

ARTICLE VIII. CITY OF TAMPA ETHICS CODE*

***Editor's note:** Ord. No. 2003-255, §§ 2, 3, adopted Oct. 2, 2003, amended the title of Art. VIII from "Lobbying" to "City of Tampa Ethics Code." Said ordinance also renumbered former § 2-500 as § 2-580. Additionally, provisions of former Art. VI have been renumbered and amended as current sections in this Article VIII. See the Code Comparative Table for a detailed analysis of Ord. No. 2003-255.

DIVISION 1. GENERALLY

Sec. 2-500. Title.

The provisions of this Article VIII shall be collectively referred to as "The City of Tampa Ethics Code" or "city ethics code."

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-501. Purpose and legislative intent.

[JACKSONVILLE] It is declared to be the policy of the City of Tampa that all officers and employees of the city are public servants of the people and hold their positions for the benefit of the public. 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.

Various provisions from state and local law have been created and 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 Tampa 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 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 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 Tampa 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 Tampa hereby adopts the following goals for the city ethics program:

- Promulgate and implement a comprehensive approach to ethics and integrity in Tampa City government;
- Promote public confidence in public officers and employees and the ethical operation of government;
- Promote and ensure compliance with local, state, and federal ethics law;
- Centralize laws and regulations on the ethical conduct of city officers and employees;
- Heighten knowledge and understanding of the laws and ethical principles which are the inherent obligations of city officers and employees;
- 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;
- Enact a city 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; and
- Educate city officers and employees to avoid the appearance of impropriety and violations of the city ethics code.
- 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 Tampa, and to maintain the confidence and trust of the public that this government serves.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-502. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appointed officer or official means any person appointed to a public board of the city.

Appointed employee means any employee, regardless of the classified or unclassified service status, who holds a managerial position on the mayor's executive staff, and/or department and division heads or directors, deputy department and deputy division heads or directors, city attorney and all assistant city attorneys.

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.

Candidate means any individual who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath required by F.S. § 99.021, and seeks the election to become mayor or a member of the Tampa City Council.

City means the government of the City of Tampa.

City reporting individual means all elected officers, appointed officers, appointed employees, procurement employees, permitting employees and zoning employees.

Close personal relationship means dating, cohabitation, and/or having an intimate sexual relationship. Dating includes but is not limited to casual dating, serious dating, or casual sexual involvement where the parties have no intention of carrying on a long-term relationship, cohabitation, and any other conduct or behavior normally associated with romantic or sexual relationships. This definition applies regardless of the sexual orientation of the employees involved. Persons involved in a close personal relationship shall be referred to as a "close personal relation."

Compensation means any money, payment, remuneration, gift, favor, thing of value or financial benefit conferred in return for services rendered or to be rendered.

Confidential information means information not available to the general public and gained principally through one's employment or position with the city.

Conflict or a conflict of interest means a situation in which regard for a private interest outweighs a public duty or interest.

Controlling financial interest means ownership, directly or indirectly, to ten (10) percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten (10) percent or more in a firm, partnership, or other business entity or such other interest or position in a business entity sufficient to allow him or her to control its operations.

Elected officer or official means any person elected to any city office.

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), whether part time or full time.

Ethics commission means the City of Tampa Ethics Commission.

Fair market value means the price that would be paid by a willing buyer to a willing seller in a good faith transaction in which neither party is compelled to enter.

Financial interest means any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or

compensation for his services to the city) to the official or employee or to any person employing or retaining the services of the official or employee.

Gift:

(1) Gift means the transfer of anything of value that 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:

- a. Real property;
- b. The use of real property;
- c. Tangible or intangible personal property;
- d. The use of tangible or intangible personal property;
- e. 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;
- f. Forgiveness of indebtedness;
- g. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging or parking;
- h. Food or beverage;
- i. Membership dues;
- j. Entrance fees, admission fees, or tickets to events, performance or facilities;
- k. Plants, flowers, or floral arrangements;
- l. Services provided by persons pursuant to a professional license or certificate;
- m. Other personal services for which a fee is normally charged by the person providing the services;
- n. Any other similar service or thing having an attributable value not already provided for in this section.

(2) Gift does not include:

- a. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment or business or provided to the donee by the city, to the extent that such gift is not inconsistent with the applicable provisions of F.S. § 112.3148;
- b. 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;
- c. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service;
- d. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization;
- e. The use of a public facility or public property, made available by a governmental agency, for a public purpose;
- f. An honorarium or an expense related to an honorarium event paid to a person or a person's spouse;
- g. Transportation provided to an officer or employee by an agency in relation to officially approved governmental business;
- h. 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 governmental agency that is a member of that organization;
- i. Gifts solicited or accepted from a "relative", as that term is defined in F.S. § 112.312(21);

For the purpose of subsection (1) above, "intangible personal property" means property as defined in F.S. § 192.001(11)(b).

Honorarium:

- (1) Honorarium means a payment of money or anything of value, directly or indirectly, to a city reporting individual, or to any other person on his or her behalf, as consideration for:

- a. A speech, address, oration or other oral presentation by the city reporting individual, regardless of whether presented in person, recorded, or broadcast over the media.
- b. A writing by the city reporting individual, other than a book, which has been or is intended to be published.

(2) The term honorarium does not include:

- a. The payment for services related to employment held outside the city reporting individual's public position which resulted in the person becoming a city reporting individual;
- b. Any ordinary payment or salary received in consideration for services related to the city reporting individual's public duties;
- c. A campaign contribution reported pursuant to F.S. Ch. 106;
- d. The payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event, including any event or meeting registration fee for a city reporting individual and spouse;

Immediate family means spouse, parents and children of the person involved.

Joint enterprise means any contractual relationship, or a common property interest enjoyed or common liability incurred by two (2) or more persons and shall include, but not be limited to such matters as being a cosignatory of indebtedness, guarantor or a surety on a note, bank note, or other indication of indebtedness, joint ownership of any property right, legal or beneficial interest or any other equitable, financial, or contingent interest, however evidenced which entitles the owner or holder thereof, directly or indirectly, to receive or direct any part of the profits from, or to exercise any part of the control over, a business entity, as well as any interest which, conditionally or unconditionally, with or without consideration, is convertible thereto.

