statutes sections 112.313(2)), 112.313(4) & 112.3148(3))

DO NOT ACCEPT UNAUTHORIZED COMPENSATION

You, your spouse and your minor child/children cannot accept any monetary payment or thing of value that is given to influence your vote or other official action.

(Florida Statutes section 112.313(4))

JAGUARS TICKETS/SPECIAL EVENTS

Tickets for Jaguars games and City Special Events that are distributed by the Council President are considered gifts from the City to you. These are allowable regardless of the value. If the value is over \$100, these gifts must be reported on a Form 9.

If you accept Jaguars tickets from anyone other than the Council President, gift laws apply. If the value of the tickets is over \$100 and from an allowable donor, report the tickets. If the value of the tickets is over \$100 and from a City lobbyist or vendor, pay the value down to under \$100 or refuse the tickets. Remember gifts are dated based on when they are received, not when they are used.

JAA PARKING

According to the Office of General Counsel, JAA is not considered a "lobbyist" under state or local law, and therefore there is no limit on the value of parking that can be accepted. However, all parking valued in excess of \$100 must be reported to the State Ethics Commission as an allowable gift. If parking is for personal purposes, it is reported quarterly on Form 9. If the parking is for a public purpose, it is reported annually on Form 10.

JAGUARS TICKETS

GENERAL PRINCIPLE: BE CAREFUL TO CORRECTLY VALUE ANY TICKETS AND SUITE PASSES AND REPORT ALL ALLOWABLE GIFTS, INCLUDING GIFTS FROM THE CITY, ON THE APPROPRIATE GIFT FORMS.

There are three separate ways to secure tickets for events and Jaguars tickets and each has its own process for reporting under Florida law.

Tickets or suite passes for Jaguars games and City Special Events that are distributed by the Council President or Mayor's Office are gifts from the City and are allowable regardless of the value. If the value of the tickets is over \$100, the tickets must be reported quarterly on Form 9.

If you accept Jaguars tickets from anyone other than the Council President or Mayor's Office, gift laws apply. If the tickets are over \$100 and from an allowable donor, report the tickets on Form 9. If the tickets are over \$100 and from a City lobbyist or vendor, pay the value of the tickets down below \$100 or refuse the tickets.

If you buy the tickets yourself OR receive the tickets from a relative, the tickets do not need to be reported. However, please note that if your relative receives the tickets from another party and you are the intended recipient of the tickets, the tickets are a gift to you and should be handled as such.

Suite passes also carry a value that is determined by the cost of the suite divided by the number of attendees. The gift process for suites is the same as it is for tickets.

Remember, when reporting gifts, gifts are dated based on when they are received, not when they are used.



HIGHLIGHTS

- There is no limit to the value of gifts that you can accept "from the City."**
- Gifts from the City over \$100 must be reported quarterly on Form 9.**
- Gifts from City lobbyists or vendors must be paid down to under \$100. These are not reported.**

CITY TRAVEL

GENERAL PRINCIPLE: WHEN TRAVELING FOR CITY-RELATED BUSINESS, YOUR EXPENSES SHOULD BE PAID BY THE CITY OR APPROVED BY THE ETHICS OFFICE AND OFFICE OF GENERAL COUNSEL (OGC).

As a general rule, travel paid by a third party is a gift. All City officials and employees receive the following advice: City-related travel should be paid for by the City. Fill out an official City travel form and it is OK. This is to prevent prohibitive gifts, outside influences and negative perceptions.

Occasionally, you may be asked by an organization to represent Jacksonville on a panel or at a conference, and an entity or person other than the City would like to pay for your travel expenses. That is good for the City, you can likely go, but you must first obtain prior approval from the Ethics Office and OGC for the payment of travel expenses by a third party. Send travel details to the Ethics Office and it will forward the request on to OGC after review.

Gifts given to you directly from a company or individual lobbying or doing business with the City, such as an invitation to an all-expenses paid conference to view new products, is likely not permitted. However, there are some exceptions, so check with the Ethics Office. For example, gifts can be made “to the City” instead of you directly and travel and lodging expenses can be paid if you are a conference speaker.

For more information, the City’s official travel policy and approval forms can be found on the City’s internal website.

FINANCIAL DISCLOSURE FILERS need to report travel paid by an allowable third party as a gift quarterly on Form 9. For more information, review Florida Commission on Ethics Opinion CEO 13-3 (Attachments section).

If in doubt, discuss it with the Ethics Office **BEFORE** travel occurs.



HIGHLIGHTS

- Travel related to your City duties should be paid for by the City in most cases.**
- Travel paid by a third party is a gift, even if it is good for the City.**
- Travel paid by a third party must be approved by the Ethics Office and OGC **BEFORE** travel occurs.**
- FINANCIAL DISCLOSURE FILERS must report all allowable gifts, including travel, on a **Form 9**.**

REAL-LIFE EXAMPLES

GIFTS

- Former gubernatorial candidate Andrew Gillum agreed to pay a \$5,000 fine to settle an state ethics complaint alleging that he violated state ethics law by accepting a gift from a lobbyist. The settlement, which was announced immediately before Gillum was to appear before an administrative hearing, ends a lengthy ethics investigation that factored heavily in the Democratic candidate's unsuccessful campaign for governor last year.
- Former Tallahassee City Manager Rick Fernandez agreed to pay \$6,000 in fines to settle state ethics charges against him involving illegal gifts. As part of the proposed settlement, Fernandez also agreed to a public censure and reprimand by the State Ethics Commission.

STATE DISCLOSURES SUMMARY

GENERAL PRINCIPLE: ELECTED OFFICIALS, CERTAIN EMPLOYEES AND MEMBERS OF DESIGNATED BOARDS ARE REQUIRED TO FILE FINANCIAL AND GIFT DISCLOSURES WITH THE STATE ETHICS COMMISSION.

All elected officials in the State of Florida must file financial and gift disclosure forms per state law. This includes all Council Members and all Constitutional Officers. Elected officials file an annual Form 6 financial disclosure form. Other local officials and employees who are not elected file a shorter Form 1 financial disclosure form.



Financial disclosure forms are filed:

- when you qualify for office or come into office;
- within 60 days of leaving office;
- and every year in between by July 1.

When you file, it is for the prior calendar year. That means, for calendar year 2019, you file a Form 6 by July 1, 2020.

Gift disclosures are filed quarterly on a Form 9 for any acceptable gifts in excess of \$100 that you receive during a quarter.

You cannot accept gifts over \$100 from lobbyists or those doing business with the City— so clearly, these are not reported on a Form 9 – they are illegal!

All forms for financial and gift disclosure filings are on the State of Florida Ethics Commission website: <http://www.ethics.state.fl.us/>, see section on “Forms.” Each form states the location where it is required to be filed. (Hint: state forms never get filed with the City’s Ethics Office).

There are automatic penalties for late filing and the State Ethics Commission can file charges against you directly for failure to file.

Florida Statutes sections 112.3145 & 112.3148

HIGHLIGHTS

- Financial disclosures are filed when you qualify for office, within 60 days of leaving office, and every year in between by July 1.**
- Form 6 is filed annually for financial disclosures.**
- Form 9 is filed quarterly for disclosing allowable gifts.**
- Form 10 is filed annually (with Form 6) for gifts from other governmental agencies.**
- There are penalties for filing late and for failing to file.**

GIFTS DISCLOSURES

A quick summary of the requirement for gifts disclosures per Florida law.

Council Members are required to file a Form 9 gift disclosure with the State Ethics Commission for all acceptable gifts the Council Member received that he/she believes is valued at more than \$100.00. Gifts you receive from the City over \$100.00 must be declared on a Form 9, such as Jaguars tickets.

Council Members are not required to disclose gifts from relatives (no matter the value of the gift), nor any gifts from a lobbyist or vendor doing business with the City valued at more than \$100 because it is illegal to accept such a gift.

Council Members are not required to file a Form 9 if they have not received any acceptable gifts over \$100 during the last quarter.

The Form 9 must include a description of the gift, the value of the gift, the name and address of the person giving the gift and the date of the gift. Allowable gifts over \$100 should be reported on a Form 9 gift disclosure as a gift the day they are received rather than the day they are used. For example, if you receive two tickets for an event on June 25, but do not use the tickets until late July, you report the “date received” on your Form 9 as June 25.

The Form 9 gift disclosure must be filed with the State Ethics Commission no later than the last day of the quarter it is due. To ensure that there is proof of timely filing the Form 9, you should send the form either by Certified Mail via US Mail with certificate of mailing dated by the US Postal Service or a private courier company (Fed Ex, UPS)

Send the gift disclosure form to the following address:

- Florida Commission on Ethics
P. O. Drawer 15709
Tallahassee, Florida 32317



HIGHLIGHTS

- Form 9 is filed quarterly for disclosing allowable gifts.**
- Do not report illegal gifts from vendors or lobbyists.**
- Gift disclosures are filed with the State Ethics Commission in Tallahassee.**
- There are penalties for filing late and for failing to file.**

CALENDAR OF IMPORTANT DATES

GOOD IDEA: ADD THESE DATES TO YOUR CALENDAR WITH REMINDERS!

<u>Date</u>	<u>State Requirement</u>
MARCH 31	GIFT DISCLOSURE FORM 9 DUE For gifts received the prior quarter, October to December
JUNE 30	GIFT DISCLOSURE FORM 9 DUE For gifts received the prior quarter, January to March
JULY 1	ANNUAL FINANCIAL DISCLOSURE FORM 6 DUE Includes box to certify that four hours of required ethics training was completed the previous <u>calendar</u> year
	GIFT DISCLOSURE FORM 10 DUE Annual Disclosure of Gifts from Governmental Entities for the previous calendar year, filed with <u>Form 6</u>
SEPTEMBER 30	GIFT DISCLOSURE FORM 9 DUE For gifts received the prior quarter, April to June
DECEMBER 31	GIFT DISCLOSURE FORM 9 DUE For gifts received the prior quarter, July to September
	FOUR HOURS OF ETHICS TRAINING MUST BE COMPLETED DURING THE CALENDAR YEAR Reported on annual financial disclosure Form 6

Please print or type your name, mailing address, agency name, and position below:

FOR OFFICE USE ONLY:

LAST NAME — FIRST NAME — MIDDLE NAME:

MAILING ADDRESS:

CITY : ZIP : COUNTY :

NAME OF AGENCY :

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

CHECK IF THIS IS A FILING BY A CANDIDATE

PART A – NET WORTH

Please enter the value of your net worth as of December 31, 2018 or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3.]

My net worth as of _____, 20 ____ was \$ _____.

PART B – ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effects (described above) is \$ _____.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET

PART C – LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D – INCOME

Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2018 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

I elect to file a copy of my 2018 federal income tax return and all W2's, schedules, and attachments.
 [If you check this box and attach a copy of your 2018 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E – INTERESTS IN SPECIFIED BUSINESSES [Instructions on page 6]

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

PART F - TRAINING

For officers required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

OATH

STATE OF FLORIDA
 COUNTY OF _____

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20__ by _____.

 (Signature of Notary Public--State of Florida)

 (Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____

 SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

Type of Identification Produced _____

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 6 in accordance with Art. II, Sec. 8, Florida Constitution, Section 112.3144, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

 Signature

 Date

Preparation of this form by a CPA or attorney does not relieve the filer of the responsibility to sign the form under oath.

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

NOTICE

Annual Full and Public Disclosure of Financial Interests is due July 1. If the annual form is not filed or postmarked by September 1, an automatic fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. Failure to file also can result in removal from public office or employment. [s. 112.3144, F.S. - applicable to officials other than judges]

In addition, failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. [s. 112.317, F.S.]

INSTRUCTIONS FOR COMPLETING AND FILING FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS

WHAT TO FILE

File only the first sheet (pages 1 and 2). **Originals are required. Photocopies, faxed copies and emailed copies will not be accepted.** A candidate who has filed Form 6 for 2018 with the Commission, prior to qualifying, may file a copy of that Form 6 at the time of qualifying.

WHERE TO FILE

Officeholders: Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303;

Candidates: The office before whom they qualify. **If a Form 6 is filed with a qualifying officer, it need not also be filed with the Commission.**

WHEN TO FILE

Officeholders: No later than July 1, 2019.
Candidates: During the qualifying period.

WHO MUST FILE FORM 6:

All persons holding the following positions: Governor, Lieutenant Governor, Cabinet members, members of the Legislature, State Attorneys, Public Defenders, Clerks of Circuit Courts, Sheriffs, Tax Collectors, Property Appraisers, Supervisors of Elections, County Commissioners, elected Superintendents of Schools, members of District School Boards, Mayor and members of the Jacksonville City Council, Judges of Compensation Claims; the

Duval County Superintendent of Schools, and members of the Florida Housing Finance Corporation Board, each expressway authority, transportation authority (except the Jacksonville Transportation Authority), bridge authority, or toll authority created pursuant to Chapter 348 or 343, F.S., or any other general law, and judges, as required by Canon 6, Code of Judicial Conduct.

INSTRUCTIONS FOR COMPLETING FORM 6:

INTRODUCTORY INFORMATION (At Top of Form):

If your name, mailing address, public agency, and position are already printed on the form, you do not need to provide this information unless it should be changed. To change any of this information, write the correct information on the form, and contact your agency's financial disclosure coordinator. You can find your coordinator on the Commission on Ethics website: www.ethics.state.fl.us.

NAME OF AGENCY: The name of the governmental unit which you serve or served, or for which you are a candidate.

OFFICE OR POSITION HELD OR SOUGHT: The title of the office or position you hold, are seeking, or held as of December 31, 2018, even if you have since left that position. If you are a candidate, check the box below your name and address.

PUBLIC RECORD: The disclosure form and everything attached to it is a public record and is required by law to be posted to the Commission's website. Your Social Security number and bank account and credit card numbers are not required and you should redact them from any documents you file. If you are an active or former officer or employee listed in Section 119.071, F.S., whose home address or other information is exempt from disclosure, the Commission will maintain that confidentiality if you submit a written request.

PART A — NET WORTH

[Required by Art. II, s. 8(a)(1)(1), Fla. Const.]

Report your net worth as of December 31, 2018, or a more current date, and list that date. This should be the same date used to value your assets and liabilities. In order to determine your net worth, you will need to total the value of all your assets and subtract the amount of all of your liabilities. Simply subtracting the liabilities reported in Part C from the assets reported in Part B will not result in an accurate net worth figure in most cases.

To total the value of your assets, add:

- (1) The aggregate value of household goods and personal effects, as reported in Part B of this form;
- (2) The value of all assets worth over \$1,000, as reported in Part B; and,
- (3) The total value of any assets worth less than \$1,000 that were not reported or included in the category of "household goods and personal effects."

To total the amount of your liabilities, add:

- (1) The total amount of each liability you reported in Part C of this form, except for any amounts listed in the "joint and several liabilities not reported above" portion; and,
- (2) The total amount of unreported liabilities (including those under \$1,000, credit card and retail installment accounts, and taxes owed).

(CONTINUED on page 4) 

PART B — ASSETS WORTH MORE THAN \$1,000

[Required by Art. II, s. 8, Fla. Const.; s. 112.3144, F.S.]

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

The value of your household goods and personal effects may be aggregated and reported as a lump sum, if their aggregate value exceeds \$1,000. The types of assets that can be reported in this manner are described on the form.

ASSETS INDIVIDUALLY VALUED AT MORE THAN \$1,000:

Describe, and state the value of, each asset you had on the reporting date you selected for your net worth in Part A, if the asset was worth more than \$1,000 and if you have not already included that asset in the aggregate value of your household goods and personal effects. Assets include, but are not limited to, things like interests in real property; cash; stocks; bonds; certificates of deposit; interests in businesses; beneficial interests in trusts; money owed you; bank accounts; Deferred Retirement Option Program (DROP) accounts; and the Florida Prepaid College Plan. Assets also include investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan is your asset—not the account or plan itself.

You are not required to disclose assets owned solely by your spouse.

How to Identify or Describe the Asset:

- Real property: Identify by providing the street address of the property. If the property has no street address, identify by describing the property's location in a manner sufficient to enable a member of the public to ascertain its location without resorting to any other source of information.
- Intangible property: Identify the type of property and the business entity or person to which or to whom it relates. **Do not list simply "stocks and bonds" or "bank accounts."** For example, list "Stock (Williams Construction Co.)," "Bonds (Southern Water and Gas)," "Bank accounts (First National Bank)," "Smith family trust," "Promissory note and mortgage (owed by John and Jane Doe)."

