

CITY OF JACKSONVILLE GOVERNMENT ETHICS



BOARDS AND COMMISSIONS Ethics and Orientation Materials



**GIFTS OVER
\$100**



**ASKING FOR THINGS
FROM VENDORS/LOBBYISTS**



**TRAVEL PAID
BY 3RD PARTY**



**MISUSE OF TIME
OR SUPPLIES**



CONFLICTS OF INTEREST



MISUSE OF POSITION



**SUNSHINE
VIOLATIONS**



**HIRING OR PROMOTING
RELATIVES**



**DESTROYING PUBLIC
RECORDS**

Welcome

Boards and Commissions



City of Jacksonville

Ethics and Orientation Guide

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The Law for All Boards

References and Resources



Boards and Commissions members are required to follow certain state and local laws during their term(s) of service. Below is a listing of general laws that apply to all City Boards and Commissions members. A listing of specialty laws that apply to only specific Boards and Commissions can be found on page 14.

GENERAL LAWS

1. Sunshine Law and Public Records Act

- Florida Statutes section 286.011 (Sunshine Law)
- Florida Statutes Chapter 119 (Public Records Act)
- See Ethics in a Nutshell Government in the Sunshine: A Guideline for Boards and Commissions on page 7
- 2018 Government-In-The-Sunshine Manual (published by Florida Attorney General's Office): [http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/\\$file/2018+Government+in+the+Sunshine+Manual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/$file/2018+Government+in+the+Sunshine+Manual.pdf)

2. State and Local Ethics Laws

- Florida Statutes Chapter 112, Part III (Code of Ethics for Public Officers and Employees): <http://www.flsenate.gov/Laws/Statutes/2018/Chapter112/PartIII>
- Jacksonville Ordinance Code, Chapter 602 (Jacksonville Ethics Code): <https://library.municode.com/fl/jacksonville/codes/codeofordinances?nodeId=TITXVIJUCOCH602JAETCO>
- See Top 10 Ethics Danger Areas for Boards and Commissions on page 9

3. Jacksonville Ordinance Code Chapter 50, Part I (Organization of Boards and Commissions):<https://library.municode.com/fl/jacksonville/codes/codeofordinances?nodeId=TITIVBOCOCH50ORBOCO>

- See Chapter 50, Part I on page 22

4. Roberts Rules of Order

- See summary of Roberts Rules of Order on page 10

Sunshine in a Nutshell

For Boards and Commissions



All members of Boards and Commissions must know about and follow two important Florida laws: the Sunshine Law and Public Records Law. The purpose of these laws is to give the citizens of our community more transparency and information about their government.

A detailed Sunshine guide is provided by the State Attorney General here:
<http://www.myfloridalegal.com/sun.nsf/sunmanual>

SUNSHINE LAW – (Florida Statute 286.011)

There are 3 major requirements of this law:

1. Your Board meetings must be open and accessible to the public
2. Reasonable advance notice of the meetings must be given
3. Written minutes must be taken and open for inspection

****NOTICE MEETINGS; MAKE OPEN TO THE PUBLIC; AND TAKE MINUTES!****

What is considered a “meeting”? A meeting is any time you communicate (phone, mail, email, talking) with another member of your commission and you are talking about subjects that are likely to come up in front of your commission/board. ***This includes sub-committee meetings.*** You cannot discuss any public business or matters connected with your board with another member of your board outside of a “noticed meeting”. This includes: casual gatherings, talking in the hall, chance meetings, emails, telephone conversations, and letters or emails that are used to develop a position.

Activities which are OK:

- Talking with other board members about your family or sports.
- Having a holiday party with other board members (but you cannot discuss board business at the party).
- Speaking with another commission member on a panel at a community forum (but you can't talk back and forth on issues with the other member from your board).
- Sending out an email with an article you find interesting (but you can't put in the email: “What do you think about this for our Board? Email your comments to me”) If you receive an email like this from another board member, do NOT respond to it! In other words, don't start a conversation about it..

- You can talk to city staff but you can't use the staff to go back and forth with other members to build a consensus (to staff member: Can you go ask the other board members what they think of this and get back to me? That is not OK!)
- Do with extreme caution: an email or letter sending a report as to what will be discussed at the meeting is OK; do NOT interact with any of the members or talk to them about it or ask for comments. All of the discussion and comments should be at the noticed meeting.
- Do with extreme caution: you can send out a statement of your position or future actions you intend on taking. Although this is OK, make sure you do not ask for comments or feedback or start a conversation with other board members about it. Check with your city liaison if you have any questions before sending something like this out.
- Fact finding activity only (but check with your board liaison if any question on this);
- Because it can give the appearance to others that business is being discussed, try to avoid talking privately or whispering to another board member in an actual meeting. Don't chat about board matters right before the meeting officially starts or after the meeting has been officially adjourned.