Lobbying means meeting privately, in person or by telephonic or other electronic means with a member of city council, the mayor, city attorney, assistant city attorney or any department head or any city employee or representative who makes a final decision or final recommendation to the person or board who makes the final decision regarding the expenditure of city funds (hereinafter "city official") in order to encourage the passage, defeat, or modification of any item pending before such a city official. If any such meeting occurs with respect to an item not currently pending before a city official and an item discussed therein subsequently comes before the city official within twelve (12) months of such meeting, that meeting shall also constitute lobbying and shall be subject to prompt disclosure and other restrictions hereunder. For purposes of a timely filing of the disclosure, the meeting shall be deemed to have occurred upon the date of filing of the application or request for such subsequent approval, i.e. the date such item first becomes pending before a city official. "Meeting" as used in this definition does not include email or other written communications subject to disclosure pursuant to the

public records law. Lobbying does not include those matters expressly excluded elsewhere herein.

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 for the benefit, or in the name of the employer.

Lobbyist means any person who shall, for compensation of any kind, including but not limited to, salary, payment, retainer, commission, consideration of any type, forbearance, forgiveness or any combination thereof, either received or expected, engage in lobbying as defined herein. For purposes of this section, compensation shall only include something of monetary value. Lobbyist does not include federal, state, county or other local government employees and quasi-government agency or entity employees who contact a city official or city employee to discuss such federal, state, county, other local government or quasi-government agency or entity business and such activity shall not be considered lobbying hereunder.

Material interest means the direct or indirect ownership of more than five (5) percent of the total assets or capital stock of a business entity. For purposes of this act, indirect ownership does not include ownership by a spouse or child.

Official or officer means any elected or appointed officer or official.

Participate means any attempt to influence a decision by oral, written or other communication, whether made by a person subject to this city ethics code or at his or her direction.

Permitting employee means any employee of the city who participates through decision, approval, disapproval, recommendation or preparation of a permit or permit application.

Person or entity means any individual, firm, business entity, company, corporation (profit and not-for-profit), professional corporation or associations, group, organization, joint venture, partnership, limited partnership, agency, estate, trusts, business trust, syndicate, fiduciary, or other body having an independent existence and all other groups or combinations however constituted.

Personal interest means any interest arising from blood, marriage, or close personal relationships or from close business association, whether or not any financial interest is involved.

Procurement employee means any employee of the city who participates through decision, approval, disapproval, recommendation or 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 F.S. § 287.012, if the cost of such services or commodities exceeds one thousand dollars (\$1,000.00) in any year.

Public board means any agency, board, commission or other public body which is created pursuant to City Charter or ordinance and authorized to render decisions or make recommendations in accordance with said enabling legislation.

Public body means any agency, board, body, commission, committee, department, bureau, division, or office of the city.

Public statement means a statement, written or oral, describing the nature and extent of the financial interest, personal interest or employment involved.

Quasi-government agency or entity means any agency or entity conducting government or regulatory functions pursuant to general or special act of the Florida Legislature, the laws of any state or the United States, or federal law.

Relative means an individual who is related to the subject official or employee as father, mother, son, daughter, grandfather, grandmother, grandchild, 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, or half sister, or anyone who is engaged to be married to the subject official or employee.

Reporting individual or city reporting individual means and includes:

Elected officials;

Appointed officials;

Appointed employees;

Procurement employees;

Permitting employees;

Zoning employees.

Represent or representation means actual physical attendance on behalf of a client in a city proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of the city on behalf of a client.

Special private gain means economic benefit of any kind that inures to the person, as opposed to a class of similarly situated persons.

Transact any business means the purchase or sale by the city of specific goods or services for a consideration.

Zoning employee means any employee of the city who participates through decision, approval, recommendation or preparation of a zoning or land use matter or application.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03; Ord. No. 2004-110, § 1, 4-29-04; Ord. No. 2006-21 § 1, 1-27-06)

Sec. 2-503. General provisions.

(a) Applicability of state statutes. [Jacksonville] In addition to the provisions of this ethics code, all officers and employees of the city shall comply with all applicable provisions of state law, including but not limited to the following:

Chapter 99 (Candidates, Campaign Expenses, and Contesting Elections);

Section 100.361 (Municipal Recall);

Section 102.031 (Maintenance of good order at polls; authorities; persons allowed in polling rooms; unlawful solicitation of voters);

Section 104.071 (Remuneration by Candidate for services, support, etc.; penalty);

Section 104.271 (False or malicious charges against, or false statements about, opposing Candidates; penalty);

Section 104.31 (Political activities of state, county, and municipal officers and employees);

Chapter 106 (Campaign financing);

Section 111.075 (Elected officials; prohibition concerning certain committees);

Section 112.042 (Discrimination in county and municipal employment; relief);

Section 112.043 (Age discrimination);

Section 112.044 (Public employers, employment agencies, labor organizations, discrimination based on age prohibited; exceptions; remedy);

Chapter 112, Part III (Code of Ethics for Public Officers and Employees);

Chapter 119 (Public Records);

Section 163.367 (Public officials, commissioners, and employees subject to code of ethics);

Section 286.011 (Public meetings and records; public inspection; criminal and civil penalties);

Section 286.0115 (Access to local officials);

Section 286.012 (Voting requirements at meeting of government bodies);

Chapter 838 (Bribery, Misuse of Public Office);

Chapter 839 (Offenses by Public Officers and Employees).

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Secs. 2-504--2-509. Reserved

DIVISION 2. CONFLICTS OF INTEREST

Subdivision I. Non-City Employment Restrictions

Sec. 2-510. Prohibited incompatible non-city employment or private business entity.

[Jacksonville] No official or employee of the city shall have any other outside employment ("non-city employment") or controlling financial interest in any private business entity, if that non-city employment or private business entity, or compensation received as a result thereof, impairs, or could reasonably be expected to impair, his independence in judgment or performance of city duties.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03; Ord. No. 2006-21 § 6, 1-27-06)

Sec. 2-511. Mandatory disclosure by officials and employees of non-city employment or private business entity.