How to Value Assets:

- Value each asset by its fair market value on the date used in Part A for your net worth.
- Jointly held assets: If you hold real or personal property jointly with another person, your interest equals your legal percentage of ownership in the property. However, assets that are held as tenants by the entirety or jointly with right of survivorship must be reported at 100% of their value.
- Partnerships: You are deemed to own an interest in a partnership which corresponds to your interest in the equity of that partnership.
- Trusts: You are deemed to own an interest in a trust which corresponds to your percentage interest in the trust corpus.
- Real property may be valued at its market value for tax purposes, unless a more accurate appraisal of its fair market value is available.
- Marketable securities which are widely traded and whose prices are generally available should be valued based upon the closing price on the valuation date.
- Accounts, notes, and loans receivable: Value at fair market value, which generally is the amount you reasonably expect to collect.

— Closely-held businesses: Use any method of valuation which in your judgment most closely approximates fair market value, such as book value, reproduction value, liquidation value, capitalized earnings value, capitalized cash flow value, or value established by "buy-out" agreements. It is suggested that the method of valuation chosen be indicated on the form.

— Life Insurance: Use cash surrender value less loans against the policy, plus accumulated dividends.

— The asset value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).

PART C— LIABILITIES

[Required by Art. II, s. 8, Fla. Const.; s. 112.312, F.S.]

LIABILITIES IN EXCESS OF \$1,000 :

List the name and address of each creditor to whom you owed more than \$1,000 on the date you chose for your net worth in Part A, and list the amount you owed. Liabilities include: accounts, notes, and interest payable; debts or obligations (excluding taxes, unless the taxes have been reduced to a judgment) to governmental entities; judgments against you, and the unpaid portion of vehicle leases.

You are not required to disclose liabilities that are solely your spouse's responsibility.

You do not have to list on the form any of the following: credit card and retail installment accounts, taxes owed (unless the taxes have been reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a partner (without personal liability) for partnership debts, or where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" on a note and are jointly liable or jointly and severally liable, then it is not a contingent liability.

How to Determine the Amount of a Liability:

- Generally, the amount of the liability is the face amount of the debt.
- The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments.
- If you are the only person obligated to satisfy a liability, 100% of the liability should be listed.
- If you are jointly and severally liable with another person or entity, which often is the case where more than one person is liable on a promissory note, you should report here only the portion of the liability that corresponds to your percentage of liability. However, if you are jointly and severally liable for a debt relating to property you own with one or more others as tenants by the entirety or jointly, with right of survivorship, report 100% of the total amount owed.
- If you are only jointly (not jointly and severally) liable with another person or entity, your share of the liability should be determined in the same way as you determined your share of jointly held assets.

(CONTINUED on page 5) 

Examples:

- You owe \$10,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 with your spouse to a savings and loan for the mortgage on the home you own with your spouse. You must report the name and address of the bank (\$10,000 being the amount of that liability) and the name and address of the savings and loan (\$60,000 being the amount of this liability). The credit card debts need not be reported.
- You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability. If your liability for the loan is only as a partner, without personal liability, then the loan would be a contingent liability.

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

List in this part of the form the amount of each debt for which you were jointly and severally liable, that is not reported in the "Liabilities in Excess of \$1,000" part of the form. Example: You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability, as you reported the other 50% of the debt earlier.

PART D — INCOME

[Required by Art. II, s. 8, Fla. Const.]

As noted on the form, you have the option of either completing Part D of the form or attaching a copy of your complete 2018 federal income tax return, including all schedules, W2's and attachments, with Form 6, or. If you do not attach your tax return, you must complete Part D.

PRIMARY SOURCES OF INCOME:

List the name of each source of income that provided you with more than \$1,000 of income during 2018, the address of that source, and the amount of income received from that source. The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should include all of that income.

"Income" means the same as "gross income" for federal income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples of income include: compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, distributive share of partnership gross income, and alimony, but not child support. Where income is derived from a business activity you should report the income to you, as calculated for income tax purposes, rather than the income to the business.

Examples:

- If you owned stock in and were employed by a corporation and received more than \$1,000 of income (salary, commissions, dividends, etc.) from the company, you should list the name of the company, its address, and the total amount of income received from it.
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$1,000, you should list the name of the firm, its address, and the amount of your distributive share.

- If you received dividend or interest income from investments in stocks and bonds, list only each individual company from which you received more than \$1,000. Do not aggregate income from all of these investments.
- If more than \$1,000 of income was gained from the sale of property, then you should list as a source of income the name of the purchaser, the purchaser's address, and the amount of gain from the sale. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.
- If more than \$1,000 of your income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and the amount of income from that institution.

SECONDARY SOURCES OF INCOME:

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported as a "Primary Source of Income." You will **not** have anything to report **unless**:

- (1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period, more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, LLC, proprietorship, joint venture, trust, firm, etc., doing business in Florida); and
- (2) You received more than \$1,000 in gross income from that business entity during the period.

If your ownership and gross income exceeded the two thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, the source's principal business activity, and the name of the business entity in which you owned an interest. You do not have to list the amount of income the business derived from that major source of income.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than \$1,000 in gross income last year. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of your business, the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your gross partnership income exceeded \$1,000. You should list the name of the partnership, the name of each tenant of the mall that provided more than 10% of the partnership's gross income, and the tenant's address and principal business activity.

(CONTINUED on page 6) 

PART E – INTERESTS IN SPECIFIED BUSINESSES

[Required by s. 112.3145, F.S.]

The types of businesses covered in this section include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies; utility companies; entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period, more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during 2018, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

PART F – TRAINING CERTIFICATION

[Required by s. 112.3142, F.S.]

If you are a Constitutional or elected municipal officer whose service began before March 31 of the year for which you are filing, you are required to complete four hours of ethics training which addresses Article II, Section 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and open meetings laws of the state. You are required to certify on this form that you have taken such training.

(End of Instructions.)

OTHER FORMS YOU MAY NEED TO FILE IN ORDER TO COMPLY WITH THE ETHICS LAWS

In addition to filing Form 6, you *may* be required to file one or more of the special purpose forms listed below, depending on your particular position, business activities, or interests. As it is your duty to obtain and file any of the special purpose forms which may be applicable to you, you should carefully read the brief description of each form to determine whether it applies.

Form 6F — Final Full and Public Disclosure of Financial

Interests: Required of elected constitutional officers and others who must file financial disclosure using Form 6; to be filed within 60 days after leaving office or employment. This form is used to report financial interests between January 1st of the last year of office or employment and the last day of office or employment. [s. 112.3144, F.S.]

Form 6X — Amended Full and Public Disclosure of Financial

Interests: To be used by elected constitutional officers and others who must file financial disclosure using Form 6 or 6F to correct mistakes on previously filed form. [s. 112.3144, F.S.]

Form 2 — Quarterly Client Disclosure: Required of elected constitutional officers, local officers, state officers, and specified state employees to disclose the names of clients represented for compensation by themselves, or a partner or associate before agencies at the same level of government as they serve. The form should be filed by the end of the calendar quarter (March 31, June 30, Sept. 30, Dec. 31) following the calendar quarter in which a reportable representation was made. [s. 112.3145, F.S.]

Form 9 — Quarterly Gift Disclosure: Required of elected constitutional officers and others who must file financial disclosure using Form 1 or 6 (as well as State procurement employees) to report gifts worth more than \$100. The form should be filed by the end of the calendar quarter (March 31, June 30, September 30, or December 31) following the calendar quarter in which the gift was received. [s. 112.3148, F.S.]

Form 3A — Statement of Interest in Competitive Bid for Public Business

Form 4A — Disclosure of Business Transaction, Relationship, or Interest

Form 8A — Memorandum of Voting Conflict for State Officers

Form 8B — Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers

Form 10 — Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses

Copies of these forms are available from the Supervisor of Elections in your county; from the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303; telephone (850) 488-7864; and at the Commission's website: www.ethics.state.fl.us.

Questions about any of these forms or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303; telephone (850) 488-7864.

Form 9

QUARTERLY GIFT DISCLOSURE (GIFTS OVER \$100)

LAST NAME -- FIRST NAME -- MIDDLE NAME:			NAME OF AGENCY:	
MAILING ADDRESS:			OFFICE OR POSITION HELD:	
CITY:	ZIP:	COUNTY:	FOR QUARTER ENDING (CHECK ONE):	
			<input type="checkbox"/> MARCH <input type="checkbox"/> JUNE <input type="checkbox"/> SEPTEMBER <input type="checkbox"/> DECEMBER	
			YEAR 20__	

PART A — STATEMENT OF GIFTS

Please list below each gift, the value of which you believe to exceed \$100, accepted by you during the calendar quarter for which this statement is being filed. You are required to describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the date(s) the gift was received. If any of these facts, other than the gift description, are unknown or not applicable, you should so state on the form. As explained more fully in the instructions on the reverse side of the form, you are not required to disclose gifts from relatives or certain other gifts. **You are not required to file this statement for any calendar quarter during which you did not receive a reportable gift.**

DATE RECEIVED	DESCRIPTION OF GIFT	MONETARY VALUE	NAME OF PERSON MAKING THE GIFT	ADDRESS OF PERSON MAKING THE GIFT

CHECK HERE IF CONTINUED ON SEPARATE SHEET

PART B — RECEIPT PROVIDED BY PERSON MAKING THE GIFT

If any receipt for a gift listed above was provided to you by the person making the gift, you are required to attach a copy of that receipt to this form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt.

CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM

PART C — OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed herein and on any attachments made by me constitutes a true accurate, and total listing of all gifts required to be reported by Section 112.3148, Florida Statutes.	STATE OF FLORIDA COUNTY OF _____ Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____
	by _____ (Signature of Notary Public-State of Florida) (Print, Type, or Stamp Commissioned Name of Notary Public) Personally Known _____ OR Produced Identification Type of Identification Produced _____
SIGNATURE OF REPORTING OFFICIAL _____	

PART D — FILING INSTRUCTIONS

This form, when duly signed and notarized, must be filed with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, Florida 32303. The form must be filed no later than the last day of the calendar quarter that follows the calendar quarter for which this form is filed (For example, if a gift is received in March, it should be disclosed by June 30.)

PART E — INSTRUCTIONS

WHO MUST FILE THIS FORM?

- Any individual, including a candidate upon qualifying, who is required by law to file full and public disclosure of his financial interests on Commission on Ethics Form 6, except Judges. (See Form 6 for a list of persons required to file that form.)
- Any individual, including a candidate upon qualifying, who is required by law to file a statement of financial interests on Commission on Ethics Form 1. (See Form 1 for a list of persons required to file that form.)
- Any procurement employee of the executive branch or judicial branch of state government. This includes any employee of an officer, department, board, commission, council, or agency of the executive branch or judicial branch of state government who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, F.S., if the cost of such services or commodities exceeds or is expected to exceed \$10,000 in any fiscal year.

NOTE: Gifts that formerly were allowed under Section 112.3148, F.S., now may be prohibited under Sections 11.045, 112.3215, and 112.31485, F.S.

WHAT GIFTS ARE REPORTABLE?

- Any gift (as defined below) you received which you believe to be in excess of \$100 in value, **EXCEPT:**
 - 1) Gifts from the following RELATIVES: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, a person who is engaged to be married to you or who otherwise holds himself or herself out as or is generally known as the person whom you intend to marry or with whom you intend to form a household, or any other natural person having the same legal residence as you.
 - 2) Gifts which you are prohibited from accepting by Sections 112.313(4) and 112.3148(4), Florida Statutes. These include any gift which you know or, with the exercise of reasonable care, should know was given to influence a vote or other action in which you are expected to participate in your official capacity; it also includes a gift worth over \$100 from a vendor doing business with your agency, a political committee under the elections law, from a lobbyist who lobbies your agency or who lobbied your agency within the past 12 months, or from a partner, firm, employer, or principal of such a lobbyist.
 - 3) Gifts worth over \$100 for which there is a public purpose, given to you by an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, South Florida Regional Transportation Authority, a county, a municipality, an airport authority, or a school board; or a gift worth over \$100 given to you by a direct-support organization specifically authorized by law to support the governmental agency of which you are an officer or employee. These gifts must be disclosed on Form 10.
- A "gift" is defined to mean that which is accepted by you or by another in your behalf, or that which is paid or given to another for or on behalf of you, directly, indirectly, or in trust for your benefit or by any other means, for which equal or greater consideration is not given within 90 days after receipt of the gift. A "gift" includes real property; the use of real property; tangible or intangible personal property; the use of tangible or intangible personal property; a preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin; forgiveness of an indebtedness; transportation (unless provided to you by an agency in relation to officially approved governmental business), lodging, or parking; food or beverage; membership dues; entrance fees, admission fees or tickets to events, performances, or facilities; plants,

flowers, or floral arrangements; services provided by persons pursuant to a professional license or certificate; other personal services for which a fee is normally charged by the person providing the services; and any other similar service or thing having an attributable value and not already described.

- The following are **NOT** reportable as gifts on this form: salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with your employment, business, or service as an officer or director of a corporation or organization; contributions or expenditures reported pursuant to the election laws, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party; an honorarium or an expense related to an honorarium event paid to you or your spouse; an award, plaque, certificate, or similar personalized item given in recognition of your public, civic, charitable, or professional service; an honorary membership in a service or fraternal organization presented merely as a courtesy by such organization; the use of a governmental agency's public facility or public property for a public purpose. Also exempted are some gifts from state, regional, and national organizations that promote the exchange of ideas between, or the professional development of, governmental officials or employees.

HOW DO I DETERMINE THE VALUE OF A GIFT?

- The value of a gift provided to you is determined using the actual cost to the donor, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided. Taxes and gratuities are not included in valuing a gift. If additional expenses are required as a condition precedent to the donor's eligibility to purchase or provide a gift and the expenses are primarily for the benefit of the donor or are of a charitable nature, the expenses are not included in determining the value of the gift.
- Compensation provided by you to the donor within 90 days of receiving the gift shall be deducted from the value of the gift in determining the value of the gift.
- If the actual gift value attributable to individual participants at an event cannot be determined, the total costs should be prorated among all invited persons. A gift given to several persons may be attributed among all of them on a pro rata basis. Food, beverages, entertainment, etc., provided at a function for more than ten people should be valued by dividing the total costs by the number of persons invited, unless the items are purchased on a per-person basis, in which case the per-person cost should be used.
- Transportation should be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses should be considered a single gift. Transportation provided in a private conveyance should be given the same value as transportation provided in a comparable commercial conveyance.
- Lodging provided on consecutive days should be considered a single gift. Lodging in a private residence should be valued at \$44 per night.
- Food and beverages consumed at a single sitting or event are a single gift valued for that sitting or meal. Other food and beverages provided on a calendar day are considered a single gift, with the total value of all food and beverages provided on that date being the value of the gift.
- Membership dues paid to the same organization during any 12-month period are considered a single gift.
- Entrance fees, admission fees, or tickets are valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater. If an admission ticket is given by a charitable organization, its value does not include the portion of the cost that represents a contribution to that charity.
- Except as otherwise provided, a gift should be valued on a per occurrence basis.

FOR MORE INFORMATION

The gift disclosures made on this form are required by Sec. 112.3148, Florida Statutes. Questions may be addressed to the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709 or by calling (850) 488-7864; information is provided at: www.ethics.state.fl.us.