NOTICE of meetings should be sent out at least 24 hours before the meeting (for emergencies only), but it is much better to allow for 7 or more days. Your city liaison will send out the notice for you.

MINUTES You are responsible for keeping the minutes of your meetings, but usually this is done for you by a city employee assigned to your board. If no one from the city is there, you must take minutes yourself. (This usually happens in sub-committee meetings.)

PENALTIES Violation of the above laws is a criminal offense with up to 60 days in jail; even if you didn't mean to do it (no intent), you can be fined a civil penalty of up to \$500. You can also be sued in a civil lawsuit if these laws are violated.

PUBLIC RECORDS (Florida Statute Chapter 119)

- **Requirements:** Documents generated by a commission or board are public records and must be open for public inspection and copying. If you receive any request for the records or documents of your board or commission, immediately forward them to your city liaison so it can be handled correctly and in a timely fashion.
- **What are "public documents"?** Everything—all documents, papers, emails, letters, books, tapes, photos, software, videos, audio recordings, or other material regardless of how it is kept; if it is made in connection with the official business of your board or commission. This can even include non-final documents, such as draft documents or notes you take to remember events.
- **What documents are not covered?** Personal notes used to prepare other documents, strictly personal emails or other personal writings; and notes given by you to someone else to type up a final document. In general, however, you should assume that all of your writings in connection with your board duties may become public records as you write them and that citizens can ask for copies of them.
- **Penalties:** up to one year in jail and fines; or a civil fine of \$500 or civil law suits.

Top Ten Danger Areas For Boards and Commissions



YOU COULD BE IN TROUBLE IF YOU:

1. Violate the Sunshine Law by discussing board/commission business with another member of your board/commission without notifying the public ahead of time (generally 7 days, or 24-hours for emergencies) and taking minutes.
2. Don't keep all records of public business (documents, text messages, emails).
3. Accept gifts over \$100 from anyone doing business with or lobbying your board/commission.
4. Ask for anything (favours, gifts, etc.) for you or your family.
5. Vote on an issue in which you (or family or business associates) have a special private gain.
6. Or your family does business with the city (there are exemptions for some of these activities).
7. Work for (employee or consultant or independent contractor) any company doing business with the city.
8. Use your position for any personal gain for you, family or business associates.
9. Do not provide time for the public to comment on an issue before a vote is held.
10. Take a bribe; "I will do this if you give me..."

Roberts Rules of Order

The Basics



The purpose of “Robert’s Rules of Order” includes the following:

- Ensure majority rule
- Protect the rights of the minority, the absentees and individual members
- Provide order, fairness and decorum
- Facilitate the transaction of business and expedite meetings

Basic Principles

- All members have equal rights, privileges and obligations
- Full and free discussion of every motion is a basic right
- Only one question at a time may be considered, and only one person may have the floor at any one time
- Members have a right to know what the immediately pending question is and to have it restated before a vote is taken
- No person can speak until recognized by the chair
- Personal remarks are always out of order
- A majority decides a question except when basic rights of members are involved
- Silence gives consent. Those who do not vote allow the decision to be made by those who do vote

Role of the Presiding Officer

- The chair should remain impartial and only insert their opinion into the debate after everyone else has had a chance to speak
- Introduce business in proper order
- Recognize speakers
- Determine if a motion is in order
- Keep discussion germane to the pending motion
- Maintain order
- Put motions to a vote and announce results

General Procedure for Handling a Motion

- A member must obtain the floor by being recognized by the chair
- Member makes a main motion
- A motion must be seconded by another member before it can be considered
- If the motion is in order, the chair will restate the motion and open debate (if debatable)
- The maker of a motion has the right to speak first in debate
- The main motion is debated along with any Subsidiary motions (e.g. "I move to amend the motion by ...", "I move to divide the question.")
- Debate on Subsidiary motions (if debatable) takes precedence over debate on the main motion and must be decided before debate on the main motion can continue.
- Debate is closed when: Discussion has ended or a vote closes debate ("Call the question")
- The chair restates the motion, and if necessary clarifies the consequences of affirmative and negative votes
- The chair calls for a vote by asking "All in favor?" Those in favor say "Aye" Then asking "All opposed?" Those opposed will say "No" And finally asking "All abstained?" Those abstaining will say "Aye". The chair announces the result