[Dade County] All officials and employees engaged in non-city employment or private business entity, shall file, under oath, an annual report indicating the source of the non-city employment or private business entity and the nature of the work being done pursuant to same non-city employment or private entity. Said official's and employee's reports shall be filed with the city ethics officer no later than 12:00 noon on July 1st of each year, including the July 1st following the last year that person held such employment or was engaged in such private business entity. Said reports shall be available at a reasonable time and place for inspection by the public. The city ethics officer may require monthly reports from individual employees or groups of employees for good cause.

[Palm Bch Co] With regard to any non-city employment or private business entity activity, the disclosure statement shall contain the following information:

- The name, address, and telephone number of the non-city employer or private business entity;
- A brief description of the purpose and activities of the non-city employer or private business entity;
- The position held by the disclosing individual;
- The disclosing individual's relationship in and to the business;
- The nature and extent of any ownership interest in the business.

[Jacksonville] For officers or employees currently employed by the city, the disclosure shall be filed within thirty (30) days from the effective date of this article. For

officers or employees who become officers or employees after the effective date of this article, the disclosure shall be filed within thirty (30) days from the beginning date of his or her employment with the city. All officers or employees of the city shall file an updated disclosure form within thirty (30) days whenever any of the information required by the form changes.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03; Ord. No. 2006-21 § 6, 1-27-06)

Sec. 2-512. Approval required for non-city employment of or active participation in a private business entity by employees.

[Jacksonville] All employees must obtain prior written approval from his or her department director before accepting non-city employment or engaging in active participation in any private business entity. A copy of such written approval shall be filed with the city ethics officer. All current such activity shall be disclosed in writing to the department director within thirty (30) days of the effective date hereof. In determining the acceptability of such employment or activity, the department director shall review all factors relevant to the successful and fair operation of city business, including but not limited to, potential conflict with business hours, misuse of confidential information, or impairment of the performance of the city employee's duties and responsibilities. If the department director determines such non-city employment or engagement of a private business entity is prohibited, that decision shall be automatically appealed to the Ethics Commission for review. All department directors must obtain prior approval from the Mayor before accepting non-city employment or actively participating in any business entity. The mere ownership of stock in a privately held or publicly traded company shall not constitute active participation in the business entity. Serving as an officer, director, or owning a controlling financial interest therein shall constitute active participation.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03; Ord. No. 2006-21§ 2, 1-27-06)

Sec. 2-513. Parties contracting with city; prohibition of employment of certain officials and employees.

(a) The mayor, members of city council, and all department heads or directors of the city shall not solicit, accept, nor be employed, directly or indirectly, by any person, firm or corporation having any contractual relation with, or rendering any services to the city, or any department or agency thereof.

(b) No person, firm or corporation having any contractual relation with, or rendering any services to the city, or any department or agency thereof, shall employ, directly or indirectly, the mayor, any member of the city council, or any department head or director of the city. No persons, firm or corporation which has the mayor, member of the city council, or department head or director as an employee, shall be eligible to be considered to have a contractual relation with or to render for any consideration, services to the city.

(c) [Orlando] No employee of the city (other than those employees identified in subsection (a) above) or member of any board, commission or agency of the city, shall be directly or indirectly employed by any person, firm or corporation having, or proposing to have, any contractual relation with or rendering, or proposing to render for any consideration, services to the city or any department, board or

agency thereof, if the approval, concurrence, decision, recommendation or advice of the official or employee shall be sought, obtained or required in any connection with such contract or service.

(d) No person, firm or corporation having, or proposing to have any contractual relationship with, or rendering or proposing to render for any consideration services to the city, or any department, board or agency of the city, shall employ, directly or indirectly, any employee or member of any board, commission or agency of the city, if the approval, concurrence, decision, recommendation or service of such official or employee shall be sought, obtained, or required in connection with such contract or service.

For purposes of this section, a person, firm or corporation shall be deemed to be "proposing to have a contractual relation with the city" or to be "proposing to render services to the city" if such person, firm, or corporation has submitted a bid to the city for a city contract, has made a contractual offer to the city or has requested the city to reconsider entering a contractual relation with the person, firm or corporation.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Subdivision II. Contractual Restrictions

Sec. 2-514. Prohibition against receipt of benefit from contracts with the city.

(a) [City of Tampa Charter Section 8.07] No officer or employee, nor any member of their immediate family or close personal relation, either individually or through any firm of which they are a member, or through any corporation of which they are a stockholder, or through any business entity of which they have a controlling financial interest, shall receive any substantial benefit or profit out of any contract or obligation entered into with the city department for which the officer or employee works, or have any direct or indirect financial interest in effecting any such contract or obligation; and in the event of violation of this section by an elected officer same shall be grounds for his recall, and in the event of violation by any other officer or employee of the city the person offending shall be immediately removed or discharged.

(b) [Dade Co] Any affected city officer or employee or department may seek a conflict of interest opinion from the city ethics commission prior to the submittal or award of a bid, response, or application of any type to contract with the city by the employee or his or her immediate family.

(c) [Dade Co] Notwithstanding any provision herein to the contrary, the city and any person or agency acting for the city shall not award a contract or influence the award of a contract to any employee, his or her immediate family, or close personal relation, individually or through a firm, corporation, partnership or business entity in which the employee, any member of his or her immediate family, or close personal relation has a controlling financial interest, unless the ethics commission has rendered an opinion that entering into the contract would not be a conflict of interest.

(d) [Dade Co] The city is directed to include language in all solicitations for city contracts advising employees of the applicable conflict of interest code provisions, the provisions of this ordinance, including the requirement to obtain an ethics commission opinion and make disclosure, and the right to seek a legal opinion from the State of Florida Ethic's Commission regarding the applicability of state law conflict of interest provisions.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03; Ord. No. 2006-21 § 3, 1-27-06)

Sec. 2-515. Prohibition against conflicting contractual relationships.

[F.S. § 112.313(7)] (a) No official or employee shall have or hold any contractual relationship with any individual, business entity or agency which is subject to the regulation of, or is doing business with, the city department or public body of which he or she is an official or employee. No official or employee shall have a contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that will impede the full and faithful discharge of his or her public duties.