FORM 10

ANNUAL DISCLOSURE OF GIFTS FROM GOVERNMENTAL ENTITIES AND DIRECT SUPPORT ORGANIZATIONS AND HONORARIUM EVENT RELATED EXPENSES

LAST NAME -- FIRST NAME -- MIDDLE NAME:		THIS STATEMENT REFLECTS GIFTS AND HONORARIUM EVENT RELATED EXPENSES RECEIVED DURING CALENDAR YEAR 20__.	
		DO NOT FILE THIS FORM IF YOU HAVE NOTHING TO REPORT ON IT.	
MAILING ADDRESS:		NAME OF AGENCY:	
CITY:	ZIP:	COUNTY:	OFFICE OR POSITION HELD:

PART A -- GIFTS (HAVING A PUBLIC PURPOSE) FROM GOVERNMENTAL ENTITIES

NAME OF PERSON PROVIDING GIFT(S)	TOTAL VALUE OF GIFTS FROM THAT PERSON	DESCRIPTION OF INDIVIDUAL GIFTS	DATE EACH GIFT RECEIVED

PART B -- GIFTS FROM DIRECT SUPPORT ORGANIZATIONS

NAME OF PERSON PROVIDING GIFT(S)	TOTAL VALUE OF GIFTS FROM THAT PERSON	DESCRIPTION OF INDIVIDUAL GIFTS	DATE EACH GIFT RECEIVED

PART C -- HONORARIUM EVENT RELATED EXPENSES

	EVENT #1	EVENT #2	INSTRUCTIONS on who must file this form and how to fill it out are on the reverse side. FILING INSTRUCTIONS for when and where to file this form are located on the reverse side.
NAME OF PERSON PAYING EXPENSES			
ADDRESS OF PERSON			
AFFILIATION OF PERSON			
AMOUNT OF HONORARIUM EXPENSES			
DATE(S) OF THE EVENT			
DESCRIPTION OF EXPENSES PAID EACH DAY			
TOTAL VALUE OF EXPENSES FOR THE EVENT			

IF ANY OF PARTS A THROUGH C ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

REMEMBER TO ATTACH COPIES OF ALL STATEMENTS PROVIDED TO YOU BY PERSONS AND ENTITIES PROVIDING OR PAYING FOR THE GIFTS AND HONORARIUM EVENT RELATED EXPENSES DISCLOSED ON THIS FORM. YOU MUST DISCLOSE ALL OF THESE KINDS OF GIFTS AND EXPENSES EVEN THOUGH YOU DID NOT RECEIVE A STATEMENT OR REPORT FROM THE PERSON OR ENTITY PROVIDING THEM. YOU MAY EXPLAIN ANY DIFFERENCES BETWEEN THE ATTACHED REPORTS AND STATEMENTS AND THE INFORMATION PROVIDED ON THIS FORM BY ATTACHING AN EXPLANATION TO THE FORM.

SIGNATURE:

DATE SIGNED:

INSTRUCTIONS FOR COMPLETING AND FILING FORM 10:

WHEN AND WHERE TO FILE: By July 1 of the year following the year covered by this form. Persons who file Form 1 or Form 6 should file this form with their Form 1 or Form 6. State procurement employees (see definition below) file this form with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303. This form need not be filed unless a reportable gift or expense was received during the time you held public office or employment.

WHO MUST FILE FORM 10: All persons who are required to file Form 1, Statement of Financial Interests, and all persons who file Form 6, Full and Public Disclosure of Financial Interests, including candidates (comprehensive lists are part of each of those forms) **except judges**. In addition, state "procurement employees" are required to file Form 10, as well as former reporting individuals and procurement employees who left office or employment during the calendar year covered by the report. You are a "procurement employee" if you:

(1) Are an employee of an office, department, board, commission, or council of the executive or judicial branches of state government; and

(2) Have participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, F.S., if the cost of such services or commodities exceeds or is expected to exceed \$10,000 in any fiscal year.

INTRODUCTORY INFORMATION(At the top of the form):

CALENDAR YEAR: Write the year covered by this form.

NAME OF AGENCY: This should be the name of the governmental unit which you serve or served, sought election to, or by which you are or were employed. For example, "City of Tallahassee," "Florida Senate," or "Department of Transportation."

OFFICE OR POSITION HELD: Use the title of the office or position you hold, sought, or held during the year covered by this form (In some cases you may not hold that position now, but you still would be required to file to disclose your interests during the last year you held that position) For example, "City Council Member," "Member," "Purchasing Agent," or "Bureau Chief."

MAILING ADDRESS: Write your current mailing address here. If you are an active or former officer or employee listed in Section 119.071(4)(d), F.S., whose home address is exempt from disclosure, the Commission is required to maintain the confidentiality of your home address *if you submit a written request for confidentiality*. Persons listed in Section 119.071(4)(d), F.S. should provide an address other than their home address, if possible.

PART A — GIFTS FROM GOVERNMENTAL ENTITIES

[Required by Sec. 112.3148, Fla. Stat.]

Entities of the legislative or judicial branches, departments and commissions of the executive branch, counties, municipalities, airport authorities, school boards, water management districts created by 373.069, F.S., and the South Florida Regional Transportation Authority may give, either directly or indirectly, a gift worth over \$100 to persons who file Form 1 or Form 6 or to state procurement employees *if* a public purpose can be shown for the gift. Part A should be used to list such gifts. Under the law, these governmental entities are required to provide you with a statement concerning these gifts by March 1; attach this statement to Form 10.

PART B — GIFTS FROM DIRECT SUPPORT ORGANIZATIONS [Sec. 112.3148, Fla. Stat.]

Direct support organizations specifically authorized by law to support a governmental entity may give a gift worth over \$100 to a person who files Form 1 or Form 6 or to a state procurement employee *if* the person or employee is an officer or employee of that governmental entity. Part B should be used to list such gifts. Under the law, these direct support organizations are required to provide you with a statement concerning these gifts by March 1; attach this statement to Form 10.

PART C — HONORARIUM EVENT RELATED EXPENSES [Required by Sec. 112.3149, Fla. Stat.]

Reporting individuals who file Form 1 and Form 6 and state procurement employees are prohibited from accepting an honorarium (a payment in exchange for a speech, oral presentation, writing, and the like) from a political committee or committee of continuous existence, from a lobbyist who lobbies them or their public agency (or has done so within the previous 12 months), and from the employer, principal, partner, or firm of such a lobbyist. However, these persons and entities may pay or provide a reporting individual or procurement employee and his or her spouse for actual and reasonable transportation, lodging, event or meeting registration fee, and food and beverage expenses related to an event at which a speech, presentation, or writing will be made by the public officer or employee. Part C should be used to describe these honorarium event related expenses. Under the law, the persons or entities paying for or providing such expenses are required to provide you with a statement concerning them within 60 days of the honorarium event; attach this statement to Form 10.

NOTE

Gifts that formerly were allowed under Sections 112.3148 and 112.3149, F.S., now may be prohibited under Sections 11.045, 112.3215, and 112.31485, F.S.

FOR MORE INFORMATION

Questions about this form or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864; information is also provided at: www.ethics.state.fl.us.

NOTICE: Under provisions of Sec. 112.317, Fla. Stat., a failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand or a fine up to \$10,000.

STATE AND LOCAL CONFLICTS OF INTEREST LAWS

GENERAL PRINCIPLE: IF YOU OR YOUR FAMILY HAVE ANY PERSONAL CONNECTION TO CITY BUSINESS, YOU MAY BE IN A DANGER AREA.

State law generally prohibits elected officials from personally benefitting from their City position and having a conflict between their public duties and private interests. This includes a ban against doing business with your agency, which can include the entire consolidated City of Jacksonville. It also prohibits you from having an employment or business relationship with another person or organization that is doing business with the City.

If you, your spouse, your child, your business partner, your employer or anyone with whom you are closely connected is benefitting from a City contract or City funding, you could be in conflict territory. Call for advice!

In some instances, there may be an exemption that will nullify a conflict, such as submitting sealed competitive bids and being a sole source provider. The Ethics Office will work with the Office of General Counsel to make sure you comply with the law.

You are also generally prohibited from representing any other person or organization, in any capacity, against the City. You may not appear before any City department or agency on behalf of someone else (excluding your constituents, yourself, parents, spouse and child). Jacksonville Ethics Code section 602.402.

This particular area of the law is complicated. It is highly recommended when considering conflicts of interest that you consult with the Ethics Office and OGC.



HIGHLIGHTS

- There is a CONFLICT if you, your family or business partners try to do business with the City.**
- There is a CONFLICT if you work for any company doing business with the City.**
- Danger areas include: selling to the City, consulting for the City, working with a company that does business with the City, your family or business partner does business with the City.**
- This area of the law is complicated. Check with the Ethics Office.**

Florida Statutes sections 112.313(3) and 112.313(7)

STATE VOTING CONFLICT LAW

GENERAL PRINCIPLE: YOU CANNOT VOTE ON ANY MEASURE THAT WOULD RESULT IN A SPECIAL PRIVATE GAIN (OR LOSS) TO YOU, YOUR BUSINESS/EMPLOYER, CLIENTS OR RELATIVE.

Under Florida law, a voting conflict arises only when there is a special gain or loss of a **ECONOMIC** nature to you, your business/employer, clients or relative.

Keep in mind that the number of people affected matters when determining if the gain or loss is special and private. For example, if you and two people benefit from the measure, then it is more likely you will have a special gain and thus a voting conflict. If 5,000 people benefit from the measure, and you do too, it is less likely that there is a voting conflict.

If you have a voting conflict, you must disclose this conflict in writing via “Form 8B” developed by the State Ethics Commission.

However, Florida law requires that you vote on all issues unless there is a declared voting conflict under the law. You should not abstain from voting for other reasons.

Definitions:

- Relative: (for voting conflicts law) father, mother, son, daughter, husband, wife, brother, sister, mother/father/son/ and daughter-in-laws.
- Business Associate: someone you are in business with; are you in a common business pursuit with someone? Is this a current, ongoing business relationship?
- Special Private Gain or Loss: Gain or loss must be **SPECIAL**. This requires an economic benefit or harm for you, your relatives or business associates.



HIGHLIGHTS

- DO NOT** vote on an issue if there is a special benefit or loss to you, your relative, or business associates.
- A special private gain must be an economic gain that is not speculative.
- If there is a voting conflict, **DISCLOSE** on Form 8B.
- YOU MUST VOTE** unless there is a conflict under the law.
- This area of the law is complicated. Check with the Office of General Counsel before the vote.

REAL-LIFE EXAMPLES

CONFLICTS

- John Miklos served as chairman of the St. Johns River Water Management District, a public agency. At the same time, he was being paid by companies to obtain permits from that very same agency. This led to the Orlando Sentinel, Daytona Beach News-Journal and Florida Today calling for his resignation in a very public way.
- According to the State Ethics Commission, former Nassau County School District employee Catherine Drew contracted with the district to provide mental health services for students while she was employed by the district to oversee the grant for student mental health services. In other words, she was in charge of a grant program and awarded the grant to her own company. The State Ethics Commission has ordered a public hearing on this matter.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED	NAME OF POLITICAL SUBDIVISION:
	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, co-owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20____ :

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____ ;
- inured to the special gain or loss of my relative, _____ ;
- inured to the special gain or loss of _____, by _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

STATE MISUSE OF POSITION LAW

GENERAL PRINCIPLE: DO NOT USE YOUR TITLE OR OFFICE TO GET A SPECIAL BENEFIT, ECONOMIC OR OTHER, FOR YOU OR ANY OTHERS.

It is a violation for any officer or employee of the City or Independent Agency to intentionally use his or her official position to obtain a special benefit.

This means that one should never use his/her job or position at the City as leverage for benefits the general public cannot obtain. Do not say, “Do you know who I am?” or “I am on the City Council” if it is with the intention to get a fee reduced, skip a line, or have any special benefit of any kind.

In the era of the #MeToo Movement, please be advised that sexual harassment can and often falls under misuse of position. If you use your position to harass or coerce someone, you are misusing your position and are in violation of state and local ethics laws.

Examples of misuse of position include using your official position to try to get a favor for a friend’s child, get a table/parking place, get an upgrade on a flight, attempt to avoid traffic citations or interfere with City personnel.

CONFIDENTIALITY:

It is also a violation to disclose or use information not available to members of the public that is obtained through a public position for the gain or benefit of you or others.

Florida Statutes sections 112.313(6) & 112.313(8)



HIGHLIGHTS

- DO NOT use City letterhead or the City seal for private benefit or personal use.**
- DO NOT say “Do you know who I am?” or similar words to gain special favor.**
- DO NOT say “I work for the City” or similar words to get something the average citizen cannot.**
- DO NOT use your relationship with other City employees or officials to get special favors.**
- DO NOT use your position to obtain or share confidential information that should remain private.**

REAL-LIFE EXAMPLES

MISUSE OF POSITION

- Former Madeira Beach City Commissioner Nancy Oakley resigned her office following the State Ethics Commission's decision to adopt an administrative law judge's finding that Ms. Oakley sexually harassed former City Manager Shane Crawford by licking his face and groping him at a public event. The State Ethics Commission recommended that Ms. Oakley be fined \$5,000 and publicly censured and reprimanded by the Governor.
- Former Madeira Beach Fire Chief Derryl O'Neal reached a settlement agreement with the State Ethics Commission to resolve a complaint alleging that he misused his office by storing his personal Jet Ski on city-owned property. As part of the settlement, the State Ethics Commission recommended that the Governor order Mr. O'Neal to reimburse the city \$2,320 for the cost of storing his Jet Ski and also pay a \$2,000 fine, bringing the total recommended penalty to \$4,320. Additionally, the City of Madeira Beach suspended Mr. O'Neal from office without pay for two weeks for violating the state ethics laws.
- Two officials at the Florida Department of Highway Safety and Motor Vehicles resigned after state workers were sent by the officials to clean up damage from Hurricane Michael at the home of one of the officials. The state workers utilized department vehicles and equipment for the cleanup of the official's home.

STATE NEPOTISM LAW

GENERAL PRINCIPLE: A PUBLIC OFFICIAL MAY NOT APPOINT, EMPLOY, PROMOTE, ADVANCE OR ADVOCATE FOR A RELATIVE WHEN IT COMES TO CITY EMPLOYMENT.

“Public official” means a City elected official or employee who has the power to appoint, employ, promote, or advance others or recommend others for appointment, employment, promotion, or advancement in their agency. This includes the authority as a City Council member to vote on the appointment, employment, promotion, or advancement of individuals. The anti-nepotism law does not apply to independent contractors.

You may not fill positions at your agency with relatives, even if they are the best person for the job – this applies to both paid and unpaid positions. In addition, even if you delegate your authority to hire to another person, this could still violate anti-nepotism laws if your relative is ultimately hired. The anti-nepotism law does not prevent someone from supervising, disciplining or terminating a relative.

Relative includes parents, children, siblings, spouses, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-parents, step-children, stepbrother, stepsister, half-brother, or half-sister.

This area of the law is complicated. Please contact the Ethics Office for advice.

Florida Statutes section 112.3135



HIGHLIGHTS

- Applies to all City officials and employees with hiring authority.**
- DO NOT hire a relative.**
- DO NOT advocate for a relative to be hired.**
- DO NOT promote a relative.**
- If a relative is looking for a job at the City, you may give them the number for Employee Services and wish them good-luck.**
- If a relative is looking for a job outside the City, you may share their resume from your personal email accounts. Remember not to misuse your position to pressure someone into hiring your relative.**

REAL-LIFE EXAMPLES

NEPOTISM

- The State Ethics Commission found probable cause to believe Midway Mayor and City Council Member Wanda Range violated the anti-nepotism law by appointing her relative to the position of City Mayor Pro Tem. The State Ethics Commission also found probable cause to believe she misused the city vehicle and gasoline credit card and she failed to report the use of the vehicle and credit card as a gift. The Commission has ordered a public hearing on this matter.

STATE POST-OFFICE RESTRICTIONS

GENERAL PRINCIPLE: FOR A PERIOD OF TWO YEARS AFTER LEAVING OFFICE, A FORMER COUNCIL MEMBER MAY NOT REPRESENT ANOTHER PERSON OR ENTITY BEFORE CITY COUNCIL FOR COMPENSATION.

Florida Statutes section 112.313(14) contains a two-year post office-holding provision prohibiting elected officials from representing another person or entity for compensation before their former government body or agency.

This prohibition applies to representations before:

- the former governing body as a whole
- individual members of the former governing body and their aides
- the Chief Administrative Officer and his/her aides
- Boards upon which other Council Members serve

However, this prohibition does not apply to representation before other agencies or parts of the City that are not the “governing body” or “part of the governing body.”

Representation includes physical attendance at a meeting of the City Council, even if the former Council Member does not directly address the Council. It also applies to the representation of one’s own company, but it does not extend by proxy to other members of one’s company or post-office employer.

CONSTITUTIONAL AMENDMENT 12-- EFFECTIVE 12/31/22:

Expands the restriction in section 112.313(14) to include lobbying for compensation before anyone (local, state and federal) during term in office. Also expands the restriction on lobbying former agency after leaving office from two to six years.