General Rules of Debate

- No members may speak until recognized by the chair
- All discussion must be relevant to the immediately pending question
- No member can speak more than once to each motion
- No member can speak more than three minutes
- All remarks must be addressed to the chair – no cross debate is permitted
- It is not permissible to speak against one's own motion (but one can vote against one's own motion)
- Debate must address issues not personalities – no one is permitted to make personal attacks or question the motives of other speakers
- When possible, the chair should let the floor alternate between those speaking in support and those speaking in opposition to the motion
- Members may not disrupt the assembly
- Rules of debate can be changed by a vote

Robert's Rules Help Get Things Done!

- Make Motions – that are in order
- Obtain the Floor - properly
- Speak – clearly and concisely
- Obey – the rules of debate
- And most of all, be courteous! That's always in order!

ADA Compliance

For Boards and Commissions



Remember: As part of making meetings open to the public, they must be accessible to individuals with disabilities. The City's Disabled Services Division provides numerous services, including braille transcribing, that could make your meetings and handouts more accessible for all. They also recommend preparing large-font copies of handouts and using "people first" language when communicating with people with disabilities.

PEOPLE FIRST LANGUAGE SAYS THIS

INSTEAD OF THIS

| | |
|--|--|
| People with disabilities. | The handicapped or disabled. |
| He has a cognitive disability/diagnosis. | He's mentally retarded. |
| She has autism (or a diagnosis of...). | She's autistic. |
| He has Down syndrome. | He's Down's; a mongoloid. |
| She has a learning disability (diagnosis). | She's learning disabled. |
| He has a physical disability (diagnosis). | He's a quadriplegic/is crippled. |
| She's a little person. | She's a dwarf/midget. |
| He has a mental health condition. | He's emotionally disturbed/mentally ill. |
| She uses a wheelchair/mobility chair. | She's confined to/is wheelchair bound. |
| He receives special ed services. | He's in special ed. |
| She has a developmental delay. | She's developmentally delayed. |
| Children without disabilities. | Normal or healthy kids. |
| Communicates with her eyes/device. | Is non-verbal. |
| Congenital disability | Birth defect |
| Brain injury | Brain damaged |
| Accessible parking, hotel room, etc. | Handicapped parking, hotel room, etc. |
| She needs... or she uses... | She has problems with... |

Excerpted from Kathie's People First Language article, available at www.disabilityisnatural.com.

Contact List

Boards and Commissions



Carla Miller, Director

Office of Ethics Compliance and Oversight

carlam@coj.net

Hotline 630-1015 or Office 255-5507

Lisa Green, Inspector General

Office of Inspector General

inspectorgeneral@coj.net

630-8000

Kevin McDaniel, Chief

Disabled Services Division

klmcdan@coj.net

255-5675

Charlene Taylor Hill, Director

Jacksonville Human Rights Commission

charlene@coj.net

255-5397

Customer Service Center

630City@coj.net

630-CITY (2489)

The Law for Specialty Boards

References and Resources



Below is a listing of specialty laws that apply to only specific Boards and Commissions:

Specialty Laws

1. Quasi-Judicial Proceedings and Communications

- Jacksonville Ordinance Code Chapter 50, Part II (Procedures Governing Conduct of Public Officials with Respect to Ex Parte Communications):
<https://library.municode.com/fl/jacksonville/codes/codeofordinances?nodeId=TIIVBOCOCH50ORBOCOPT2PRGOCOPUOFREEXPACO>
- See summary of quasi-judicial proceedings on page 15
- See Chapter 50, Part II on page 28

2. Financial and Gift Disclosures

- Florida Statutes section 112.3145 (Disclosure of Financial Interests and Clients Represented Before Agencies):
<http://www.flsenate.gov/Laws/Statutes/2018/112.3145>
- See summary of Financial and Gift Disclosures on page 16
- See Form 1 2017 Statement of Financial Interests on page 19
- See Form 9 Quarterly Gift Disclosure on page 21

Quasi-Judicial Actions For Boards and Commissions



Simply stated, a decision is 'quasi-judicial' when a governmental body takes action similar to that taken by a judge by applying the law to a particular set of facts or circumstances. The Jacksonville Ordinance Code section 50.202(d) defines quasi-judicial as "... action of public officials or bodies who are required to investigate facts, or ascertain the existence of facts, hold hearings, weigh evidence and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature.