(b) This section shall not prohibit an appointed officer or official from practicing in a particular profession or occupations when such practice by persons appointed to a public board is required by law or ordinance.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-516. Prohibition against doing business with one's department or the city.

[F.S. § 112.313(3)] No official or employee of the city acting in his official capacity, shall directly or indirectly purchase, rent, or lease realty, goods, or services for his own department or public body from any business entity of which the official or employee, or the official's or employee's immediate family or close personal relation, or any combination of them, has a material interest. Nor shall an official or employee, acting in a private capacity, rent, lease, or sell any realty, goods or services to the official's or employee's public body or department.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Subdivision III. Financial Interest Restrictions

Sec. 2-517. Actions prohibited when certain financial interests involved.

(a) [Dade Co] No official or employee shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family or close personal relation has a financial interest.

(b) [Dade Co] No official or employee shall have or acquire a financial interest in any enterprise, project, business entity or property when he believes or has reason to believe that the said financial interest will be directly affected by his official actions or by official actions by the city department in which he is employed or public body of which he is an official.

(c) [Jacksonville] No official or employee 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.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-518. Mandatory disclosure of real estate owned by certain officials and employees.

(a) [Miami] All the elected officers, appointed officers and appointed employees shall, within thirty (30) days from the effective date of this article, submit to the city ethics officer a complete itemized list of all real property owned by him or his spouse or close personal relation, whether the title be either legal or equitable, whether owned in whole or in part, including corporate real property in which he has a controlling interest or is an officer of such corporation, and shall include the following information as to each parcel of land:

(1) The legal description and common address;

(2) The municipal or county zoning classification wherein the property is located;

(3) The manner in which the property is presently being utilized;

(4) A description of the nature of the interest in the property.

(b) Only those real properties required to be listed are those properties located within the corporate limits of the city or those properties located five hundred (500) feet beyond the corporate limits of the city. The real properties required to be listed shall be on the form provided by the city ethics officer.

(c) All the elected officers and appointed officers or employees who are elected or appointed subsequent to the effective date of this ethics code shall, within thirty (30) days of their election or appointment, submit an itemized list of real estate holdings as provided above.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Subdivision IV. Voting Conflict Restrictions

Sec. 2-519. Prohibited voting conflicts.

(a) [Palm Bch Co] No city official shall vote or participate in his or her official capacity on any matter if that member knows or should know that doing so would inure, either directly or indirectly, to:

- His or her special private gain; or
- The special private gain of any person by whom he or she is retained, or
- The parent or subsidiary organization thereof; or
- The special private gain of a relative of the official's.

For the purpose of this sub-section, "special private gain" shall mean economic benefit of any kind which inures to the individual, as opposed to a class of similarly situated individuals.

(b) No appointed officer or official shall vote or participate on any matter in which the appointed officer or official has or holds a contractual relationship with an individual, business entity or agency subject to the regulation of the public board to which that officer or official is appointed. An appointed officer or official may be removed from office by the mayor, after review by and with the recommendation of the ethics commission, if such appointed officer or official has disclosed a conflict of interest, pursuant to Section 2-519(c), in 10% or more of the applications filed with the public board to which that officer or official is appointed.

(c) Disclosure. Officials prohibited from voting and participating on any matter pursuant to sub-section (a) or (b) above, shall:

(1) Publicly state to the assembly the nature of their interest in the matter in which they are prohibited from voting and participating; and

(2) Disclose the nature of their interest in the matter from which they are prohibited from voting and participating within fifteen (15) days after the vote occurs in a memorandum filed with the clerk of such board, who shall incorporate the memorandum in the minutes.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03; Ord. No. 2004-225, § 3, 9-30-04)

Sec. 2-520. Reserved

(Ord. No. 2003-255, §§ 2, 3, 10-2-03; Ord. No. 2006-21 § 4, 1-27-06)

Subdivision V. Other Conflict Restrictions

Sec. 2-521. Representation of private persons.

(a) [City of Tampa Code] No official or employee shall appear on behalf of any private person, other than himself, before any public body or agency of the city; provided, however, this shall not preclude an individual appointed to a board, commission, agency or body from appearing on behalf of any private person before any public body, other than the public body to which he is appointed; provided further, this exemption shall not be construed as an exemption from applicable provisions of F.S. Ch. 112, Pt. III, Code of Ethics for Public Officers and Employees.

(b) [Dade Co] No official or employee shall appear before the city department in which he works, nor board on which he or she serves, (except as provided in Subsection 2-515(b) above), either directly or indirectly through an associate, and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such official or employee receive compensation, directly or indirectly in any form, for services rendered to a third party, who has applied for or is seeking some approval or benefit from the city department in which he works or board on which such he serves, (except as provided in Subsection 2-515(b) above), in connection with the particular benefit by the third party.

(c) [Jacksonville] It shall be unlawful for an officer or employee of the city, otherwise than in the proper discharge of his or her official duties:

(1) To act as agent or attorney for anyone before any unit of government in connection with a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge or other particular matter with respect to which he or she, or a unit of government of which he or she is a member, has acted upon in an official capacity either before or concurrently with his or her acting as agent or attorney.

(2) To testify as an expert witness in any proceeding before any body or court over the objection of the city or an independent agency.

(3) Nothing in this section shall prevent an officer or employee of the city from acting, with or without compensation, as agent or attorney for his or her parents, spouse, child or any person for whom, or for any estate for which, he or she is serving as personal representative, except in those matters in which he or she has participated personally and substantially as an officer or employee of the city or an independent agency, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which are the subject of his or her official responsibility; provided, that the official responsible for appointment to his or her position approves.

(Ord. No. 89-222, sec. 2(2-665), 9-28-89; Ord. No. 98-95, sec. 2.4-23-98; Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-522. Business ethics commitment required of contracting parties.

(a) [Dade Co] Each person or entity that seeks to do business with the city shall provide a business ethics commitment which acknowledges, agrees and commits that the person or entity shall comply with all applicable governmental and city rules and regulations including, among others, this code of ethics. The business ethics commitment shall be incorporated into and apply to all contracts that the person or entity enters into with the city.