HIGHLIGHTS

- There is a two-year post office-holding prohibition on lobbying for compensation your former body.**
- The prohibition includes mere attendance at City Council meetings for a period of two years.**
- The restriction includes lobbying on behalf of your own company.**
- Your coworkers are not bound by your post office-holding restrictions.**

LOCAL LOBBYIST REGISTRATION LAW

GENERAL PRINCIPLE: EACH PERSON WHO LOBBIES, FOR COMPENSATION, ANY OFFICER OR EMPLOYEE OF THE CITY MUST REGISTER WITH THE CITY AS A LOBBYIST ON THAT ISSUE. PLEASE CHECK THE LOBBYIST REGISTRY BEFORE YOU MEET WITH LOBBYISTS.

Anyone who is being paid to attempt to influence your decision making as an elected official, or the decision making of any City or Independent Authority employee, must register with the City's online lobbyist registration system **BEFORE** they meet with you to lobby. This registration should also include a specific description of issues for which the individual is lobbying.

As a City Council Member or City employee, it is wise to check the City's lobbyist registration system **BEFORE** meeting with those identified as paid lobbyists.

The following are not required to register as lobbyists:

- A public official, City or independent agency employee or salaried employee of a public agency acting in connection with his or her job responsibilities;
- A person who only addresses the Council or independent agency board during the "public comment" portion of its meeting agenda;
- A person who appears at the specific request or under compulsion of the Council or a Council committee; expert witnesses and other persons who give factual testimony about a particular matter or measure;
- A lobbyist who received no compensation as a lobbyist;
- A principal, an officer, or employee of a principal who performs lobbying activities as part of his or her assigned duties.

The lobbyist registration system is in place to promote public trust in government. That is to say, the taxpayers deserve the opportunity to observe who is wielding or attempting to wield influence over issues affecting the City.



HIGHLIGHTS

- ❑ **Anyone receiving compensation to lobby a City employee or elected official must register through the City's online lobbyist registration system.**
- ❑ **Lobbyists should include in their registration a detailed list of issues for which they are lobbying.**
- ❑ **Lobbyists must register the issue on which they are lobbying BEFORE they meet with you to discuss that issue.**
- ❑ **In general, public officials and those who are not compensated for lobbying are not required to register as lobbyists.**

LOCAL ELECTION ETHICS

GENERAL PRINCIPLE: DO NOT PARTICIPATE IN POLITICAL CAMPAIGNING INSIDE A CITY BUILDING OR USE CITY RESOURCES.

City Council Members and all City employees are encouraged to express their opinions and participate in political campaigns in accordance with Chapter 350 of the Ordinance Code and Employee Services Directive - 0527. However, certain restrictions apply regarding political activities.

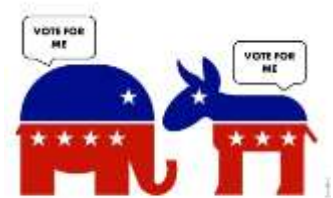
In simple terms, City elected officials and employees may not campaign in City buildings or use City resources for campaigning. Officials and employees should be aware that perception matters, so they should not give the appearance that they are using City resources, such as email addresses or phones, to campaign or that they are campaigning on City property. In addition, no campaign contributions should be accepted or solicited in City buildings.

All employees have a right to vote and may take time to vote on election day in accordance with the applicable collective bargaining agreement or employment plan.

Employees who have accrued leave may engage in political activities while on approved leave. Leave should be requested through the normal process.

Penalties for noncompliance can include civil penalties and/or disciplinary action in accordance with established disciplinary procedures.

Jacksonville Ordinance Code sections 350.301 to 350.305



HIGHLIGHTS

- DO NOT campaign inside City buildings.**
- DO NOT display campaign related materials in your office or in hallways.**
- DO NOT use your City email address or equipment to campaign.**
- DO NOT wear City ID or uniform to campaign events.**
- Please see Employee Services Directive – 0527 for more information.**

STATE SUNSHINE LAW

GENERAL PRINCIPLE: A MEETING MUST BE PUBLIC AND NOTICED WHEN TWO OR MORE MEMBERS OF A DECISION MAKING BODY DISCUSS AN ISSUE THAT COULD FORESEEABLY COME BEFORE THEIR DECISION MAKING BODY.

The Sunshine Law applies when two or more individuals on the same board (or council) discuss an issue that could foreseeably come before their body (this applies to boards and commissions with elected and/or appointed members, including members-elect who have not yet taken office).

This includes Council meetings, ad hoc and standing committee meetings, casual or chance gatherings of two or more members, telephone conversations between two or more members, written correspondence used to develop a position or engage in debate, third party liaisons used to communicate between Council Members, and any single Council Member when that member acts as a decision maker for the Council as a whole.

There are three basic requirements under the Sunshine Law for public meetings:

- Meetings must be open to the public;
- Reasonable notice of such meetings must be given; and
- Minutes must be taken and promptly recorded.

Consequences for a knowing violation of the Sunshine Law could include up to 60 days in jail. All other violations are considered non-criminal with fines up to \$500. In addition, civil actions could lead to the declaration of a violation, invalidating actions taken, and awarding attorneys' fees and costs if a violation is found.

There are some exemptions including certain collective bargaining strategy sessions, limited attorney-client litigation strategy sessions, and possibly others. Please consult with OGC regarding the application of exemptions.



HIGHLIGHTS

- Members of a decision making body DO NOT discuss City business with each other outside of a noticed meeting.**
- DO NOT prevent the public from attending public meetings.**
- DO NOT ask anyone to leave a public meeting.**
- Allow the public to COMMENT before final action is taken.**
- Minimum notice of meetings allowed is 24 hours.**
- Public meetings MUST be in buildings that are accessible to all members of the public, including persons with disabilities.**

SUNSHINE MEETINGS

WHAT YOU CAN DO

- Discuss important decisions at publicly noticed meetings.
- Avoid the appearance that things have been decided outside of a public meeting by asking thoughtful questions during public hearings before making decisions. Let the people see your thought process.
- City employees may discuss issues with other employees and with individual members of decision making bodies (i.e. boards and commissions).
- Give notice of public meetings at least 24-hours ahead of the scheduled meeting time.
- Hold public meetings in government-owned buildings that are widely accessible.
- Ask the Ethics Office if you are not sure.

WHAT YOU CANNOT DO

- Do NOT have meetings between staff and members of decision making bodies for the purpose of circumventing the Sunshine Law.
- Do NOT use City staff to share information between multiple voting members of a board or commission.
- Do NOT start your public meeting before the noticed time, not even one minute.
- Do NOT ask anyone to leave a public meeting.
- Do NOT hold your public meeting in a private location. (homes, clubs, restaurants)
- Do NOT engage in discussion with fellow Council Members at a private function about issues likely to come before your board. This includes dialogue by Council Members directed to someone else, such as asking questions to a meeting speaker that is not a Council Member (see State v. Foster example below).

REAL LIFE EXAMPLES

- Blackford v. School Board of Orange County, 375 So. 2d 578 (Fla. 5th DCA 1979), the court held that a series of scheduled successive meetings between the school superintendent and individual members of the school board were subject to the Sunshine Law. While normally meetings between the school superintendent and an individual school board member would not be subject to the Sunshine Law, these meetings were held in “rapid-fire succession” in order to avoid a public airing of a controversial redistricting problem. Thus, even though the superintendent was “adamant that he did not act as a go-between during these discussions and [denied] that he told any one board member the opinions of the others,” the one-to-one meetings amounted to a de facto meeting of the school board in violation of the Sunshine Law.
- State v. Foster, 12 F.L.W. Supp. 1194a, the court rejected the argument that the Sunshine Law permitted city commissioners to attend a private breakfast meeting at which the sheriff spoke and the commissioners individually questioned the sheriff, but did not direct comments or questions to each other. The court ruled that the discussion should have been held in the Sunshine because the sheriff was a “common facilitator” who received comments from each commissioner in front of the other commissioners.

NOTICE REQUIREMENTS

NOTICE, LOCATION, AND PROCEDURAL REQUIREMENTS

1. Reasonable notice is required even if there is a general knowledge of the meeting. (Jacksonville Ordinance Code Chapter 15 requires approval by the Council President if notice is given less than 24 hours before the meeting.)
2. Reasonable notice is required even if a quorum will not be present.
3. Meeting sponsors frequently contact the local media to provide notice of a meeting.
4. “Silent” and non-disruptive recording devices may not be prohibited – people can tape!
5. While one cannot generally ask another to leave a public meeting, the chairperson in a meeting may utilize reasonable time, place, and manner restrictions to ensure the orderly conduct of the meeting.
6. Florida law affords the public a reasonable opportunity to be heard by a board or commission before it takes official action. Public hearing and public comment periods provide an opportunity for the public to be heard prior to final action.

ATTORNEY GENERAL’S SUNSHINE RECOMMENDATIONS:

1. The notice should contain the time and place of the meeting and an agenda if one is available. If no agenda is available, a statement of the general subject matter to be considered should be included in the notice.
2. The notice should be prominently displayed in the area set aside for notices, e.g., for cities, in city hall, and on the agency’s website, if there is one.
3. Except in the case of emergency or special meetings, notice should be provided at least 7 days prior to the meeting. Emergency sessions should be afforded the most appropriate and effective notice under the circumstances.
4. Special meetings, or any meeting that occurs outside the regularly scheduled time and place and is often related to one specific topic, should have no less than 24 and preferably at least 72 hours reasonable notice to the public.*
5. The use of press releases, faxes, e-mails, and/or phone calls to the local news media is highly effective in providing notice of upcoming meetings.

For more information, see the Attorney General’s Sunshine Manual 2018.

*See Yarbrough v. Young, 462 So. 2d 515 (Fla. 1st DCA 1985) (three days notice of special meeting deemed adequate) and Lozman v. City of Riviera Beach, (Fla. 15th Cir. Ct. Dec. 8, 2010) (no violation of Sunshine Law where notice of special meeting held on Monday, September 15 was posted at city hall and faxed to the media on Friday, September 12, and members of the public [including the media] attended the meeting).

ATTENDING OTHER PUBLICLY NOTICED MEETINGS

GENERAL PRINCIPLE: A COUNCIL MEMBER MAY ATTEND CPAC MEETINGS AND OTHER PUBLICLY NOTICED MEETINGS, AND SPEAK, BUT MAY NOT ENGAGE OTHER COUNCIL MEMBERS ON COUNCIL BUSINESS.

Several Attorney General opinions have considered whether one or more members of a council or board may attend or participate in a meeting of another public board. For example, in AGO 99-55, the Attorney General's Office said that a school board member could attend and participate in the meeting of an advisory committee appointed by the school board without prior notice of his or her attendance. However, the opinion cautioned that "if it is known that two or more members of the school board are planning to attend and participate, it would be advisable to note their attendance in the advisory committee meeting notice."

Council Members may attend meetings of a second public board and comment on agenda items that may subsequently come before the Council for final action. The Attorney General opinions have also advised that if more than one "commissioner is in attendance at such a meeting, no discussion or debate may take place among the commissioners on those issues." AGO 00-68.

According to AGO 98-79, a City commissioner may attend a public community development board meeting held to consider a proposed city ordinance and express his or her views on the proposed ordinance even though other city commissioners may be in attendance; however, the city commissioners in attendance may not engage in a discussion or debate among themselves because "the city commission's discussions and deliberations on the proposed ordinance must occur at a duly noticed city commission meeting."



HIGHLIGHTS

- Council Members may attend meetings publicly noticed by other bodies.**
- If it is known ahead of time that two or more Council Members will attend another public meeting, this should be included in the notice that is made public.**
- If two or more Council Members attend a publicly noticed meeting held by another board, they may speak, even on Council business, but they cannot engage with other Council Members.**

COUNCIL LEADERSHIP ELECTIONS

GENERAL GUIDANCE

Elections for Council President and Vice-President is not a procedural matter, it is a Sunshine Law issue. Ultimately, the City Council **votes** on who will be President and Vice-President. Therefore, all discussions about this **between** Council Members need to be in the Sunshine (meetings in City Council chambers; notices and minutes taken). You **CANNOT** have back and forth communications (discussions, texts, emails, letters, pledges, thumbs up in passing, etc.) with other Council Members about elections for Council leadership outside of a **noticed meeting**.

You also **CANNOT** use another person to “test the waters” or to get information about who is supporting who (ECAs, City staff, lobbyists, etc.). That is using a liaison and also violates the Sunshine Law.

EXAMPLES OF SUNSHINE LAW DANGER AREAS:

1. A Council Member invites you to lunch and mentions that he/she wants to run for President.
2. A Council Member stops by your office and mentions how he/she would do things differently than the current leadership and that is why he/she is running.
3. A lobbyist/member of Mayor’s staff/ECA mentions to another Council Member that you are running and looking for support.

You **CAN** send a letter saying you are running. That is it—**one directional**-- “I am running and will set up a noticed meeting with you later.” **You cannot collect pledges back from anyone or sign pledges in support of anyone outside of a noticed meeting.**

CORRECT PROCEDURE

1. Send out an email/letter (if you want) that says you are running.
2. At the end, put “please do not respond in any way to this email/letter. I will be setting up a noticed meeting with you to discuss.”
3. Set up a noticed meeting. If you want someone to sign a pledge at that noticed meeting, you can do so.
4. You **cannot** send out or say anything announcing “I have 10 pledges.” Someone can look at all of the minutes of the noticed meetings and figure it out, but you do not count up votes/pledges and announce it in any way.

JACKSONVILLE SUNSHINE LAW COMPLIANCE ACT

THE JACKSONVILLE SUNSHINE LAW COMPLIANCE ACT: Chapter 15 of the Jacksonville Ordinance Code (see below for relevant provisions), designated as the **Jacksonville Sunshine Law Compliance Act**, requires approval (by either OGC or Ethics) if a Council Member wants to have a “**Council public meeting**” in a place other than a “public location” (government owned building).

A “Council public meeting” is a meeting that is covered by the Sunshine Law. Therefore, if a Council Member wants to meet with 5 or 50 constituents, that is **not** a meeting covered by the Sunshine Law. These meetings can be set up at locations other than City Hall without approval. You don’t have to notice those meetings or take minutes—they are not covered by the Sunshine Law.

KEY QUESTION: WILL ANOTHER COUNCIL MEMBER BE AT THE MEETING? If so, it could be a Sunshine meeting if that other Council Member starts talking at that meeting. So to be safe, if another Council Member (CM) will be attending the meeting, the location needs to be approved if it is not in a government owned building and the meeting needs to be properly noticed.

EXAMPLES:

1. CM wants to hold a town hall meeting for constituents; other CMs say they will attend and want to participate. This is a Sunshine meeting and requires advance approval if it will be held in a non-government building.
2. CM wants to meet with **only** their constituents at some location around town. This is NOT a public meeting requiring approval of the location. They can meet in someone’s home.
3. Two CMs want to meet at a hotel in town (just the 2 of them, or to have a forum); needs approval. Generally, two CMs should not be meeting outside of City Hall. There could be a situation where they need to meet on the site of a project. The Ethics Office would go over that carefully to make sure the location is appropriate for citizens to attend.
4. CM advertises a meeting with constituents on a matter; at the meeting, another CM shows up. The other CM can attend this meeting as a citizen, but cannot participate in a discussion with the CM hosting the meeting about any issues that could come in front of the Council.
5. CM wants to meet in the Ed Ball building or a public library with another CM about an issue. Because it is a “government owned” building, they can do so without getting approval of the location. However, because there are two CMs attending the meeting, the meeting must be noticed and minutes must be taken.
6. Two CMs want to do a joint forum out in the community; clearly a Sunshine meeting and it needs approval of location, notice of meeting and minutes.
7. CMs are prohibited under the Sunshine Law from taking bus trips together to view projects.

Do you have other situations that are not covered? Please email the Ethics Office and we will add to these examples.

STATE PUBLIC RECORDS LAW

GENERAL PRINCIPLE: ALL RECORDS RELATED TO CITY BUSINESS MUST BE RETAINED AND MADE AVAILABLE TO THE PUBLIC UPON REQUEST.

Florida leads the nation in government transparency via the Government in the Sunshine Laws. To build public trust, the Government in the Sunshine Laws establish the right of citizens to observe decision-making at both the state and local government levels.

In practice, this means that certain meetings and records related to government business are public, and therefore must be accessible and/or available for public inspection. In many cases, a reasonable fee may be charged to offset the cost of retrieving documents.