To ensure fairness to all parties involved, the Florida Supreme Court [has] ruled that because the act of **applying the law** to specific circumstances (such as zoning changes) are **judicial in nature**, the parties involved should be afforded most of the same protections as those presenting a case in court. These protections include the right to have all witnesses testify under oath, the right of opposing sides to ask questions of each other's witnesses, and the right of each side to hear everything said to the decision maker." (1) Therefore, Chapter 50, Part II of the Jacksonville Ordinance Code requires that any ex parte communications with quasi-judicial Boards and Commissions members that occur outside a public hearing must be disclosed following the procedures specified in Part II of Chapter 50.

The following City Boards and Commissions may take quasi-judicial action:

- [Building Codes Adjustment Board](#)
- [Civil Service Board](#)
- [Construction Trades Qualifying Board](#)
- [Context Sensitive Streets Standards Committee](#)
- [Downtown Development Review Board](#)
- [Environmental Protection Board](#)
- [Jacksonville Ethics Commission](#)
- [Jacksonville Historic Preservation Commission](#)
- [Jacksonville Human Rights Commission](#)
- [Planning Commission](#)
- [Tower Review Committee](#)
- [Value Adjustment Board](#)
- [Certificate of Use Board](#)

(1) *City of Port Orange Handbook for Appointed Boards & Commissions, pgs. 2-3*

Financial/Gift Disclosures For Boards and Commissions



Florida Statutes sections 112.3145 and 112.3148 require members of specific City Boards and Commissions to file an annual disclosure statement of their financial interests (Form 1) and a quarterly gift disclosure for any acceptable gifts received in the prior calendar quarter (Form 9). Below is a listing of the seven (7) City Boards and Commissions that are required to file financial and gift disclosures:

1. [Building Codes Adjustment Board](#)
2. [City of Jacksonville Retirement System Board of Trustees](#)
3. [Downtown Investment Authority](#)
4. [Jacksonville Ethics Commission](#)
5. [Jacksonville Health Facilities Authority](#)
6. [Jacksonville Police & Fire Pension Board of Trustees](#)
7. [Planning Commission](#)

SUMMARY OF FINANCIAL DISCLOSURES

If you are a member of one of the seven Boards and Commissions listed above, you are required by state law to file annual financial disclosure statement. **Form 1** – Must be filed with the Supervisor of Elections for county in which you reside: **within 30 days of initial appointment (generally the date you are confirmed by City Council)** and then annually by July 1 of each year (for the prior calendar year, like taxes) **Form 1 F**—Must be filed with the Supervisor of Elections for county in which you reside within 60 days of leaving your Board or Commission. **Note that the State Ethics Commission imposes significant fines and penalties for failing to file timely financial disclosures.**

The Form 1 you are required to file asks for sources of income, not actual amounts.

GIFT DISCLOSURE FORMS

If you file state financial disclosure forms, you are also required to file a quarterly GIFT DISCLOSURE (Form g) if you have received gifts in excess of \$100.00 from an allowable source. Note: you cannot receive a gift from a lobbyist/vendor/someone doing business with your Board or Commission (travel, tickets, etc.) in excess of \$100.00 or \$250.00 from one entity per year. Gifts from relatives are excluded from the Gift Disclosure Form g requirement. Other gifts/perks in excess of \$100.00 have to be disclosed but beware—always look a gift horse in the mouth!

The Gift Forms are filed directly with the State Ethics Commission per the instructions located on Form g for the calendar quarter following quarter in which gift received:

Gift Disclosure Deadlines:

- | | |
|-----------------|-----------------------------------|
| 1) March 31 | October-December of Previous Year |
| 2) June 30 | January-March of Current Year |
| 3) September 30 | April-June of Current Year |
| 4) December 31 | July-September of Current Year |

ALL CURRENT FORMS CAN BE FOUND ON THE STATE ETHICS COMMISSION WEBSITE:

<http://www.ethics.state.fl.us>. Go to the section on Financial Disclosure, then “Download a Form” to find both Form 1 and Form g, including instructions. The website changes periodically, but they always have the forms somewhere on the site!