The failure of a contracting party to comply with the business ethics commitment shall render any contract between the contractor and the city voidable, and subject violators to debarment from future city contracts.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-523. Prohibition against recommending business or professional services.

[Dade Co] No official or employee shall recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving the city or any of its agencies, provided that such recommendation may properly be made when required to be made by the duties of office and in advance at a public meeting attended by other city officials, officers or employees.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-524. Exemptions.

No official or employee shall be held in violation of any provision of the city ethics code if the total amount of a transaction or matter in the aggregate between a business entity and the city does not exceed five hundred dollars (\$500.00) per calendar year.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Secs. 2-525--2-539. Reserved.

DIVISION 3. MISUSE OF POSITION AND PROPERTY

Sec. 2-540. Use of public property.

[City of Tampa Code] No official or employee shall request, use or permit the use of any publicly owned or publicly supplied property, vehicle, equipment, material, labor or service for the personal convenience or the private advantage of himself or of any other person. This rule shall not be deemed to prohibit an official or employee from requesting or permitting the use of such publicly owned or publicly supplied property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which is provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

[Jacksonville] In addition to any other penalty provided by law, upon conviction and adjudication of guilt, he or she may also be fined in a sum equal to the value of the money or property embezzled or converted for a violation of this section.

(Ord. No. 89-222, sec. 2(2-662), 9-28-89; Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-541. Officer or employee trading in public funds/revenues.

[Jacksonville] It is unlawful for any officer or employee of the city or any party who contracts with the city involved in the collection or disbursement of the revenues of the city to carry on any trade or business with the funds or debts or with any public property of the city, for any purpose other than official responsibilities.

[Jacksonville] In addition to any other penalty provided by law, upon conviction and adjudication of guilt, he or she may also be fined in a sum equal to the value of the property traded for a violation of this section.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-542. Activities of officers and employees in matters affecting the city.

[Jacksonville] It shall be unlawful for an officer or employee of the city, except in the proper discharge of his or her official duties (including authorized union duties):

- (1) To act as agent or attorney for prosecuting any claim against the city, or to receive any gratuity or any share of or interest in any claim against the city, in consideration of assistance in the prosecution of the claim;
- (2) To act as agent or attorney for anyone before any unit of government in connection with any proceedings, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter in which the city is a party or has a direct and substantial interest.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-543. Use of confidential information.

[City of Tampa Code] No official or employee shall use or permit the use of confidential information to advance the financial or personal interest of himself or any other person. [Dade Co] Further, no official or employee shall accept employment or engage in any business or professional activity in which he might reasonably be expected, required or induced to disclose confidential information.

(Ord. No. 89-222, sec. 2(2-667), 9-28-89; Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-544. Impartiality.

[City of Tampa Code] No official or employee shall request, use or permit the use of any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(Ord. No. 89-222, sec. 2(2-661), 9-28-89; Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-545. Misuse of position.

[Jacksonville] It is unlawful for an officer or employee of the city to intentionally use his or her official position to secure, by coercion or threat or otherwise, a special privilege or exemption for himself, herself, or others, or to secure confidential information for any purpose other than official responsibilities.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-546. Restriction on appointment, employment, promotion or advancement of relatives.

(a) [F.S. § 112.3135 and City Personnel Manual B24.] No official or employee may appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the department or public body in which the official or employee is serving, or over which the official or employee exercises jurisdiction and control, any individual who is a relative of the official or employee.

Further, an individual may not be appointed, employed, promoted, or advanced in or to a position in the city if such appointment, employment, promotion, or advancement has been advocated by an officer or employee, serving in or exercising jurisdiction and control over the city department or public body, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member.

(b) Individuals shall not be selected for any position in the same department of which a relative serves as the department head or director or to the same division or section of the department of which the relative serves as the managerial, supervisory, or lead employee. Individuals who are relatives of the mayor's executive staff shall not be selected to any position in the city. Further, employees who hold a status prior to the relative's appointment or selection as a department director, manager, or supervisor, or who become related by marriage shall not be placed on any eligibility lists for promotion within that same department, division, or section as applicable and shall be placed in a different department, division, or section as soon as practicable.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-547. Prohibited activities relating to promotion or appointment.

[Jacksonville] It shall be unlawful for any person seeking employment to, or promotion in, the city to either directly or indirectly give, promise, render, or pay any money, service, or other valuable thing to any person for, or on account of, or in connection with or for the purpose of influencing or affecting their test, appointment, proposed appointment, promotion or proposed promotion.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-548. Prohibited activities relating to fraternization.

(a) [City of Tampa Personnel Manual B24.1] No official or employee shall appoint, employ, promote or advance, nor recommend or advocate the appointment, employment, promotion or advancement in or to any position, any individual with whom they have a close personal relationship. An officer or employee is considered to "recommend or advocate" if they urge or support the action either orally or in writing.

(b) Individuals shall not be selected for any position in the same department when they have a close personal relationship with the employee who serves as the department director or to the same division or section of the department when they have a close personal relationship with the employee who serves as the managerial, supervisory, or lead employee. Individuals who have a close personal relationship with an employee of the mayor's executive staff shall not be selected to any position in the city. Further, employees who hold a status prior to the close personal relationship's appointment or selection as a department director, manager, or supervisor, shall not be placed on any eligibility lists for promotion within that same department, division, or section as applicable and shall be placed in a different department, division, or section as soon as practicable.

(c) Officials and employees who serve as a manager, supervisor, or lead employee are prohibited from having close personal relationships with their subordinate personnel. If any such relationship does occur, it must be immediately disclosed by both employees to the city ethics officer so that immediate steps can be taken to resolve conflict with this provision.

(d) All employees are discouraged from having close personal relationships with non-subordinate employees. All such relationships must be disclosed by both employees to the department director and may result in requiring that the employees work different shifts; transferring one (1) employee to another department; assigning one (1) of the employees to another facility, squad, or work unit; or other action determined to be appropriate by the city ethics officer.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-549. Product endorsements subject to approval by the mayor.

No City of Tampa public officer or employee shall publicly endorse or recommend any product, service, vendor, or person or entity, unless the mayor has issued prior written approval of such public endorsement or recommendation. This prohibition shall not apply to public endorsements or recommendations required to be made pursuant to statute, regulation, code, or the duties of office.