All records related to the transaction of official government business, both state and local, are considered public records and must be made available to the public upon request. This includes all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, emails, text messages, and handwritten notes related to official City business – regardless of whether they are in their final form and regardless of where they are kept.

Personal notes and draft documents intended for personal use become public records if they are communicated to anyone else.

Penalties for noncompliance or intentionally destroying public records can include civil penalties, criminal charges, and/or disciplinary actions in accordance with established disciplinary procedures.

Florida Statutes Chapter 119



HIGHLIGHTS

- ❑ **DO NOT destroy or delete records related to City business.**
- ❑ **ANY RECORDS related to City business that are located in personal e-mail accounts or on personal devices (including cell phones) are public records, including text messages and emails.**
- ❑ **CREATE A SYSTEM to store your public records so they can be easily retrieved, such as scanning documents and saving texts.**
- ❑ **BE PREPARED to respond to requests for public records.**

STATE ETHICS COMMISSION

GENERAL PRINCIPLE: THE STATE ETHICS COMMISSION HEARS COMPLAINTS ALLEGING VIOLATIONS OF STATE ETHICS LAWS. IT ALSO ASSISTS ELECTED OFFICIALS BY ISSUING ADVISORY OPINIONS.

The State Ethics Commission is a nine-member, independent body established by the Florida Constitution to ensure compliance with the standards of conduct for state and local governmental officials in Florida and address alleged breaches of public trust by public officials and employees. The Commission does this by issuing binding advisory opinions and investigating complaints.

Advisory opinions are only issued when a written request is received on behalf of a public official or employee. Commission staff prepares an initial draft opinion that is provided to the person requesting the advisory opinion. The draft opinion will also be listed on the agenda for a subsequent meeting of the Commission for consideration. These meetings typically occur eight times per year. Requestors have the right to respond to draft opinions, attend the meeting at which the opinion will be reviewed, and be heard by the Commission.

If a state ethics issue is identified, the Office of General Counsel or the Ethics Office can work with you to determine if an advisory opinion is needed and, if necessary, submit an opinion request on your behalf.

Only complaints made under oath on the State Ethics Commission's official form, or referred by specific state government officials, will be reviewed by the State Ethics Commission. Complaints are confidential up to the point where the Commission dismisses the complaint or finds "probable cause" to substantiate the alleged violation. The Commission has established a complaint process, which is available on the website.

If the Commission determines a violation has occurred, it recommends penalties, including, but not limited to, fines and removal from office.



HIGHLIGHTS

- State ethics laws are under the jurisdiction of the State Ethics Commission.**
- State Ethics Commission also administers the financial and gift disclosures for government officials. Copies of disclosure forms are available on the State Ethics Commission website.**
- See State Ethics Commission website, <http://www.ethics.state.fl.us/>, for information regarding financial and gift disclosures, as well as advisory opinions and complaints related to state ethics issues.**

LOCAL ETHICS PROGRAM

GENERAL PRINCIPLE: THE JACKSONVILLE ETHICS PROGRAM ACTS LIKE A “WATCHDOG.” WE HAVE A NETWORK OF EMPLOYEES WORKING TO ANTICIPATE PROBLEM AREAS AND PREVENT BAD SITUATIONS.



The City of Jacksonville’s Ethics Program is comprised of three distinct groups that work together to anticipate and address potential ethics issues. These groups include the Office of Ethics, Compliance and Oversight, the Ethics Coordination Council, and the Ethics Commission.

The Office of Ethics, Compliance and Oversight (“OECO”) is comprised of three part-time employees and one full-time employee. It is headed by Director, Carla Miller. The OECO coordinates and supports the Ethics Coordination Council and the Ethics Commission. The OECO also manages the Ethics hotline, presents ethics training to City officials and employees, and regularly provides advice to elected officials and employees regarding ethics questions.

The Ethics Coordination Council is established in the City’s Ethics Code. All major City departments and divisions, Constitutional Officers and Independent Authorities have a department, division or agency Ethics Officer (DEO). The DEOs typically handle ethics issues relating to gifts and secondary employment. They also meet quarterly to discuss best practices in training and to help identify risk areas within the City’s varied divisions and departments.

The Ethics Commission is a quasi-judicial board comprised of nine volunteer community members appointed by various public officials and selected by the Commission for the purpose of reviewing ethics complaints. In addition to reviewing complaints, the Ethics Commission proposes changes to the local Ethics Code, reviews training efforts, and works to promote citizen trust in local government.

HIGHLIGHTS

- ❑ **The Local Ethics Program is comprised of the Ethics Office, the Ethics Coordination Council and the Ethics Commission.**
- ❑ **The Ethics Office provides training and advises City officials and employees on state and local ethics issues.**
- ❑ **The Ethics Coordination Council addresses various issues across City departments and divisions and Independent Authorities.**
- ❑ **The Ethics Commission promotes citizen trust in local government and addresses cases relating to the local Ethics Code.**

JACKSONVILLE ETHICS COMMISSION



Carla Miller
Ethics Director



Mary Bland Love, Esq.
Public Defender
Appointee



Imani Boykin, Esq.
Ethics Commission
Appointee



Joseph Rogan, Esq.
Chief Judge
Appointee



Dr. George Candler,
Ph.D.
City Council Appointee



Ellen Schmitt, LCSW,
CCM
Ethics Commission
Appointee



Carlton DeVooght,
FACHE, CCEP
Mayoral Appointee



LaTonya Lipscomb
Smith, Esq.
Ethics Commission
Appointee



J.J. Dixon,
Sheriff Appointee



Cherry Pollock, Esq.
Office of General
Counsel
Liaison to Ethics
Commission



Darcy Galnor, Esq.
State Attorney
Appointee

COMPLAINT PROCESS

GENERAL PRINCIPLE: ALL ALLEGED VIOLATIONS OF THE LOCAL ETHICS CODE, CHAPTER 602, ARE REVIEWED BY THE JACKSONVILLE ETHICS COMMISSION USING A STANDARDIZED DUE PROCESS PROCEDURE

If you believe that the local Ethics Code has been violated, you may file a complaint with the City's Ethics Commission in several ways.

1. You can call the anonymous hotline for advice and information. Dial (904) 630-1015.
2. You can download the official complaint form from the City's website. Go to COJ.net and search, "Ethics Commission Complaint Form." Follow the instructions there.
3. You can also mail an anonymous complaint to the Ethics Office: Ethics Officer, City Hall, 117 West Duval Street, Suite 450, Jacksonville, Florida, 32202.

After a complaint is received, it is reviewed by the Ethics Director and the Ethics Commission's Complaints Committee. The Committee will, after investigation, make a determination and the entire Commission may be asked to vote on the issue.

Complaints made within 30 days of an election will be returned so as not to unduly influence the outcome of an election. A returned complaint that is refiled after the election will be deemed to have been filed on the date the complaint was first submitted.

A complete copy of the Ethics Commission Complaint Procedures can be found on the Ethics Commission's website.

Please note: While complaints are kept confidential under Florida law until a decision has been reached by the Ethics Commission, a notice that a complaint has been filed is sent to the person against whom a complaint has been filed. In every case, the Ethics Commission works to ensure the process is timely and fair to all of those concerned.



HIGHLIGHTS

- The local Ethics Commission reviews cases relating to the local Ethics Code.**
- State ethics laws are under the jurisdiction of the State Ethics Commission.**
- Ethics complaints can be made via the hotline at 630-1015**
- Ethics complaints can be made in writing by downloading the official complaint form from COJ.net**
- Ethics complaints can be made anonymously in writing to the Ethics Office.**
- All complaints are kept confidential until a determination is made by the Ethics Commission.**

INSPECTOR GENERAL

MISSION: "ENHANCING PUBLIC TRUST IN GOVERNMENT THROUGH INDEPENDENT AND RESPONSIBLE OVERSIGHT"

The City of Jacksonville's Office of Inspector General (OIG) is authorized in Article 1, Chapter 2, of the City Charter and Chapter 602, Part 3, of the *Ordinance Code*.

The OIG is established to:

- ✓ Provide independent oversight of publically funded activities, transactions, and other local government operations.
- ✓ Investigate, audit, and provide contract oversight to promote economies and efficiencies, improve agency operations, and prevent and deter fraud, waste, and abuse.
- ✓ Receive, review, and investigate any complaints regarding projects, programs, contacts, or transactions of any office, agency, department, or part of the entire consolidated government.

The OIG's jurisdiction includes the offices and employees of the Consolidated Government of the City of Jacksonville, its Constitutional Officers, and Independent Agencies.

The OIG's Investigations Unit, Contract Oversight Unit, and Audit Unit release reports and make recommendations to address shortcomings, irregularities and/or to improve the efficiency in government.

The OIG is independent to assure no interference or influence adversely affects investigations and other inquiries.



Did You Know?

- In accordance with **Part 5, Section 602, Ordinance Code, the Office of Inspector General is the "Whistleblower Official," with the responsibility of granting or denying whistleblower designation.**
- Audit, Contract Oversight, and Investigative Reports are available for review on the OIG website:**
www.coj.net/OIG
- Matters concerning fraud, waste, or abuse may be reported anonymously and confidentially. The OIG has an open door policy to all employees, vendors, citizens, etc.**

HOTLINE

Report Fraud, Waste, & Abuse

904.630.8000 | www.coj.net/OIG

Email: InspectorGeneral@coj.net

PO Box 43586, Jacksonville, FL 32203

OTHER STATE LAWS

THERE ARE MANY LAWS, OTHER THAN ETHICS LAWS, THAT YOU SHOULD BE FAMILIAR WITH. THIS IS A MASTER LIST FOR YOUR CONVENIENCE.

STATE LAWS

- I. All applicable provisions of the Constitution of the State of Florida, including, but not limited to:
 - (a) Article I, Section 24 (Access to public records and meetings), Florida Constitution;
 - (b) Article II, Section 8 (Ethics in government), Florida Constitution.

- II. All of officers and employees of the City and independent agencies are expected to comply with the applicable provisions of state laws, including, but not limited to:
 - (a) Chapter 99 (Candidates, campaign expenses, and contesting elections);
 - (b) Section 100.361 (Municipal recall);
 - (c) Section 102.031 (Maintenance of good order at polls; authorities; persons allowed in polling rooms; unlawful solicitation of voters);
 - (d) Section 104.071 (Remuneration by candidate for services, support, etc.,; penalty);
 - (e) Section 104.271 (False or malicious charges against, or false statements about, opposing candidates; penalty);
 - (f) Section 104.31 (Political activities of state, County, and municipal officers and employees);
 - (g) Chapter 106 (Campaign financing);
 - (h) Section 111.075 (Elected officials; prohibition concerning certain committees);
 - (i) Section 112.042 (Discrimination in County and municipal employment; relief);
 - (j) Section 112.043 (Age discrimination);
 - (k) Section 112.044 (Public employers, employment agencies, labor organizations, discrimination based on age prohibited; exceptions; remedy);
 - (l) Chapter 112, Part III (Code of ethics for public officers and employees);
 - (m) Chapter 119 (Public records);
 - (n) Section 163.367 (Public officials, commissioners, and employees subject to code of ethics);
 - (o) Section 286.011 (Public meetings and records; public inspection; criminal and civil penalties);
 - (p) Section 286.0115 (Access to local officials);
 - (q) Section 286.012 (Voting requirements at meeting of government bodies);
 - (r) Chapter 838 (Bribery; misuse of public office);
 - (s) Chapter 839 (Offenses by public officers and employees).

OTHER LOCAL LAWS

THERE ARE MANY LAWS, OTHER THAN ETHICS LAWS, THAT YOU SHOULD BE FAMILIAR WITH. THIS IS A MASTER LIST FOR YOUR CONVENIENCE.

LOCAL LAWS

All Applicable provisions of additional ordinances listed in other Chapters of the Ordinance Code, including, but not limited to:

- (a) Section 86.107 (Cooperation with the Jacksonville Equal Opportunity Commission);
- (b) Chapter 102 (Auditing regulations);
- (c) Section 106.331 (Indebtedness in excess of appropriates prohibited);
- (d) Section 106.332 (Transfer of expense funds or expense credits prohibited);
- (e) Section 106.334 (Personal liability for authorizing expenditures in excess of the amount appropriated);
- (f) Section 106.336 (Penalties for violation of Sections 106.331 and 106.332);
- (g) Section 106.431 (Maximum indebtedness required in all City contracts);
- (h) Section 106.433 (Personal liability for indebtedness in violation);
- (i) Section 106.434 (Penalties for violation);
- (j) Section 106.713 (Fraudulent claims re travel expense reimbursement);
- (k) Section 122.811 (Sales of tangible personal property; prohibition of sales to certain persons);
- (l) Sections 124.201—207 (Records retention and disposition);
- (m) Section 126.104 (Integrity of public contracting and purchasing process);
- (n) Section 126.110 (Unauthorized purchases and contracts);
- (o) Section 134.108 (Refusal to obey order during investigation);
- (p) Section 320.302 (Building and Zoning Inspection Division employees; conflicts);
- (q) Chapter 400 (Equal opportunity);
- (r) Chapter 402 (Equal employment opportunity);
- (s) Chapter 602 (Jacksonville Ethics Code)
- (t) Section 656.144 (Improper influence).

GIFT ACCEPTANCE AND DISCLOSURE

MAYOR'S TRAVEL EXPENSES UNDERWRITTEN BY OTHER ENTITIES

To: *General Counsel, Consolidated City of Jacksonville*

SUMMARY:

A mayor's travel to conferences and events paid for by others would not be considered "gifts to the city." Consistent with the legislative intent of Sections 112.3148 and 112.3149, Florida Statutes, and the Commission's precedent, the mayor's travel constituted gifts to him personally. Only where a public official's travel is paid for by his own agency, and where his agency then receives reimbursement from a third party would the reimbursement received by the agency be considered a "gift to the agency." Funds received by the city from third parties and deposited into a public fund which are then used to pay for official travel by city officials could also be considered a "gift to the agency." CEO [91-21](#), CEO [91-37](#), CEO [91-57](#), CEO [92-12](#), CEO [98-8](#), and CEO [07-3](#) are cited.

QUESTION 1:

Would expenses of the Mayor's travel to conferences and events paid directly by others be considered gifts to the City, or gifts or honorarium event-related expenses given to him personally?

Under the circumstances presented, the Mayor's travel was a gift or honorarium event-related expenses given to him personally and subject to the acceptance and disclosure provisions in Sections 112.3148 and 112.3149, Florida Statutes.

Through your letter of inquiry and additional correspondence with our staff, we are advised that as the General Counsel for the Consolidated City of Jacksonville, you seek this opinion on behalf of Jacksonville Mayor Alvin Brown. You ask whether contributions of trips and expenses for the Mayor to travel on behalf of the City, paid either directly to him or on his behalf, constitute gifts to him personally for purposes of the "gift" law (Section 112.3148, Florida Statutes), or the "honoraria" law (Section 112.3149, Florida Statutes).

You explain that since his election, the Mayor has had the opportunity to travel out of town on a number of occasions, advocating for the City and marketing Jacksonville as a destination. Some of these trips also involved speaking opportunities. In many instances, the expenses for these trips were underwritten by private individuals or entities, but instead of treating the trips as gifts to the Mayor or, when he was invited to speak, as the receipt of honorarium-event related expenses by him, they were considered to be "gifts to the City." In this

way , you explain, his travel costs did not have a negative impact on the City's budget but, instead, blended public and private resources for the betterment of the City. You question whether this approach comports with Sections 112.3148 and 112.3149, Florida Statutes. We do not believe that it does.

Section 112.3148(4), Florida Statutes, provides:

A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of \$100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

The definition of "gift" in Section 112.312(12), Florida Statutes, includes

Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.

Section 112.3149(6), Florida Statutes, provides in pertinent part:

A reporting individual or procurement employee who receives payment or provision of expenses related to any honorarium event from a person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee shall publicly disclose on an annual statement the name, address, and affiliation of the person paying or providing the expenses; the amount of the honorarium expenses; the date of the honorarium event; a description of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the reporting individual or procurement employee in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1 of each year for those expenses received during the previous calendar year. . . .

