

1 Introduced by Council Member Clark and amended by the Rules
2 Committee: (Passed August 21, 2008)

3
4 **ORDINANCE 2008-470-E**

5 AN ORDINANCE REGARDING THE CITY'S ETHICS CODE,
6 CHAPTER 602, *ORDINANCE CODE*, AMENDING PART 7
7 (GIFTS AND HONORARIA), SECTION 602.703 (GIFT
8 REPORTS), *ORDINANCE CODE*, TO CLARIFY THE
9 PERSONS OBLIGATED TO REPORT GIFTS AND THE
10 MANNER OF SUCH REPORTING; AMENDING PART 8
11 (LOBBYING), SECTIONS 602.801 (REGISTRATION OF
12 LOBBYISTS; REGISTRATION STATEMENTS) AND
13 602.804 (PENALTIES), *ORDINANCE CODE*, TO
14 CLARIFY LOBBYING REGISTRATION REQUIREMENTS AND
15 TO INCREASE THE PENALTIES FOR VIOLATIONS OF
16 PART 8 FROM CLASS A OFFENSES TO CLASS D
17 OFFENSES; PROVIDING AN EFFECTIVE DATE.

18
19 **BE IT ORDAINED** by the Council of the City of Jacksonville:

20 **Section 1. Chapter 602 (Ethics Code), Part 7 (Gifts and**
21 **Honoraria), Section 602.703 (Gift Reports), *Ordinance Code,***
22 **Amended.** Chapter 602 (Ethics Code), Part 7 (Gifts and Honoraria),
23 Section 602.703 (Gift Reports), *Ordinance Code*, is hereby amended
24 to read as follows:

25 **PART 7. GIFTS AND HONORARIA**

26 * * *

27 **Sec. 602.703. GIFT REPORTS.**

28 (a) All officers and employees subject to reporting gifts
29 under section 112.3148, Florida Statutes, shall report those gifts
30 in the manner provided by state law.

1 (b) All appointed employees either (1) confirmed by Council,
2 or (2) serving as aides (regardless of title) to the Mayor in a
3 non-clerical capacity, or (3) serving as the executive director of
4 the Jacksonville Economic Development Commission, or (4) serving as
5 the Library Director; all procurement related employees, permitting
6 employees, and zoning employees; and all members of the boards of
7 the Jacksonville Economic Development Commission, Library Board,
8 Public Service Grant Council, and Tourist Development Council; so
9 long as such position named in this subsection is not obligated to
10 report gifts under section 112.3148, Florida Statutes,
11 (collectively, local reporting individuals); who receive a gift, as
12 defined by this Chapter, in excess of one hundred (\$100) dollars,
13 shall report that gift by filing an annual disclosure of gifts on-
14 line

15 (c) The annual disclosure of a local reporting individual
16 shall be filed on-line utilizing a form which is substantially the
17 same in content as that required by state law, and the disclosure
18 shall be submitted annually, by July 1.

19 (d) The City's Ethics Officer shall provide training and
20 notice of filing deadlines to local reporting individuals
21 so as to best effect voluntary compliance with this
22 section.

23
24 **LOBBYING CODE CHANGES**

25
26 **Section 2. Chapter 602 (Ethics Code), Part 8 (Lobbying),**
27 **Ordinance Code, Amended.**

28 Chapter 602 (Ethics Code), Part 8 (Lobbying), *Ordinance Code,*
29 is hereby amended to read as follows:

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 the attempt to encourage the passage, defeat, or modification of any legislation, proposal or recommendation of the City or of an officer or employee of the City. Lobbying shall not include the following:

(1) Legal or settlement discussions directed toward an attorney for the City; or

(2) Participation in a quasi-judicial proceeding involving the City (except that all ex-parte communication to a decision maker or non-lawyer city employee constitutes lobbying).

(b) Each person who lobbies, for compensation as a lobbyist, any officer or employee of the City 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 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

1 lobbyist, his or her registration statement and oath shall be
2 removed from the book of active lobbyists and shall be placed in
3 a book of inactive or former lobbyists; but no person may have a
4 registration statement and oath on file in both books.

5 (c)(1) When a person registers as a lobbyist, he or she
6 shall file a registration statement and oath in the form
7 developed from time to time by the Office of General Counsel, in
8 consultation with the City Ethics Officer, the Council Secretary
9 and the Ethics Commission. The Council Secretary, in
10 consultation with the Office of General Counsel, is authorized
11 to reject or strike non-conforming registrations. No person may
12 commence or continue lobbying activity related to a rejected or
13 stricken registration statement until such time as a corrected
14 registration statement is submitted and accepted by the Council
15 Secretary.

16 * * *

17 (d) The following persons shall not be required to
18 register as lobbyists:

19 (1) A public official, City employee or salaried
20 employee of a public agency acting in his or her official
21 capacity or in connection with his or her job responsibilities
22 or as authorized or permitted to lobby pursuant to a collective
23 bargaining agreement;

24 (2) A person who only addresses the Council during
25 its "public comment" portion of the Council agenda;

26 (3) A person who appears at the specific request or
27 under compulsion of the Council or a Council committee;

28 (4) Expert witnesses and other persons who give
29 factual testimony about a particular matter or measure, but do

1 not advocate passage or defeat of the matter or measure or any
2 amendment thereto.

3 (5) A person, not exempt under paragraphs (1) through
4 (4) and otherwise meeting the definition of a lobbyist who
5 received no compensation as a lobbyist.

6 (6) A Principal or an officer or employee of a principal
7 who performs lobbying activities as part of his or her assigned
8 duties.

9 (e) This section is limited to registration issues only, and
10 nothing contained in this section shall be interpreted to limit the
11 gift and honoraria solicitation and acceptance prohibitions set
12 forth in Part 7 of this Chapter.

13 * * *

14 **Sec. 602.804. Penalties.**

15 A person who, knowingly and willfully:

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

19 (b) Having registered as a lobbyist, fails or
20 refuses to properly file with the Council Secretary a corrected
21 or amended registration statement when required by Section
22 602.801(c) to do so; or fails to disclose on the registration
23 statement any information required by this Part;

24 (c) Continues to act as a lobbyist after the
25 expiration of the period for which the registration statement
26 was filed with the Council Secretary; or

27 (d) Commits, or procures or acquiesces in the
28 commission of, any violation of this Part; shall be guilty of a
29 class D offense against the City.

30