(Ord. No. 2004-110, § 2, 4-29-04)

Secs. 2-550--2-559. Reserved.

DIVISION 4. GIFTS, HONORARIA AND FINANCIAL DISCLOSURE

Sec. 2-560. Adoption of Florida Gift Law.

The city hereby adopts and incorporates by reference Florida's Gift Law (F.S. § 112.3148) as it may be amended from time to time. The following provisions applicable to certain city officials and employees are intended to be supplemental to the requirements of the Florida Gift Law.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-561. Prohibited receipt of gifts or charge of commissions for official transactions.

[Leon County and Jacksonville] It shall be unlawful for an officer or employee to charge, solicit, accept, be the beneficiary of or receive, directly or indirectly, any fee, commission, gift, gratuity, loan or other consideration for or in connection with any transaction or business done, performed or rendered in the course of his or her official duties or responsibilities, and which is intended, or can be reasonably inferred as intended to influence the performance of an official act.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-562. Prohibited gifts from parties doing business with the city.

No officer or employee of the city, excluding appointed officials, shall knowingly accept, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract is awarded, any rebate, gift, money or other consideration, with a value greater than one hundred dollars (\$100.00), except when given for the use and benefit of the city, or except when given in public recognition of exemplary performance of official duties, subject to the limitations set forth below in section 2-563, Prohibited offering/receipt of gifts from lobbyists.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03; Ord. No. 2004-110, § 3, 4-29-04)

Sec. 2-563. Prohibited offering/receipt of gifts from lobbyists.

[Jacksonville] (a) No officer or employee of the city shall knowingly accept, directly or indirectly, any gift with a value greater than one hundred dollars (\$100.00) from any person the recipient knows is:

(1) A lobbyist who lobbies the recipient's agency or executive department;
or

(2) Any principal or employer of a lobbyist.

(b) It is unlawful for a lobbyist, or principal or employer of a lobbyist, to knowingly offer a gift to an officer or employee of the city which would cause a violation of this ethics codes.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-564. Gift reporting.

[Jacksonville] In addition to any reporting required pursuant to the Florida Gift Law, all elected and appointed officers, appointed employees, procurement employees, permitting employees, and zoning employees ("city reporting individuals") who receive a gift in excess of one hundred dollars (\$100.00) shall report that gift in an annual statement to the city ethics officer in accordance with the requirements (and exceptions) and in the manner provided in F.S. § 112.3148.

Provided however, where this ordinance requires a person to file a report and that person is not required to file a report pursuant to state law, the report shall be on a form which is substantially the same in content as that required by state law, and the form shall be submitted annually, by July 1, to the city ethics officer. Where this article requires a person to file a report and that person is required to file a report pursuant to state law, the report shall be on a form which is substantially the same in content as that required by state law, and the form shall be submitted annually, by July 1, to the city ethics officer in addition to the filing required by state law.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-565. Honoraria.

[Jacksonville] An officer or employee is prohibited from soliciting an honorarium which is related to the officer or employee's public office or duties.

An officer or employee is prohibited from knowingly accepting an honorarium from a political committee or committee of continuous existence, as defined in F.S. § 106.011, from a lobbyist or from the employer, principal, partner, or firm of such a lobbyist.

A political committee of continuous existence, as defined in F.S. § 106.011, a lobbyist or the employer, principal, partner or firm of a lobbyist is prohibited from giving an honorarium to an officer or employee.

A person who is prohibited from paying an honorarium to an officer or employee but who provides an officer or employee or officer and employee and his or her spouse, with expenses related to an honorarium event, shall provide to the officer or employee, no later than sixty (60) days after the honorarium event, a statement listing the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses providing for the honorarium event.

An officer or employee who receives payment or provision of expenses related to any honorarium event from a person who is prohibited from paying an honorarium to an officer or 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 date of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the officer and employee in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1st of each year for such expenses received during the previous calendar year. The officer or employee shall attach to the annual statement a copy of each statement received by him or her in accordance with subsection (d) regarding honorarium expenses paid or provided during the calendar year for which the annual statement is filed. Such attached statement shall become a public record upon the filing of the annual report. The annual statement of an officer or employee shall be filed in compliance with state law. Where this ordinance requires a person to file a report and that person is not required to file a report pursuant to state law, the report shall be on a form which is substantially the same in content as that required by state law, and the form shall be submitted annually, by July 1, to the city ethics officer.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-566. Financial disclosure; filing, deadlines.

[City of Tampa Code]

(a) As used in this section, "local officer" means every person who is elected to any public office in the city and every person who is appointed to fill a vacancy for an unexpired term in such elective office, and "appointed employee" means all members of the mayor's executive staff, department and division heads or directors, deputy department and deputy division heads or directors, city attorney and all assistant city attorneys.

(b) In addition to any financial disclosure required under state law, on or before July fifteenth of each year for the preceding calendar year, including the July fifteenth following the last year he is in office, each local officer shall file full and public disclosure of his financial interests and those of his spouse, as provided in this section. Each local officer who is appointed to fill a vacancy shall file full and public disclosure of his financial interests and those of his spouse as provided in this section within thirty (30) days from the date of appointment. A candidate for election to a local office shall file a full and public disclosure of his financial interests and those of his spouse as provided in this section at the same time he files his qualifying papers.

(1) "Full and public disclosure of financial interests," for the purposes of this section shall mean filing with the city ethics officer, on or before the specified disclosure deadline each year, a sworn statement which complies with the disclosure requirements set forth in F.S. § 112.3144, except as provided herein.

(c) In addition to any financial disclosure required under state law, on or before July fifteenth of each year for the preceding calendar year, including the July fifteenth following the last year he is in office, each appointed employee shall file disclosure of his financial interests as provided in this section. Each appointed employee who is appointed to fill a vacancy shall file disclosure of his financial interests as provided in this section within thirty (30) days from the date of appointment.

(1) "Disclosure of financial interests" for the purposes of this section shall mean filing with the city ethics officer, on or before the specified disclosure deadline each year, a sworn statement which complies with the disclosure requirements set forth in F.S. § 112.3145, except as provided herein.