Since the gift law was first enacted in 1990, we have never concluded that a public officer had not received a gift when he traveled at the expense of someone other than his agency. In CEO [91-57](#), we were confronted with a situation where a state senator traveled to Europe to participate in a NATO conference and to Brazil as part of a trade mission, and in both cases, we concluded that he had received a reportable gift. Although there was no question that a public purpose was served through his travel in both cases, we articulated our view that disclosure should be the goal for every reporting individual who received any of the items listed in the statutory definition of "gift," and that this approach was in accord with the legislative intent articulated through the enactment of Chapter 90-502, Laws of Florida.

Concerning gifts to agencies, this precise issue was litigated in a series of complaints involving officials from Bay County who traveled at the expense of a corrections company to view some of their jail facilities. In **In re Jonathan A. Mantay**, Complaint No. 03-081, COE Final Order No. 06-315 (2006), we found:

8. To summarize and to clarify our view of the gift law in this area, when an individual is transported or provided lodging and it is paid for or provided by another, so long as that individual did not provide equal or greater consideration to the payor or provider for that transportation or lodging, the individual received a "gift" as that term is defined in Section 112.312(12), unless the circumstances are specifically excluded by a paragraph within Section 112.312(12). To the extent that our opinion CEO [91-71](#), which concerned legal services, would imply otherwise, that opinion is revoked.

9. We find this view of the law more reasonable than that proposed by the ALJ, because it does not require that any legal fictions be created, such as a hypothetical 2003 "transfer" to the County of transportation that was provided to the Respondent in 2000 or an [sic] "simultaneous" transfer of lodging provided to the Respondent when the hotel bill was paid. Nor does it require that the employee's agency be considered to have received "lodging" or "transportation," when an agency cannot be transported or lodged.

10. This view of the law also is more consistent with opinions, rendered by the House General Counsel during the first year after the law was enacted, about travel that was taken in an official capacity. For example, in HCO 91-29 the Member was appointed by the Speaker as Florida's representative for a Council of State Governments Environmental Mission to Japan. As part of that representation, he was invited to an educational briefing in Washington to assist him in fulfilling his obligations as a representative. Because of State budget shortfalls, the Council agreed to pay his expenses to Washington, which expenses would normally be paid by the State of Florida. The opinion concluded this would be a reportable gift from the Council, regardless of the fact that it could be argued that the payment of such expenses was

a gift to the State rather than to the Member, as his expenses would otherwise be reimbursable by the State. The Council's payment of a portion of the travel expenses to Japan were also a "gift," notwithstanding that the House paid for some of the travel and the travel was related to fulfilling official duties as a Member of the House. HCO 91-44. See also, HCO 91-09 (the payment or waiver of parking charges would constitute a gift, "notwithstanding that the ultimate beneficiary is the State of Florida, which would be required to reimburse you for the reasonable expenses incurred by you when parking at the airport for state business."); HCO 91-07 ("linkage" institutes operated within the Department of Education providing travel and other expenses for legislators and other public officials when traveling to the foreign linkage partners would constitute a "gift."); and HCO 91-13 (an individual citizen may charter a plane for the purpose of flying the St. Johns County Legislative Delegation round trip between their districts and Tallahassee to address the Governor and Cabinet, but it would constitute a "gift."). Clearly, if the Legislature intended that transportation in one's official capacity for a matter involving a public purpose is not a "gift," these opinions would have reached completely different results.

11. In addition, if it is not a "gift" as defined by the Legislature whenever a public officer or employee travels in an official capacity on public business at the expense of a person or entity other than his or her public agency, we would be forced to ignore the language of two very specific provisions of the gift law. Subparagraphs 112.312(12)(a)7 and (b)7 exclude from the definition of a "gift" transportation "provided to a public officer or employee by an agency in relation to officially approved governmental business." As this language only addresses transportation provided "by an agency," it clearly means that transportation provided by private persons and entities are not excluded from being a "gift," even if the travel has some official purpose. Also, subsection 112.3148(6) allows the gift, but requires a very specific disclosure, when certain governmental agencies give a gift worth over \$100 "if a public purpose can be shown for the gift," even though those agencies may employ lobbyists to influence the recipient's public agency. Again, if it were not a "gift" when what is being provided or paid for ultimately saves money for one's public agency, we would have to ignore this part of the gift law.

More recently, in CEO [07-3](#), we acknowledged that Section 112.3148, Florida Statutes, did not prohibit gifts to agencies or require their reporting; but in that opinion, we were considering a discounted conference registration rate offered to the Office of Financial Regulation, not to individual employees. There, it was up to the agency to designate who would

attend the conference, not the individual employees, with the agency paying other expenses related to their attendance. We do not view the Mayor's travel in the same way. In this case, the Mayor has received invitations and travel expenses to events precisely because he holds office as Mayor of the Consolidated City of Jacksonville. For this reason, we continue to believe that Sections 112.3148(4) and 112.3149(6), Florida Statutes, govern the Mayor's acceptance of travel. Trips from non-prohibited donors may be accepted and then reported pursuant to Section 112.3148(8), Florida Statutes, on a CE Form 9, Quarterly Gift Disclosure, if the value of the trip exceeded \$100. In the same way, honorarium-event related expenses may be accepted but, if paid for by a prohibited donor, disclosed pursuant to Section 112.3149(6), Florida Statutes, on the CE Form 10, Annual Disclosure of Gifts from Governmental Entities and Direct-Support Organizations and Honorarium Event Related Expenses.

The City's desire to reduce the fiscal impact of travel expenses on the City budget by allowing travel costs to be underwritten by others is an understandable goal in these times of economic hardship, and we have consistently construed Section 112.3148, Florida Statutes, as allowing public officers to travel at their agency's expense and then have their agency obtain reimbursement from the donor for their travel without it being considered a reportable or prohibited gift to the public official. In CEO [91-21](#), a supervisor of elections traveled to view a voting machine manufacturer's factory, and we found reimbursement from the manufacturer to the county was a "gift to the agency" which was neither prohibited nor reportable by Section 112.3148, Florida Statutes. In CEO [92-12](#), a PSC employee traveled at agency expense to conduct an audit of a utility and the utility then reimbursed the agency for the employee's expense, and we found that the employee had not received a gift. This is not a question of form over substance, or of allowing indirectly that which could not be done directly: an agency's "up-front" payment of an official's travel expenses ensures that the agency has made a decision, in advance, that the travel is necessary, takes advantage of the agency's transparent processes for approving official travel in advance, and ensures that the traveler is reimbursed at the government rate. In this way, the agency can offset the expense to its taxpayers of necessary official travel, while the public is protected against the potential for abuse which could arise if all travel for which any nominal public purpose could be identified were to be considered a gift to the agency. This approach, in our view, achieves the goals of the gifts and honoraria laws, and is consistent with our precedent.

Question 1 is answered accordingly.

QUESTION 2:

Whether monetary donations to a City-maintained fund that would be used to pay for official travel by the Mayor and other City officials would be considered "gifts to the city?" Under the circumstances presented, Question 2 is answered in the affirmative.

You have asked the Commission to opine on the City's proposal to accept monetary donations from third parties and deposit them into a public account on an ongoing basis, where the funds would then be used to pay for the Mayor's travel, as well that of other officials who have need to travel on City business. You refer to this proposal as the "direct payment" method

which could protect taxpayer dollars while at the same time fund agency-approved, business-related travel.

In CEO [98-8](#), we opined that pursuant to Section 112.3148(3), Florida Statutes, a state legislator could not solicit donations for his legal defense fund from lobbyists or from the partners, firms, employers, or principals of lobbyists who lobbied the Legislature, and that he could not accept contributions greater than \$100 from these entities without violating Section 112.3148(4), Florida Statutes. We said that gifts from non-prohibited donors could be accepted but would have to be reported on a CE Form 9 if they were greater than \$100. In CEO [91-37](#), we opined that a city commissioner could not solicit funds for a newsletter from lobbyists or from the partners, firms, employers or principals of lobbyists who lobbied the city, and that likewise, he could not accept contributions from those same entities that exceeded \$100. We view both of these opinions as distinguishable from the City's proposal because, in both cases, it was the public official who maintained control and access to the donated funds, not a governmental entity. Therefore, where the City receives gratuitous donations from the private sector and then uses the donations to pay for official travel by the Mayor and other officials, we would view those donations as gifts to the City which are neither prohibited nor reportable. This presupposes that the City's process for funding travel costs for its officials through this account is otherwise appropriate, open, transparent, and consistent with law.

Question 2 is answered accordingly.

ORDERED by the State of Florida Commission on Ethics meeting in public session on March 8, 2013 and **RENDERED** this 13th day of March, 2013.

Susan Horovitz Maurer, *Chair*

JACKSONVILLE ETHICS CODE

Chapter 602 - JACKSONVILLE ETHICS CODE Link to entire Code: [Chapter 602 Jax Ethics Code](#)

Part 1. General

Part 2. Definitions

Part 3. Inspector General (see link for entire text)

Part 4. **Conflicts**

Part 5. Whistleblower (see link for entire text)

Part 6. Ethics Compliance and Oversight Office (see link for entire text)

Part 7. **Gifts**

Part 8. **Lobbying**

Part 9. Jacksonville Ethics Commission (see link for entire text)

Part 10. **Ethics Education**

Part 11. Civil Penalties

Part 12. General Provisions

PART I. IN GENERAL

Sec. 602.101. - Legislative intent and declaration of policy; aspirational goals.

It is declared to be the policy of the City of Jacksonville that all officials, officers and employees of the City of Jacksonville and its independent agencies are public servants of the people and hold their positions for the benefit of the public, and that imposing ethical standards upon officials, officers, and employees of all of these agencies serves an important public purpose and serves the public welfare. These public servants shall perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees shall strive to meet the highest standards of ethics consistent with this Code, regardless of personal considerations, recognizing that maintaining the respect of the people must be their foremost concern. This Code shall serve not only as a basis for discipline of public servants who violate these provisions, but also as an aspirational guide for conduct.

The City of Jacksonville consolidated in 1968 in an attempt to create a more responsible government. Since that time, various provisions from state and local law have been created or adapted to guide the ethical behavior of local public servants. This Code coordinates existing laws, adds new provisions outlining guidelines for appropriate behavior, and includes new substantive provisions which impose higher standards and expectations on public servants. Although the people of Jacksonville have learned from and responded to past mistakes, there should be an aspiration to much higher standards.

Ethics is defined as the study of the general nature of morals and moral choices to be made by the individual in his or her relationships with others. Ethics is more than the avoidance of criminal behavior. It is a commitment for public servants to take individual responsibility in creating a government that has the trust and respect of its

JACKSONVILLE ETHICS CODE - CHAPTER 602

citizens. There needs to be a proactive approach in strengthening the emphasis on ethics and in guiding City officers and employees in upholding them. To preserve and maintain the integrity of responsible government and its decision-making process, the City of Jacksonville believes it is necessary that the identity, activities and expenditures of certain persons who engage in efforts to influence officers and employees of the City on matters within their official cognizance, either by direct communication or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions and requirements of this Code shall apply to every person who attempts to influence government action, unless such person is clearly exempt herefrom by an express provision hereof.

With the above in mind, the City of Jacksonville hereby adopts the following goals for the City ethics program:

- a) Promulgate and implement a comprehensive approach to ethics and integrity in Jacksonville government.
- b) Promote public confidence in public officers and employees and the ethical operation of government.
- c) Promote and ensure compliance with local, state, and federal ethics law.
- d) Centralize laws and regulations on the ethical conduct of City officers and employees.
- e) Heighten knowledge and understanding of the laws and ethical principles which are the inherent obligations of City officers and employees.
- f) Establish a system to train City officers and employees to encourage compliance with these standards and to also provide for periodic review, education and certification on ethics.
- g) Enact an Ethics Officer system that will continue to evolve and update our City's ethics program and to provide guidance and education to all City departments.
- h) Educate City officers and employees to avoid the appearance of impropriety.
- i) Through this comprehensive code and the above-stated goals, the City will strive to elevate the level of ethics in local government, to provide honest and responsible service to the citizens of Jacksonville, and to maintain the confidence and trust of the public that this government serves.

PART 2. - DEFINITIONS

Sec. 602.201. - **Definitions.**

For purposes of this Chapter, the words and phrases defined in this Section shall have the following meanings:

Agency means any office, department, board, commission or other division of the City of Jacksonville.

Appointed employee means a person holding one of the following public positions:

- 1) Executive branch employees, appointed by the Mayor or by Constitutional Officers and confirmed by the Council;
- 2) Any other person appointed by the Mayor or by Constitutional Officers, except persons employed solely in maintenance, clerical, secretarial or similar positions; the Mayor, working in coordination with the Constitutional Officers shall, on July 1 of each year, provide a list of appointees who qualify as "Appointed Employees" to the Office of Ethics, Compliance and Oversight.
- 3) Any person appointed by the City Council, except persons employed solely in maintenance, clerical, secretarial, or similar positions; the Council Secretary shall, on July 1st of each year, provide a list of appointees who qualify as "Appointed Employees" to the Office of Ethics, Compliance and Oversight.
- 4) The executive director or chief executive officer of any agency.

Appointed official means any person appointed to any board, commission, or authority.

Business entity means a corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual or trust, whether fictitiously named or not, doing business in the City.

JACKSONVILLE ETHICS CODE - CHAPTER 602

City means the Consolidated City of Jacksonville.

Civil service employee means any individual, other than an individual exempted by Section 17.06, Charter of the City of Jacksonville, receiving compensation for services performed for the City, except individuals performing services as independent contractors.

Code means the Jacksonville Ethics Code, Chapter 602, Ordinance Code.

Compensation, as used in Sections 602.801-803, Jacksonville Ordinance Code, means any payment received or to be received by a lobbyist for the performance of lobbying activities, whether the compensation is in the form of a fee, salary, retainer, forbearance, forgiveness, or other form of valuable recompense, or any combination thereof.

Elected official means any individual elected to any office created by the Charter of the City of Jacksonville.

Employee means any individual, other than an elected official, receiving compensation for services performed for the City except individuals who perform services as independent contractors.

Entire consolidated government shall mean and include the executive and legislative branches, as well as the Sheriff, Property Appraiser, Supervisor of Elections, Tax Collector, Clerk of the Circuit Court and County, and all independent agencies of the City including, but not limited to, the Duval County School Board, JEA, Jacksonville Port Authority, Jacksonville Aviation Authority, Jacksonville Police and Fire Pension Board of Trustees, Jacksonville Transportation Authority, Jacksonville Housing and Community Development Commission, Jacksonville Housing Finance Authority and the Kids Hope Alliance.

Ethics commission means the Jacksonville Ethics Commission.

Executive department means a department of the City as defined in Section 21.101(a), Ordinance Code.

Gift:

- (1) *Gift* means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for his or her benefit or by any other means, for which equal or greater consideration is not given. Among other things, a gift may be:
 - (i) Real property;
 - (ii) The use of property;
 - (iii) Tangible or intangible personal property;
 - (iv) The use of tangible or intangible personal property;
 - (v) A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similar situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin;
 - (vi) Forgiveness of indebtedness;
 - (vii) Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging or parking;
 - (viii) Food or beverage;
 - (ix) Membership dues;
 - (x) Entrance fees, admission fees, or tickets to events, performance or facilities;
 - (xi) Plants, flowers, or floral arrangements;
 - (xii) Services provided by persons pursuant to a professional license or certificate;
 - (xiii) Other personal services for which a fee is normally charged by the person providing the services;
 - (xiv) Any other similar service or thing having an attributable value not already provided for in this Section.

JACKSONVILLE ETHICS CODE - CHAPTER 602

- (2) *Gift* does not include:
- (i) Salary, benefits, services, fees, commissions, or expenses associated primarily with the donee's employment or business, or provided to the donee as part of the donee's bona fide fact finding efforts on behalf of his or her agency, or provided to the donee by the City, and does not include gifts provided by the City or any governmental agency, to the extent that such gift is not inconsistent with the applicable provisions of F.S. § 112.3148;
 - (ii) Contributions or expenditures reported pursuant to F.S. Ch. 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party;
 - (iii) An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service;
 - (iv) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization;
 - (v) The use of a public facility or public property, made available by a governmental agency, for a public purpose;
 - (vi) Transportation provided to an officer or employee by an agency in relation to officially approved governmental business.
 - (vii) Gifts provided directly or indirectly by a state, regional or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials, officers, or employees, and whose membership is primarily composed of elected or appointed officials, officers, or staff, to members of that organization or officials, officers, or staff of a governmental agency that is a member of that organization.
 - (viii) Gifts solicited or accepted from a relative, as that term is defined in F.S. § 112.312(21).
- (3) For purposes of Section (1) above, *intangible personal property* means property as defined in F.S. § 192.001(11)(b).