Questions? E-mail ethics@coj.net

FORM 1

**STATEMENT OF
FINANCIAL INTERESTS**

2017

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 :

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

CHECK ONLY IF CANDIDATE OR NEW EMPLOYEE OR APPOINTEE

SAMPLE

**** **BOTH PARTS OF THIS SECTION MUST BE COMPLETED** ****

DISCLOSURE PERIOD:

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (must check one):

DECEMBER 31, 2017 OR SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR: _____

MANNER OF CALCULATING REPORTABLE INTERESTS:

FILERS HAVE THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). CHECK THE ONE YOU ARE USING (must check one):

COMPARATIVE (PERCENTAGE) THRESHOLDS OR **DOLLAR VALUE THRESHOLDS**

PART A -- PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person - See instructions]

(If you have nothing to report, write "none" or "n/a")

| NAME OF SOURCE OF INCOME | SOURCE'S ADDRESS | DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY |
|--------------------------|------------------|---|
| | | |
| | | |
| | | |
| | | |

PART B -- SECONDARY SOURCES OF INCOME

[Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions]

(If you have nothing to report, write "none" or "n/a")

| NAME OF BUSINESS ENTITY | NAME OF MAJOR SOURCES OF BUSINESS' INCOME | ADDRESS OF SOURCE | PRINCIPAL BUSINESS ACTIVITY OF SOURCE |
|-------------------------|---|-------------------|---------------------------------------|
| | | | |
| | | | |
| | | | |

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person - See instructions]

(If you have nothing to report, write "none" or "n/a")

| |
|--|
| |
| |
| |

FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.

INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.

PART D — INTANGIBLE PERSONAL PROPERTY [Stocks, bonds, certificates of deposit, etc. - See instructions]
 (If you have nothing to report, write "none" or "n/a")

| TYPE OF INTANGIBLE | BUSINESS ENTITY TO WHICH THE PROPERTY RELATES |
|--------------------|---|
| | |
| | |

PART E — LIABILITIES [Major debts - See instructions]
 (If you have nothing to report, write "none" or "n/a")

| NAME OF CREDITOR | ADDRESS OF CREDITOR |
|------------------|---------------------|
| | |
| | |

PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses - See instructions]
 (If you have nothing to report, write "none" or "n/a")

| NAME OF BUSINESS ENTITY | BUSINESS ENTITY # 1 | BUSINESS ENTITY # 2 |
|---|---------------------|---------------------|
| | | |
| 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 G — TRAINING

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

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

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

SIGNATURE OF FILER:

Signature: _____

Date Signed: _____

CPA or ATTORNEY SIGNATURE ONLY

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 1 in accordance with Section 112.3145, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

CPA/Attorney Signature: _____

Date Signed: _____

FILING INSTRUCTIONS:

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location. To determine what category your position falls under, see page 3 of instructions.

Local officers/employees file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.) Form 1 filers who file with the Supervisor of Elections may file by mail or email. Contact your Supervisor of Elections for the mailing address or email address to use. Do not email your form to the Commission on Ethics, it will be returned.

State officers or specified state employees who file with the Commission on Ethics may file by mail or email. To file by mail, send the completed form to P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 325 John Knox Rd, Bldg E, Ste 200, Tallahassee, FL 32303. To file with the Commission by email, scan your completed form and any attachments as a pdf (do not use any other format) and send it to CEForm1@leg.state.fl.us. Do not file by both mail and email. Choose only one filing method. Form 6s will not be accepted via email.

Candidates file this form together with their filing papers.

MULTIPLE FILING UNNECESSARY: A candidate who files a Form 1 with a qualifying officer is not required to file with the Commission or Supervisor of Elections.

WHEN TO FILE: Initially, each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates must file at the same time they file their qualifying papers.

Thereafter, file by July 1 following each calendar year in which they hold their positions.

Finally, file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2017.

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.

Appendix: Chapter 50 – Part 1

Organization of Boards and Commissions



PART 1. – ORGANIZATION

Sec. 50.101. - Scope.

In the absence of provisions to the contrary, the provisions of this Chapter apply to all boards, commissions and councils created by ordinance.

Sec. 50.102. - Members of boards and commissions.