(d) The city ethics officer shall prescribe the forms, which a disclosing party must use, for the disclosure of information required by this section at least thirty (30) days prior to the disclosure deadlines set forth in this section. The forms shall be substantially the same in content as required by state law. The city ethics officer shall provide these forms, which shall be made available at the city ethics officer's office at least thirty (30) days prior to the disclosure deadlines set forth in this section, upon request of the disclosing party.

(e) A local officer or appointed employee who has filed a financial disclosure for any year pursuant to this section shall not be required to file a second disclosure pursuant to this section for the same year or any part thereof, notwithstanding any requirement of this section.

(f) Financial disclosures filed pursuant to this section shall constitute public records within the meaning of F.S. Ch. 119.

(Ord. No. 89-222, sec. 2(2-666), 9-28-89; Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-567. Disclosure of specified interests.

[City of Tampa Code] If any elected official is an officer, director, partner, proprietor, associate, or general agent (other than a resident agent solely for service of process) of, or owns a material interest in any business entity, he shall file a statement disclosing such facts not later than forty-five (45) days after becoming an elected official, or no later than forty-five (45) days after the acquisition of such position or material interest, or no later than forty-five (45) days after the effective date of this section, as applicable. The disclosure statement shall give the name, address, and principal business activity of the business entity and shall state the position held with such business entity or the fact that a material interest is owned and the nature of such interest. The disclosure statement shall be made upon forms provided by the city and filed with the city ethics officer.

(Ord. No. 98-256, sec. 2, 12-3-98; Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-568. Disclosure of joint enterprise by city officials.

[City of Tampa Code] If any elected official has or enters into a joint enterprise as hereinabove defined with any other elected official or with any city employee, said elected official shall file a statement disclosing such fact no later than forty-five (45) days after becoming an elected official, or no later than forty-five (45) days after the date said elected official enters into the joint enterprise, or no later than forty-five (45) days after the effective date of this section, as applicable. The disclosure statement shall be made upon forms provided by the city and the same shall be filed with the city ethics officer.

(Ord. No. 98-256, sec. 2, 12-3-98; Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Secs. 2-569--2-579. Reserved.

DIVISION 5. LOBBYING AND POST-EMPLOYMENT RESTRICTIONS

Sec. 2-580. Lobbying.

[City of Tampa Code]

(a) Disclosure of lobbying activity. All lobbyists shall file a lobbyist disclosure form with the city ethics officer at the time of lobbying or no later than three (3) days from the date of such lobbying activity. Such lobbyist disclosure forms shall be provided by the city and shall include the lobbyist's name and business address and the name and business address of the person, firm, corporation, principal or other entity providing compensation to the lobbyist, the general and specific area of discussion concerning city business, the city official with whom such discussion was held and the nature and extent of any direct business association or partnership with any city official. Such lobbyist disclosure forms shall be maintained in the offices of the city ethics officer for storage and public inspection. This lobbyist disclosure requirement shall apply to all lobbying activity whether it takes place in city offices or outside city offices.

(b) Annual expenditure reporting. A lobbyist shall annually on or before January 31 of each year submit to the city ethics officer's office a signed statement, executed under oath, listing all lobbying expenditures for the preceding calendar year, the source of the funds and an itemization of the amount expended for each city official by each registered lobbyist. It shall be the responsibility of the lobbyist to obtain this form from the city ethics officer's office. The city ethics officer shall maintain such filings available and open for public inspection.

The city ethics officer shall notify any lobbyist who fails to timely file an expenditure report on or before February 28 of any year. In addition to any other penalties which may be imposed, a fine of fifty dollars (\$50.00) per day shall be assessed for reports filed after the due date. The city ethics officer shall notify the ethics

commission of the failure of a lobbyist to file a report and/or pay the assessed fines after notification. A lobbyist may appeal a fine and may request a hearing before the ethics commission. A request for a hearing on the fine must be filed with the ethics commission within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form.

In addition to any other penalty provided for herein, a lobbyist shall not be permitted to engage in any lobbying activity until the required report is filed. Where a fine of fifty dollars (\$50.00) per day has already been assessed, the ethics commission shall not impose another fine.

(c) Exceptions. The following persons and activities shall be exempted from the requirement of lobbying disclosure and annual reporting:

(1) Appointed officers or employees of the City of Tampa discussing matters relevant to their official duties;

(2) Employees or representatives of federal, state, county, municipal or independent authority discussing the business of their government or authority;

(3) An elected official or government employee acting in his official capacity or in connection with his job responsibilities;

(4) Law enforcement personnel conducting an active investigation;

(5) Persons or representatives of organizations contacted by city official when such contact is initiated by the city official;

(6) A person who appears under compulsion or subpoena by the city council, board or staff member of a board;

(7) Any person in contractual privity with the city who appears only in his or her official contractual capacity to discuss issues related to their services under contract.

(8) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to file a lobbying disclosure form.

(d) Violations/penalties. Violation of any provision of this section may be punishable as provided in section 1-6, City of Tampa Code.

[Dade County]

(e) (1) The ethics commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection. In the event that a violation is found to have been committed the ethics commission may, in addition to any other penalties, prohibit such person from lobbying before the city or any committee, board or personnel of the city as provided herein. Every lobbyist who

is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

1st violation for a period of ninety (90) days from the date of determination of violation;

2nd violation for a period of one (1) year from the date of determination of violation;

3rd violation for a period of five (5) years from the date of determination of violation;

(2) A bidder or proposer shall be subject to the debarment where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three (3) or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer.

(3) All members of the city council, and all city employees, shall be diligent to ascertain whether persons required to file a lobbying disclosure form pursuant to this subsection have complied.

(4) The validity of any action or determination of the city council or city employees, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection.

(Ord. No. 97-153, sec. 1, 7-17-97; Ord. No. 97-176, sec. 1, 8-28-97; Ord. No. 2003-255, §§ 2, 3, 10-2-03; Ord. No. 2004-110, § 4, 4-29-04)

Sec. 2-581. Post-employment restrictions; representation of others before city.

(a) No elected officer shall personally represent another person or entity for compensation before the city on any matter for a period of two (2) years following vacation of office.