Independent agency means the Duval County School Board, the Jacksonville Transportation Authority, the Jacksonville Port Authority, the Jacksonville Aviation Authority, the Police and Fire Pension Fund, JEA, the Jacksonville Housing Authority, Jacksonville Housing Finance Authority, Jacksonville Health Facilities, and the DIA.

Lobbying principal means any person providing compensation to a lobbyist in consideration of his or her performance of lobbying activities, regardless of the technical or legal form of the relationship between the principal and the lobbyist. Principal specifically includes a person whose employee or agent lobbies on behalf of the employer or for the benefit, or in the name of the employer.

Lobbyist means any natural person who, for compensation seeks, or sought during the preceding 12 months, to influence the governmental decision making of an officer or employee of the City or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by an officer or employee of the City.

Officer means any person elected to any City office and any appointed official.

Person includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

Public official means:

- (1) Member of the City Council and Council-appointed aides;
- (2) The Mayor and the Mayor's appointed assistants and aides;
- (3) Chief Administrative Officer;

- (4) Head of an Executive department, appointed by the Mayor and confirmed by the Council, which also includes the Executive Director of the Human Rights Commission;
- (5) Deputy director of an executive department, appointed by the Mayor and confirmed by the Council;
- (6) Chief of a division of an executive department, appointed by the Mayor and confirmed by the Council;
- (7) Administrative Aide to the Mayor, appointed by the Mayor under § 6.06 of the Charter; and
- (8) Personal secretary to the Mayor, appointed by the Mayor under § 6.06 of the Charter; and
- (9) Any individual whose title under civil service is exempt or unclassified;

Vendor means a business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services.

PART 3. - INSPECTOR GENERAL

Establishment/Duties of IG Office. (For full text, see Link for Chapter 602 above.)

PART 4. - CONFLICTS OF INTEREST

SUBPART A. - CONFLICTING RELATIONSHIPS

Sec. 602.401. - Misuse of position, information, resources etc.

- (a) Misuse of position, title, or authority. It is a violation of this Chapter for an officer, or employee of the City or an independent agency to intentionally use his or her official position, title or any authority associated with his or her public office to coerce, induce or attempt to coerce or induce another person, or otherwise act in a manner inconsistent with official duties, to obtain a special privilege or exemption, financial or otherwise, for himself, herself or others, or to secure confidential information for any purpose other than official responsibilities.
- (b) Misuse of confidential information. It is a violation of this Chapter for an officer, or employee of the City or an independent agency to intentionally or knowingly disclose or use any confidential information gained by reason of said person's position for any purpose other than official responsibilities.
- (c) Unethical lending or borrowing. It is a violation of this Chapter for an officer, or employee of the City or an independent agency, to directly or indirectly lend or borrow over \$100, to or from a higher ranking or subordinate officer, employee of the City or an independent agency who is in such person's City chain of command. It is also unlawful for an officer, or employee of the City or an independent agency, to directly or indirectly lend or borrow over \$500 to or from anyone else in the person's City department. This subsection shall not be applicable to lending between family members.
- (d) City Officers and employees should recognize their responsibility to protect and conserve City property and resources, and to make an honest effort to use official time and City property only for official business. To that end:
 - (1) Misuse of property. It is a violation of this Chapter for an officer or employee of the City or an independent agency to knowingly use property owned by the City or any independent agency for his or her personal benefit, convenience or profit, or for the benefit, convenience or profit of others, except in accordance with official written City policies or ordinances.
 - (2) Misuse of time. It is a violation of this Chapter for an officer, employee of the City or an independent agency to use the official time of a City employee for anything other than official City business.
 - (3) Misuse of resources for campaigning. It is a violation of this Chapter for an officer, employee of the City or an independent agency to use any City resources, including property, employee time, computers and the Internet, for any political campaigning or campaign fundraising activities.

JACKSONVILLE ETHICS CODE - CHAPTER 602

Sec. 602.402. - Prohibited representations and appearances, petitions for exemption.

- (a) Representations against the City. It shall be a violation of this Chapter for an elected official or employee of the City or an independent agency, otherwise than in the proper discharge of his or her official duties, to represent any other person or entity against the City or an independent agency, or to receive any proceeds from any such representation.
- (b) Appearances before City Bodies. It shall be a violation of this Chapter for an elected official or employee of the City or an independent agency, otherwise than in the proper discharge of his or her official duties, to appear before any City department, agency, board or commission, except on behalf of the City or on behalf of himself, herself, or his or her parents, spouse or child.
- (c) Board and Commission Members. Subsections (a) and (b) do not apply to any appointed official who is not an elected official or employee, except subsections (a) and (b) do apply as to matters against and appearances before that appointed official's own board, commission or agency, and to departments or agencies over which that appointed official's board, commission or agency has jurisdiction.
- (d) Petitions for Exemption. An officer, employee or appointed official subject to the prohibition of this section who believes his or her representation will not interfere with the full and faithful discharge of such person's official duties may submit a written petition for relief from this section to the Jacksonville Ethics Commission. The Chair of the Jacksonville Ethics Commission shall appoint a committee of not less than three Ethics Commissioners to rule upon the petition for relief. The decision of whether to grant relief from this section shall be made in accordance with the policy set forth in F.S. § 112.316 and the opinions interpreting § 112.316 issued by the Florida Commission on Ethics. Said petition for relief shall be set on the agenda of a public meeting within 20 business days of receipt of the petition, and ruled on at the conclusion of the meeting. Nothing in this provision shall be construed to require the disclosure of any information protected by the attorney-client privilege or the waiver of such privilege.
- (e) Nothing in this section shall be construed to affect, or in any way interfere with, any state or federal law.

Sec. 602.403. - Moonlighting provisions.

- (a) No employee of the City shall have any other employment if that employment could reasonably be expected to impair independence in judgment or performance of City duties;
- (b) No employee of the City shall have any interest, financial or otherwise, direct or indirect, or engage in any business or activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest.
- (c) All full-time compensated officers or employees of the City shall disclose any private, non-City employment upon obtaining said employment or upon becoming an officer or employee, whichever occurs first.
- (d) All full-time compensated City officers or employees shall file the disclosure required in subsection (c) above with the City Ethics Office, copy to the City's Human Resources Chief and the officer or employee's department head, on a form approved by the Ethics Office.
- (e) All full-time compensated officers or employees of the City shall file an updated disclosure form whenever any of the information required by the form changes.
- (f) All appointed employees, except for those employees appointed by City Council, while full-time employees of the City, must obtain prior approval from the Mayor, or an individual designated by the Mayor, before accepting non-City employment or engaging in any work for an employer other than the City. All employees appointed by City Council, while full-time employees of the Council, must obtain prior approval from the Council President, or an individual designated by the Council President, before accepting non-City employment or engaging in any

JACKSONVILLE ETHICS CODE - CHAPTER 602

work for an employer other than the City. All employees appointed by a Constitutional Officer, while full-time employees of the Constitutional Officer, must obtain prior approval from the Constitutional Officer, or an individual designated by the Constitutional Officer, before accepting non-City employment or engaging in any work for an employer other than the City. A registry of appointed persons working non-City employment shall be maintained by the Constitutional Officers, the Mayor, and the Council Secretary or their designees; and shall be published on the City website, showing the employee, the outside employment, and the number of hours spent per year on such employment.

- (g) It shall be a violation of this Chapter for any officer or employee of the City to violate any of the provisions of this Section.

Sec. 602.404. - Soliciting future employment or compensation.

- (a) No employee of the City shall accept or solicit any other employment, if the employment could reasonably be expected to impair independence in judgment or performance of City duties;
- (b) No employee of the City shall solicit or accept compensation for any other employment, which compensation is to be paid while still an employee of the City, if the compensation could reasonably be expected to impair independence in judgment or performance of City duties.

Sec. 602.405 - Responsibility of contracts with former employer prohibited.

For a period of two years from ceasing employment with a former employer, no employee of the City shall negotiate, supervise or manage a contract with the employee's former employer.

Sec. 602.406. - Public official bid and contract disclosure.

- (a) A public official of the City or an independent agency, who knows that he or she has a financial interest in a bid to be submitted to their own agency or contract with their own agency, shall make disclosure in writing to the Procurement Division or using agency, whichever is receiving or has received the bid contract, (i) at the time that the bid or contract is submitted or subsequently no later than the close of the second, full, regular work day after the bid or contract is submitted (not including the day that the bid is submitted or any Saturday, Sunday or City holiday), or (ii) prior to or at the time that the public official acquires a financial interest in the bid or contract and such disclosure shall include but not be limited to the following: the bid number, the name of the public official and his or her public office or position, the name and address of the business entity in which the public official has a financial interest, and the position or relationship of the public official with that business entity.
- (b) It shall be a violation of this Chapter for a public official of the City or an independent agency, to fail or refuse to make the disclosure required in subsection (a) of this Section.
- (c) For purposes of this Section, bid means any telephone or written bid, written proposal, written quote or written offering of any kind or description whatsoever submitted for the purpose of being awarded or entering into a contract, purchase agreement, sales transaction, or other contractual agreement with the City under the provisions of the Procurement Code, Section 126.110, Ordinance Code, or with an independent agency of the City under its procurement code.
- (d) For purposes of this Section, contract means any contract, agreement, purchase order or other document used to evidence the existence of a purchase or sales transaction under the provisions of the Procurement Code, Chapter 126, Ordinance Code, or with an independent agency under its procurement code, or any subsequent change order or amendment to any such contract document.

JACKSONVILLE ETHICS CODE - CHAPTER 602

- (e) For purposes of this Section public official means any one or more individuals who have been elected to any state or local office and which office has a geographical jurisdiction or description covering all of, more than but including all or a portion of, or less than but including a portion of, Duval County, Florida, any one or more individuals who have been appointed to the governing body of any independent agency of the City, or an appointed employee of the City.
- (f) For purposes of this Section, financial interest means any ownership interest of a public official in any proposer, bidder, contractor, or first tier subcontractor (that is, a person or business entity under contract to provide or providing capital improvement services, professional design services, professional services, labor, materials, supplies or equipment directly to the proposer, bidder, or contractor) whereby the public official knows that he or she has received or will receive any financial gain resulting from or in connection with the soliciting, procuring, awarding, or making of a bid or contract; provided, however, financial interest shall not include any interest in any increase in value of, or dividends paid on, any stock which is publicly traded on any public stock exchange.
- (g) The City, independent agency, or using agency, as the case may be, acting by and through its awarding authority may: (i) nullify and terminate the purchase and sales transaction and any contract arising from or in connection with any bid or contract involving failure or refusal to disclose a financial interest of a public official as described in this Section; (ii) declare the same null and void.
- (h) In addition to all other penalties described herein, any person or company that violates this Part shall be subject to withholding of payments under the contract, termination of the contract for breach, contract penalties, decertification and/or being debarred from or deemed nonresponsive to future City solicitations and contracts for up to three years (for less egregious violations, as determined by the Chief, a period of probation may be proposed, any violations during which period will result in debarment of no less than three years). For purposes of this Chapter, the words and phrases defined in this Section shall have the following meanings:

Sec. 602.407. - Obstruction of proceedings by City officers or employees.

It is a violation of this Chapter for an officer or employee of the City to:

- (a) Corruptly, or by threat of force, or by any intimidating letter or communication, to endeavor to influence, intimidate or impede any witness in any proceeding pending before any City agency or in connection with any inquiry or investigation being had by a City agency. However, this subsection is not intended to prevent the normal information gathering and witness interviewing process associated with the preparation for any filing, hearing, or trial.
- (b) With intent to avoid, evade, prevent or obstruct compliance in whole or in part with any investigative demand duly and properly made under any law or rule made pursuant to law, willfully to remove from any place, conceal, destroy, mutilate, alter or by other means falsify any documentary material which is the subject of the demand.
- (c) Corruptly, or by threat of force, or by any intimidating letter or communication, to influence, obstruct or impede or to endeavor to influence, obstruct or impede the due and proper administration of the law in any proceeding before any City agency or in connection with any inquiry or investigation being had by any City agency.
- (d) Intentionally to disrupt, obstruct or impede or to endeavor to disrupt, obstruct or impede the conduct of any public meeting of any City agency.
- (e) Intentionally to do any act or attempt to do any act which any reasonable person would know would disrupt, obstruct or impede the conduct of any public meeting before any City agency.
- (f) To refuse to comply with the directives, requests or orders of any presiding officer of any public meeting of any City agency.

- (g) Intentionally do or act or attempt to do any act which any reasonable person would know would prevent any person from appearing or speaking before any City agency at any public meeting.
- (h) Intentionally refusing, after warning, to obey the rules of decorum before any City agency at any public meeting.

Sec. 602.411. - Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners.

- (a) It shall be a violation of this Chapter for any person, who was an officer or employee of the City or an independent agency, after his or her employment has ceased, knowingly to act as agent or attorney for anyone other than the City or an independent agency in connection with any administrative or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter involving a specific party or parties in which the City or an independent agency is a party or has a direct and substantial interest and in which he or she participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise while employed by the City or an independent agency.
- (b) It shall be a violation of this Chapter for any person, who was an officer or employee of the City or an independent agency, after his or her employment has ceased, to appear personally before any unit of government as agent or attorney for anyone other than the City or an independent agency in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter involving a specific party or parties in which the City or an independent agency is a party or has a direct and substantial interest and which was under his or her official responsibility as an officer or employee of the City or an independent agency at any time within a period of one year prior to the termination of his or her responsibility.
- (c) Nothing in subsection (a) or (b) shall prevent a former officer or employee of the City or an independent agency with professional, scientific or technological qualifications, from acting as agent or attorney or from appearing personally in connection with a particular matter in a professional, scientific or technological field if the head of the unit of government concerned with the matter shall certify in writing that the public interest would be served by the action or appearance by the former officer or employee.

Sec. 602.412. - Prohibited future employment.

It shall be a violation of this Chapter for any person, who was an officer or employee of the City or an independent agency, after his or her employment has ceased, to be employed by or enter into any contract for personal services, with a person or company who contracted with, or had a contractual relationship with the City or the independent agency, while the contract is active or being completed, or within two years of the cessation, completion, or termination of the person's or company's contractual relationship with the City or the independent agency, where (1) the contract with the City or the independent agency had a value that exceeded \$250,000, and (2) the officer or employee had a substantial and decision-making role in securing or negotiating the contract or contractual relationship, or in the approval of financial submissions or draws in accordance with the terms of the contract; except that this prohibition shall not apply to an employee whose role is merely as a review signatory, or to contracts entered into prior to January 1, 2008, or to contracts that have been competitively procured. With respect to this subsection a contract is competitively procured if it has been obtained through a sealed low bid award. A "substantial and decision-making role" shall include duties and/or responsibilities that are collectively associated with:

(i) approving solicitation or payment documents; (ii) evaluating formal bids and proposals; and (iii) approving and/or issuing award recommendations for final mayoral, City Council, or independent agency approval. The contract of any person or business entity who hires or contracts for services with any officer or employee prohibited from entering into said relationship shall be voidable at the pleasure of the City or independent agency. This prohibition shall not apply to any former officer or employee after two years from cessation from City or independent agency employment. An officer or employee subject to the prohibition of this Section who believes his or her role in the applicable contract does not create an ethical dilemma, may appeal to a committee of the City Council Rules Chair, the Chairperson of the Ethics Commission, and the Chief of Procurement for relief from this Section. Said appeal shall be considered and ruled upon within ten business days of a written request.

PART 5. - WHISTLEBLOWER PROTECTION

Sec. 602.501. - Legislative Findings and Purpose.

The City Council finds that it is in the best interests of the consolidated government of the City of Jacksonville, its constitutional officers and independent agencies to ensure that employees who have knowledge of unlawful activity, misfeasance or malfeasance by the City or its independent contractors report such knowledge to the appropriate authorities for investigation and corrective action. In order to encourage employees to report such information without fear of reprisal, it shall be the policy of the consolidated government of the City of Jacksonville to prohibit adverse action against an employee who has been properly designated as a whistleblower for disclosing such information to an appropriate official or agency.