(a) General. Members of the boards and commissions shall be appointed by the Mayor, subject to confirmation by the Council, except where otherwise expressly provided with respect to a particular board or commission. Members of the boards and commissions, together with the Planning Commission created by Part 2, Chapter 30, shall continue in office for the term of their respective office, or until they are reappointed and confirmed, or until their qualified successors have been appointed and confirmed. Provided that, no member of any board or commission shall remain a member of the board or commission if they seek employment or a paid position of any kind with the department, agency or entity for which the board or commission has oversight or direct interaction with such department, agency or entity. Once a member submits an application for employment to the department, agency or entity for which the board or commission has oversight or direct interaction, the member shall tender their resignation within 24 hours. No member of any board or commission shall receive compensation for his services as such, except as otherwise provided herein, or be entitled to pension or other retirement benefits on account of such service. However, board or commission members shall receive their actual and necessary pre-approved expenses incurred in the performance of their duties of office, including travel expense reimbursement as provided in Chapter 106. (b) Residency Requirement. Except as otherwise specifically provided by ordinance or the Ordinance Code, all board and/or commission members of boards and/or commissions provided for in this title, or in any other ordinance, whose members are confirmed by Council, shall be permanent residents of Duval County inclusive of Urban Service Districts 2, 3, 4 and 5; or maintain a substantial economic business interest or substantial philanthropic interest as determined by the City Council within Duval County. ...

Failure to establish and maintain residency within Duval County, inclusive of Urban Service Districts 2, 3, 4 and 5, or failure to maintain a substantial economic business interest or substantial philanthropic interest as determined by the City Council within Duval County shall automatically and forthwith divest any member from the appointed board and/or commission and the seat shall be declared vacant. (c) Legislation and Justification Requirements . The legislation shall designate whether the appointee is or is not a resident of Duval County, inclusive of the Urban Services Districts 2, 3, 4 and 5. If the appointee does not reside in Duval County, inclusive of Urban Services Districts 2, 3, 4 and 5, the legislation shall clearly state the substantial business, or philanthropic contribution of the appointee, or that the provisions of the code are being waived for any non-resident appointee. The bill sponsor shall appear before the Rules Committee at a meeting separate and prior to the appearance of the appointee, to establish and debate the requirements of the substantial business and/or philanthropic contribution of the appointee and/or the reason for the waiver of the requirements of Section 50.102.

Sec. 50.103. - Members may hold more than one office.

A member of any board or commission can hold another nonelective public office or a nonelective position in the Consolidated Government; provided, that:

- (a) The board or commission does not have authority over or make policy decisions which affect or regulate the public office or position in the Consolidated Government held by the person being considered for the appointment; and (b) The regularly scheduled board or commission meetings do not conflict with the workday or work duties of the person being considered for the appointment.

Sec. 50.104. - Vacancies; attendance; limitations on terms of service.

Any vacancy on any board or commission shall be filled for the unexpired term in the same manner as provided for the initial appointment to the board or commission. If any appointed member of a board or commission fails to attend two of three successive meetings of the board or commission without cause and without prior approval of the chairman of the board or commission, the board or commission shall declare the member's office vacant and the vacancy shall be filled as provided for herein. Any member appointed to a board or commission for two consecutive full terms shall not be eligible for the next succeeding term. Alternate member terms shall not be considered full terms for the purpose of term limitation. Any individual appointed to serve on a board or commission for less than 50 percent of the board or commission length of term, at the time of the effective date of the legislation, shall not be considered a first full term. These appointments shall be referred to as partial terms.

Sec. 50.105. - Procedure; officers; rules.

Unless otherwise provided with respect to a particular board or commission, each board or commission shall hold regular meetings at least quarterly and may hold more frequent regular meetings as needed. A majority of the membership of a board or commission shall constitute a quorum for the purpose of meetings and transacting business. Each board or commission shall elect a chairman, a vice chairman and a secretary, each of whom shall serve for one year and until his successor is chosen, unless otherwise provided with respect to a particular board or commission. The secretary shall ensure that minutes are taken for every official meeting of their board or commission. Each board may adopt, amend and repeal rules for its further organization, not inconsistent with law.

Sec. 50.106. - Budgets.

Each board or commission shall submit, through the Finance and Administration Department, within the time and in the manner provided in the Budget and Accounting Code, an annual legislative budget for the public funds which it deems necessary for the performance of its functions. If a budget is appropriated by the Council, it shall be administered as a part of the appropriations to the Executive Office of the Mayor for advisory and regulatory boards. The requirements of this Section shall not be prejudicial to other ordinances making other provisions for the submission or administration of a budget by a particular board or commission.

Sec. 50.107. - Boards and commissions subject to certain laws.

Each board and commission is subject to the provisions of F.S. Ch. 119 and F.S. Ch. 286 (the Public Records Law and the Government in the Sunshine Law, respectively) and any exceptions as provided for by Florida law, specifically Section 112.324 (Commission on Ethics). Each prospective member of a board or commission of the City shall be provided with a summary of F.S. Ch. 119 and F.S. Ch. 286, prepared by the Office of Ethics, Compliance and Oversight and the Office of General Counsel, by the nominating authority prior to the prospective member's acceptance of such nomination. Furthermore, each prospective member shall acknowledge receipt of these documents and shall acknowledge an understanding of the duties and responsibilities of such membership, as imposed by such laws, prior to confirmation of the prospective member by the Council. The rules of each board and commission shall designate a custodian of the records of the board or commission, who shall be responsible for their safekeeping and administration according to F.S. Ch. 119 and Part 2, Chapter 124.