Recognizing that the State of Florida has adopted its own Whistleblower's Act, F.S. §§ 112.3187, et seq. (1993) and that the State Act provides for the adoption of local procedures for administrative enforcement, the City Council intends that this Part be interpreted consistently with the State Act, as it may from time to time be amended.

(To read the entire section outlining the Whistleblower Protection provisions, see link above for full text.)

PART 6. OFFICE OF ETHICS, COMPLIANCE AND OVERSIGHT

For the full text of this section, see the link for the Code, above.

PART 7. GIFTS

Sec. 602.701. - Prohibited receipt of gifts and payments.

- (a) *Prohibited Gifts.* No officer or employee of the City or of any independent agency, or any other person on his or her behalf, shall knowingly accept, directly or indirectly, any one gift with a value greater than \$100 or an accumulation of gifts in any one calendar year that exceeds \$250 from any person or business entity that the officer or employee knows is:
- (1) A lobbyist who lobbies the officer's or employee's agency;
 - (2) Any principal or employer of a lobbyist who lobbies the officer's or employee's agency;
 - (3) A vendor doing business with the officer's or employee's agency.

For purposes of the \$250 annual accumulation of gifts, gifts of food and beverage not exceeding \$25 on any given day shall not be included.

- (b) *Department Policies.* The Mayor shall require that the Directors of all Executive Departments establish policies and procedures for the acceptance and/or prohibition of gifts to individuals in their departments. The City Council President, the Constitutional Officers and the Chief Executive Officers of the independent agencies shall also establish policies and procedures for the acceptance and/or prohibition of gifts to individuals employed by their agency. The policies shall provide guidelines for all gifts, including, but not limited to, dinners, official events, tickets, trips, lodging, retirement gifts, food gifts and conferences. The policies should be based upon an analysis of risks and strive for maximum transparency and minimum acceptance of gifts by employees and officials of the City. The Office of Ethics, Compliance and Oversight and the Office of General Counsel shall assist in the development of the policies.
- (c) *Fees for Speeches, Speaking and Writing Articles.* No full time officer or employee of the City or any independent agency may accept a fee or anything of value for a written article, a speech, an address, or other oral presentation at an event, from a party listed in subsection (a). Speech, address, or other oral presentation includes a formal address, lecture, panel discussion, or other presentation that a full time officer or employee of the City or any independent agency has been invited to make to a gathering of persons. A full time officer or employee of the City or an independent agency may receive payment or reimbursement for necessary expenses related to any such activity only upon approval in writing by the officer's or employee's department or agency director. A copy of the approval shall be filed with the Office of Ethics, Compliance and Oversight. Any official or employee required by state law to file a Statement of Financial Interests or a Full and Public Disclosure of Financial Interests statement is exempt from this Section 602.701(c), Ordinance Code.

Sec. 602.702. - Gifts to the city.

The Mayor and the Council Secretary shall identify a mayoral and a council representative who will be officers or employees responsible for the receipt of and distribution of business-related gifts to the City through its executive and legislative departments. The chief executive officer of an independent agency shall identify a designee or designees who will be officers or employees responsible for the receipt of and distribution of business-related gifts to the independent agency. Registries shall be established wherein gifts will be identified by date, donor, type, purpose, and City or independent agency officer or employee carrying out the purpose; and shall be posted on a City or independent agency internet site within 45 days of receipt of the gift. (Examples of gifts covered by this subsection include, but are not limited to, tickets or travel to events where City or independent agency official or employee presence is requested, or travel and per diem to inspect products and equipment, or gifts of personal property to the City or independent agency).

Sec. 602.703. - Prohibited offering of gifts.

It is a violation of this Chapter for a lobbyist, or principal or employer of a lobbyist, or any person or entity listed in Section 602.701(a), to knowingly offer a gift to an officer or employee of the City or an independent agency which would cause a violation of Section 602.701 if accepted.

Sec. 602.704. - Penalties.

- (a) It shall be a violation of this Chapter for any person to violate a provision of this Part.
- (b) The first allegation that a person has violated any policy adopted by the person's department or agency pursuant to section 602.701(b) shall be handled according to existing policies and procedures by the Employee Services Department of the Executive Department or the human resources or ethics office of the respective

agency, with notification to and in consultation with the Office of Ethics, Compliance and Oversight. The Employee Services Department of the Executive Department or the human resources or ethics office of the respective agency shall have the option to defer such handling and refer the matter directly to the Jacksonville Ethics Commission. Any subsequent allegations of violations by a person who has previously been determined to have violated any policy adopted by a department or agency pursuant to section 602.701(b) shall be filed as a complaint with the Jacksonville Ethics Commission.

- (c) In addition to any penalties prescribed by law, the City, Constitutional Officer or an independent agency shall be entitled to recover from the officer or employee the amount of the fee, commission, gift, gratuity, loan or other consideration. This recovery may be imposed as a fine by the Circuit Court or by the Jacksonville Ethics Commission. The City, Constitutional Officer or independent agency may also file a civil action to pursue the funds.

PART 8. - LOBBYING

Sec. 602.801. - Registration of lobbyists; registration statements.

- (a) For purposes of the registration provisions of this Part, lobbying is defined as the attempt to influence the governmental decision making of an officer or employee of the City, or of an independent agency, or the attempt to encourage the passage, defeat, or modification of any legislation, proposal or recommendation of the City or of an independent agency, or of an officer or employee of the City or of an independent agency. Lobbying shall not include the following:
 - (1) Legal or settlement discussions directed toward an attorney for the City or of an independent agency; or
 - (2) Participation in a quasi-judicial proceeding involving the City or an independent agency (except that all ex-parte communication to a decision maker or non-lawyer City or independent agency employee constitutes lobbying).
- (b) Each person who lobbies, for compensation as a lobbyist, any officer or employee of the City, or of an independent agency, shall, prior to commencement of lobbying activities on any issue, register his or her name, the person or entity for which the lobbying is taking place (principal), and the purpose and issue for which the lobbying is taking place, with the City's Council Secretary. Registration may be for an annual period or for a lesser, stated period, but no person may lobby unless he or she is first registered. A person may register as a lobbyist on his or her own volition or he or she may be required by any officer or employee to register before he or she addresses such officer or employee if he or she is not already registered with the Council Secretary. The Council Secretary shall maintain a book in which the registration statements and oaths submitted by lobbyists shall be entered, together with corrections and amendments as herein authorized and required. If a person shall cease to be a lobbyist, his or her registration statement and oath shall be removed from the book of active lobbyists and shall be placed in a book of inactive or former lobbyists; but no person may have a registration statement and oath on file in both books.
- (c) (1) When a person registers as a lobbyist, he or she shall file a registration statement and oath in the form developed from time to time by the Office of General Counsel, in consultation with the City Ethics Officer, the Council Secretary and the Ethics Commission. The Council Secretary, in consultation with the Office of General Counsel, is authorized to reject or strike non-conforming registrations. No person may commence or continue lobbying activity related to a rejected or stricken registration statement until such time as a corrected registration statement is submitted and accepted by the Council Secretary.

JACKSONVILLE ETHICS CODE - CHAPTER 602

- (2) A registration statement may be corrected or amended at any time by the registrant by the submission of a subsequent registration statement and oath setting forth the correcting or additional information that the registrant wishes to place on file. A statement that the subsequent registration statement corrects or amends the previous registration statement shall be inserted in the body of the statement, above the lobbyist's signature, noting the substance of the correction or amendment. A registration statement shall be corrected or amended if any material fact concerning the purpose for which or persons on whose behalf the registrant filed the registration statement changes.
- (3) A registration statement and oath that is not renewed by the end of the period for which it is filed shall expire and may not thereafter be relied upon by the lobbyist in support of lobbying activities.
- (d) The following persons shall not be required to register as lobbyists:
 - (1) A public official, City or independent agency employee or salaried employee of a public agency acting in his or her official capacity or in connection with his or her job responsibilities or as authorized or permitted to lobby pursuant to a collective bargaining agreement;
 - (2) A person who only addresses the Council or independent agency board during the "public comment" portion of its meeting agenda;
 - (3) A person who appears at the specific request or under compulsion of the Council or a Council committee; or of the board or committee of the board of an independent agency;
 - (4) Expert witnesses and other persons who give factual testimony about a particular matter or measure, but do not advocate passage or defeat of the matter or measure or any amendment thereto;
 - (5) A person, not exempt under paragraphs (1) through (4) and otherwise meeting the definition of a lobbyist who received no compensation as a lobbyist;
 - (6) A Principal or an officer or employee of a principal who performs lobbying activities as part of his or her assigned duties.
- (e) This section is limited to registration issues only, and nothing contained in this section shall be interpreted to limit the gift and honoraria solicitation and acceptance prohibitions set forth in Part 7 of this Chapter.

Sec. 602.802. - Restricted activities.

No information obtained from registration statements required by Section 602.801, Jacksonville Ordinance Code, or from lists compiled from such statements, shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

Sec. 602.803. - Fee disclosure.

A lobbyist who attempts to persuade or influence a Council Member, a Council committee, or the Council as a whole; or an independent agency board member, committee, or the independent agency as a whole; on any project, contract, development, ordinance, resolution, or agenda item, shall, prior to commencing lobbying efforts, file with the City's Council Secretary a disclosure revealing whether the lobbyist has a financial interest in the contract, development or project that extends beyond its approval, and the percent of that interest.

Sec. 602.804. - Penalties. A person who, knowingly and willfully:

- (a) Being at the time required to register as a lobbyist and not exempt from registration, fails or refuses to do so;
or

- (b) Having registered as a lobbyist, fails or refuses to properly file with the Council Secretary a corrected or amended registration statement when required by Section 602.801(c) to do so; or fails to disclose on the registration statement any information required by this Part;
- (c) Continues to act as a lobbyist after the expiration of the period for which the registration statement was filed with the Council Secretary; or
- (d) Commits, or procures or acquiesces in the commission of, any violation of this Part; shall be guilty of a class D offense against the City.

PART 9. - JACKSONVILLE ETHICS COMMISSION

For the full text of this section, see the link for the Code, above.

PART 10. ETHICS EDUCATION

Sec. 602.1001. - Ethics education program.

Officers and employees of the City, as public servants, are considered stewards of the public's trust and should aspire to the highest level of integrity and character. Officers and employees shall be informed of their ethical responsibilities at the start of their work with the City and shall receive updates and training materials on ethics issues throughout the span of their public service, as designated by the City Ethics Office and Ethics Officer(s).

- (a) Every officer and employee of the City must be responsible for understanding and complying with the provisions of this Chapter.
- (b) **Every elected official shall attend an Ethics in Government Program within a time period set by the Ethics Director, with the concurrence of the General Counsel**, but said time period shall not be less than 45 days following certification of election. Upon fulfillment of this requirement, each elected official will be issued a digital certificate of completion by the Jacksonville Ethics Office. Constitutional Officers complying with the State requirements and who submit proof of same and affirm that they have also read and understood the requirements of Chapter 602 Jacksonville Ethics Code, Ordinance Code, shall be issued a digital certificate of completion by the Jacksonville Ethics Office.
- (c) Every employee (regular and appointed) of the City shall complete an Employee Ethics Training Program within the first six months of his/her employment with the City. Current employees shall complete training as designated in a schedule developed by the City Ethics Office. Upon fulfillment of this requirement, each employee will be issued a certificate of completion by the City Ethics Office.
- (d) The City Ethics Office shall provide ethics education materials to appointed officials, and encourage appointed officials to attend an Ethics in Government Program.
- (e) The Ethics in Government Program and Employee Ethics Training Program shall be created and delivered by the City Ethics Office with assistance from the City's Ethics Officer(s) and the General Counsel's Office.
- (f) The programs shall include topics as determined necessary to explain the provisions of this chapter, the Florida Statutes concerning ethics and general ethics issues. Topics shall be determined based upon state law requirements and other issues as identified by the Ethics Director, Office of General Counsel and the Ethics Commission. This training shall not duplicate the training requirements of F.S. § 112.3142.

PART 11. CIVIL PENALTIES

Sec. 602.1101. - Public Reprimand or Civil Penalty.

A finding by the Ethics Commission of a violation of any part of this Chapter shall subject the person or entity to a public reprimand, a civil penalty of up to \$500, or both. All civil penalties collected shall be deposited into the City of Jacksonville General Fund.

Sec. 602.1102. - Rescission or Voidance of Benefit.

Upon a finding by the Ethics Commission that a violation of this Chapter resulted in a contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit conferred by the Jacksonville City Council as applicable, then such contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit may be rescinded or declared void by the Jacksonville City Council at the request of the Ethics Commission.

PART 12. - GENERAL PROVISIONS

Sec. 602.1201. - Voiding transactions in violation of Chapter; recovery by City.

The Mayor may declare void and rescind any contract, loan, grant, subsidy, license, right, permit, franchise, use, authority, privilege, certificate, ruling, decision, opinion or other benefit that has been awarded, granted, paid, furnished or published, in relation to which there has been any violation of this Chapter. The City shall be entitled to recover, in addition to any penalty prescribed by law or in a contract, the amount expended or the thing transferred or delivered on its behalf, or the reasonable value thereof.

Sec. 602.1202. - Liability for breach of public trust.

(a) Article II, Section 8(c) of the Constitution of the State of Florida applies to all officers and employees of the City and independent agencies. Section 8(c) states the following:

Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.

(b) Any officer or employee of the City or an independent agency who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the City or an independent agency for all financial benefits obtained by such actions.

Sec. 602.1203. - Personnel rules and regulations.

All employees of the City shall comply with the applicable provisions of Sections 11.01—11.04, Civil Service and Personnel Rules and Regulations, to the extent that they do not conflict with the provisions of this code of ethics.

Sec. 602.1204. - Severability.

It is not the intent of this Code to conflict with any applicable state law. If any Section, sentence, clause, phrase or word of this Chapter is for any reason held or declared to be unconstitutional, inoperative or void, such holding or

invalidity shall not affect the remaining portion of this Chapter; and it shall be construed to have been the legislative intent to pass this Chapter without such unconstitutional, invalid or inoperative part therein; and the remainder of this Chapter, after exclusion of such part or parts, shall be deemed and held to be valid as if such part or parts had not been included therein.

Sec. 602.1205. - Cooperation by appointed employees in official investigations.

All appointed employees, as a condition of employment, shall agree to cooperate truthfully, honestly, and completely with official government investigations including but not limited to, investigations by the Ethics Commission, Ethics Officer, State Attorney's Office, or United States Attorneys' Office, concerning his or her official duties or matters related to City government or business.

Sec. 602.1206. - Testimony and questioning of public officials and employees relating to public affairs.

- (a) No officer or employee of the City or an independent agency, who is called as a witness by or before any City, State or Federal administrative or judicial tribunal, shall refuse to answer before the tribunal any proper question concerning the performance of his or her official duties or to produce books, records and other papers and documents of his or her office or concerning his or her official duties properly required to be produced by or before the tribunal; provided, that the officer or employee shall retain his or her privileges and immunities against self-incrimination provided under the Constitution and laws of the state and the United States.
- (b) No employee of the City or an independent agency shall refuse to answer any question when directed to by a supervisor related to the employee's performance or fitness to serve; provided, that the employee shall retain those privileges and immunities provided under the Constitution and laws of the state and the United States, relating to the use of said information in a criminal prosecution.

Sec. 602.1207. - Disclosure of criminal records required.

A person, when applying for or when appointed to a City position, with or without compensation, shall be required to disclose to the appointing or hiring authority any criminal conviction and record thereof, with the exception of crimes that are classified or, if not committed in Florida, would be classified if committed in Florida, as misdemeanors of the second degree. Disclosures shall be made in writing and failure to disclose shall result in automatic removal or dismissal from the position, subject to the rules and regulations of the civil service system where applicable. If, at any time after the person is appointed to a City position, there is an allegation that the disclosure required by this Section is false or incomplete, the matter shall be submitted to the appointing or hiring authority for determination. If, after proper notice and hearing the cognizant authority determines that the disclosure is correct, no action shall be taken; but if, after proper notice and hearing, the cognizant authority determines that the disclosure is incorrect, the person submitting the same shall be deemed to have failed to make any disclosure.

Sec. 602.1208. - Penalty provisions. Unless otherwise set forth in this Chapter, any violation of this Chapter, which is declared to be unlawful, shall be a class C offense.