Sec. 50.108. - Duties of boards and commissions.

In order for each person appointed to a board or commission to understand the duties and responsibilities for that office, each prospective member of a board or commission of the City shall be provided with a copy of the ordinance, statute or order creating that board or commission by the nominating authority prior to the prospective member's acceptance of such nomination. Furthermore, each prospective member shall acknowledge receipt of these documents and shall acknowledge an understanding of the duties and responsibilities of such membership, as imposed by such laws, prior to confirmation of the prospective member by the Council.

Sec. 50.109. - Ethics Training.

Every Board and Commission member shall attend an Ethics Training program within the first six months of confirmation of his/her appointment. Upon fulfillment of this requirement, each member will be issued a certificate of completion by the Ethics Office. This certification is valid for a period of four years. Each member shall also be required to review any annual training updates posted online. The Ethics Training program shall be created and delivered by the Office of Ethics, Compliance and Oversight with assistance from the Office of General Counsel. Training topics may include but are not limited to: (1) Ethics in government; (2) ADA compliance; (3) Chapter 50 (Boards and Commissions) and Chapter 58 (Advisory Boards and Commission) of the Ordinance Code; (4) Public Records and Sunshine Law; (5) Methods for elimination of discriminatory practices.

Sec. 50.110. - Review of Boards and Commissions, Sunseting and Reporting.

(a) Review and Sunseting of Certain Boards and Commissions. Beginning on July 1, 2016 (or shortly thereafter) and at least every four years thereafter, the Rules Committee, or the council committee assigned to such related matters, shall begin the process of reviewing each of the boards and commissions created by Ordinance Code or boards or commissions created by the City pursuant to state law (but not statutorily mandated boards or commissions) (together described hereinafter "Boards and Commissions"), as identified in Appendix A, to assess whether such Board or Commission continues to perform a valuable service or fulfill a valuable function for our City, whether any restrictions placed on membership of the Board or Commission are appropriate or should be diminished or enhanced, whether the duties and responsibilities of the Board or Commission should be revised, and any other relevant matter with respect to the operation and purpose of such Boards and Commissions and the need for continuation of such Boards and Commissions. The first review shall follow a schedule created by the Rules Committee Chair and shall be completed by June 30, 2017. Thereafter every four years, the Rules Committee shall...

...complete the review within the same Council calendar year as initiated. Following the review of the Boards and Commissions identified in Appendix A, as may be amended from time to time, the Rules Committee shall make a recommendation as to which, if any, should sunset and shall proffer legislation to sunset any of said Boards and Commissions, which individual legislation shall be assigned to the standing committee(s) charged with matters delegated to that subject matter of certain Boards and Commissions; (b) Reporting. In addition to the requirements of Chapter 58, Ordinance Code, all Boards and Commissions described in subparagraph (a) above, and Boards or Commissions requiring joint appointment by the Council and Mayor, including those of the independent authorities, shall submit an annual report to Council, filed with the Council Secretary, with supporting documentation, no later than June 30 of each year. The annual report shall contain a summary of the board or commissions' prior year activities, including how often the board or commission met, the current members of the board or commission, identification of any vacancy positions, and its individual assessment of the effectiveness of the particular board or commission.

APPENDIX: Chapter 50 – Part 2

Ex Parte Communications for Specialty Boards and Commissions



PART 2. - PROCEDURES GOVERNING CONDUCT OF PUBLIC OFFICIALS WITH RESPECT TO EX PARTE COMMUNICATIONS

Sec. 50.201. - Purpose.

The purpose of this Part 2 is to establish procedures, to remove the presumption of prejudice from ex parte communications, that is, any communication which occurs outside of a public hearing, with local public officials who are members of any City of Jacksonville board, agency, authority or commission, including the City Council, which recommends or takes quasi-judicial action as a member of such board, agency, authority, commission or City Council. Further, the purpose of this Part is to entitle the public officials of the City of Jacksonville and its citizens to all of the benefits available pursuant to the authority of F.S. § 286.0115.

Sec. 50.202. - Definitions.

As used herein:

(a) Board, agency, authority or commission means all of those boards and commissions included within this Title IV, Ordinance Code, as well as the Planning Commission, the Civil Service Board, Value Adjustment Board and the City Council; (b) Ex parte communication means any form of communication, either oral or written, including any other form of non-verbal communication, with public officials which occurs outside of a public hearing. Such communications include, but are not limited to: conversations, meetings, site visits, mailings, or presentations during which substantial factual information about an item is gathered by or submitted to a local public official; (c) Local public official or public official means any elected or appointed public official of a City of Jacksonville board, agency, authority or commission, including the City Council, which recommends or takes quasi-judicial action; (d) Quasi-judicial is a term which applies to the action of public officials or bodies who are required to investigate facts, or ascertain the existence of facts, hold hearings, weigh evidence and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature.

Sec. 50.203. - Applicability.

This Part shall apply to any and all quasi-judicial proceedings of all commissions included within this Title IV, Ordinance Code, the Planning Commission, the Civil Service Board, the Value Adjustment Board and the City Council. This ordinance is not intended to and shall not apply to the independent agencies of the City of Jacksonville, such as the JEA, the Jacksonville Transportation Authority, the Duval County School Board and the Downtown Development Authority.

Sec. 50.204. - Declaration of policy on ex parte communications; procedures for disclosure.

During the course of carrying out the duties and responsibilities of local public officials, situations may arise in which ex parte communications occur. Recognizing that such communications may, at times, be unavoidable, and that an outright prohibition on such communications interferes with the public's right to voice its opinions to public officials and with the performance of the duties and responsibilities of public officials, on those occasions when ex parte communications are received by local public officials, they shall be handled in the following manner. (a) Communications generally. All communications involving matters of a quasi-judicial nature should occur at public hearing(s), except as otherwise specifically permitted hereunder or in subsection (b) of this Section. (i) Written communications. Public officials may read written ex parte communications concerning quasi-judicial matters which are before, or likely to come before, the quasi-judicial body, provided that the public official shall transmit a copy of the written communication to the secretary of the quasi-judicial body in order that such written communication may be placed on file for public inspection and made a part of the record as soon as reasonably practicable before final action on the matter. (ii) Oral communications. Local public officials shall disclose the substance of all oral ex parte communications which have significantly influenced their preliminary views or opinions concerning a particular matter, as well as the identity of the person, group or entity with whom the communication occurred, before or during the public meeting at which a vote is taken on the matter, but preferably no later than the beginning of the last public hearing before final action on the matter, and such disclosures shall be made a part of the record before final action on the matter. (iii) Investigations, site visits and expert opinions. Public officials may conduct investigations and site visits and receive expert opinions in deciding a specific matter before the quasi-judicial body; provided however, that such information, shall be disclosed at the public hearing and made part of the record before final action on the matter. (b) Oral communications subsequent to first advertised public hearing....

Oral communications regarding pending quasi-judicial matters which occur subsequent to the first advertised public hearing before the quasi-judicial body in a public meeting and pursuant to due notice in writing to the applicant and all interested parties who appeared before the quasi-judicial body, either orally or in writing, are permitted, provided the tape or minutes of such meeting are prepared and placed on file for public inspection within seven days from the date of such meeting or before final action on the matter, whichever occurs first.

Sec. 50.205. - Process for disclosure.

All disclosures of ex parte communications must be made before or during the public meeting at which a vote is taken on a matter, and prior to the vote being taken, so that persons with opinions contrary to those expressed in the ex parte communication are provided a reasonable opportunity to respond to or refute the communication. Local public officials shall disclose the substance of all oral ex parte communications which have significantly influenced their preliminary views or opinions concerning a particular matter, as well as the identity of the person, group or entity with whom the communication occurred, before or during the public meeting at which a vote is taken on the matter, but preferably no later than the beginning of the last public hearing before final action on the matter, and such disclosures shall be made a part of the record. Disclosure alone shall not be deemed a sufficient basis for a request to defer an item.

Sec. 50.206. - No penalties for nondisclosure.

The failure of a public official to disclose the substance of any ex parte communication shall not be deemed to constitute a violation of the Ordinance Code, and public officials shall not be subject to fines or penalties as a result of such nondisclosure or non-compliance with these procedures.

Sec. 50.207. - Additional rules and procedure permitted.

Each board, agency, authority or commission governed by these procedures may adopt additional rules and procedures or more stringent rules and procedures relating to ex parte communications, so long as such are not in conflict with this Chapter.

Notes



Notes