(b) No appointed employee shall personally represent another person or entity for compensation before the city on any matter (except collective bargaining) for a period of two (2) years following termination of employment.

(c) No city employee (other than appointed employees subject to (b) above) shall personally represent another person or entity for compensation before the city for a period of two (2) years following termination of employment in connection with:

(1) Any particular matter involving a specific party or parties in which the city is a party or has a direct and substantial interest; and

(2) Any matter in which he participated personally and substantially as an employee through decision, approval, disapproval, recommendation, the

rendering of advice, investigation or otherwise while employed by the city, except for purposes of collective bargaining.

(Ord. No. 89-139, §§ 1--4, 6-15-89; Ord. No. 2003-255, §§ 2, 3, 10-2-03; Ord. No. 2006-21 § 5, 1-27-06)

Sec. 2-582. Reemployment of elected official

[City Charter sec.10.06] No former elected official shall hold any compensated appointed city office or employment until one (1) year after the expiration of the term for which he was elected.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Secs. 2-583--2-599. Reserved.

DIVISION 6. CAMPAIGN ETHICS

[Section 4.23 City of Tampa Related Laws; F.S. § 106.51(3)]

Sec. 2-600. Political activity of officers and employees; coercion of votes and moneys prohibited; penalty.

(a) Any person holding a position with the City of Tampa, Florida, in the classified service or in the unclassified service, shall have the same right to take part in political campaigns and to exercise their rights of franchise as any other citizen, subject to the following limitations:

(1) No officer or employee of the city, except an elected official, shall engage in any political activities during hours of duty, service or work with the city ("hours of duty, service or work" includes the hours for which the employee is paid and is hereinafter referred to as "work hours", but does not include annual leave);

(2) No officer or employee shall conduct political activity while wearing a uniform with a visible insignia of the City of Tampa or any other words or lettering identifying the City of Tampa; nor shall any person conduct political activity while using a city vehicle, equipment, or supplies on which there is a visible insignia of the City of Tampa or any other words or lettering identifying the City of Tampa;

(3) No person, officer or employee shall use a city vehicle, equipment, supplies, or support staff in conducting political activity, unless it is the general practice to permit such use by the public at large ("use" shall mean utilization of the vehicle, equipment, or supplies in a consumptive

fashion or for the purpose for which it is intended, or utilization of the services of a city staff member);

(a.1) For purposes of this section, the term "political activities" shall include, but is not limited to the following:

- (1) Request that any individual contribute any time, money or other thing of value to any candidate, political party or committee of continuous existence;
- (2) Solicit support/opposition, funds or votes for any candidate, political party or public measure; or
- (3) Participate in the operation or management of a political campaign;
- (4) Conduct any service or activity on behalf of a political campaign.

Nothing in this section shall prohibit a city officer or employee, during work hours, from discussing, advising, or explaining to any qualified candidate for public office, issues or matters specifically related to the official performance of the employee's or officer's duties.

Nothing in this section shall preclude voluntary contributions by a city officer or employee to the party or candidate of his or her choice provided the contribution does not occur during work hours.

Nothing in this section shall prohibit a city officer or employee from engaging in authorized union activity during work hours.

(b) No leave of absence for any time whatsoever shall be granted to any officer or employee of the city for the purpose of engaging in political activities for any candidate, other than the employee's own candidacy for public office. Any violation of this provision shall be deemed to be neglect of duty. Any person holding a position with the City of Tampa, Florida, in the classified service or in the unclassified service, except an elected officer, must take a leave of absence, without pay, beginning when said person completes his qualification as a political candidate in any election for:

- (1) A City of Tampa office;
- (2) A County of Hillsborough office;
- (3) A State of Florida office;
- (4) A federal office.

Such leave of absence shall cease when the individual is no longer a candidate for one of said offices.

(c) [City Related Laws 4.23; F.S. § 104.31(a)(b)] It shall be unlawful for any officer or employee, or any person connected therewith, to directly or indirectly coerce, or attempt to coerce, command, or advise any other officer or employee

of the City of Tampa to vote for or against any person in any election specified in subsection (b), or to collect, receive or attempt to collect or receive, by coercion, or attempted coercion, any moneys whatsoever for any purpose, or to pay, lend, or contribute any part of his salary, or any money, or anything else of value, to any party, committee, organization, agency, or person for political purposes.

No officer or employee shall use his or her official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another's vote or affecting the result thereof. No officer or employee shall require, directly or indirectly, any other city officer or employee to participate, in any manner, in an election campaign.

(d) Nothing in this section shall prohibit a city employee from suggesting to another employee, in a noncoercive manner that he or she may voluntarily contribute to a fund which is administered by a party, committee, organization, agency, person, labor union or other employee organization for political purposes. Nothing contained in this section shall be deemed to prohibit any officer or employee from expressing his or her opinion on any candidate or issue during non-work hours, so long as the activities otherwise comply with the provisions of this Code.

(Laws of Fla. 1947, Ch. 24927, sec.23; Laws of Fla., Ch. 57-1891, sec.1; Compiled Charter 1958, sec. 132; Laws of Fla., Ch. 70-950, sec. 1; Laws of Fla., Ch. 81-496, sec. 22)

[Jacksonville; F.S. § 106.15(4)]

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-601. Campaign contributions in city owned buildings prohibited.

It is unlawful for a person to make or solicit or knowingly accept any campaign contribution in a building owned by the city. For purposes of this section, "accept" means to receive a contribution by personal hand delivery from a contributor or his agent, and a solicitation shall be deemed to occur where the solicitor of the solicitation is located at the time of the solicitation. This section shall not apply when a building owned by the city, or any portion thereof, is rented for the specific purpose of holding a campaign fundraiser. Nothing in this section shall preclude voluntary contributions by a city officer or employee to the party or candidate of his or her choice provided the contribution does not occur in a city-owned building.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-602. Political signs; prohibited on public property.

(a) It shall be unlawful for any person to erect, place or install a political sign or advertisement on public property.

(b) All signs which do not conform with the provisions of this section shall be removed by the appropriate department of the city, as designated by the mayor. In addition and notwithstanding any other provisions of this section, any such political sign or advertisement placed on any roadway in violation of this section is hereby declared to be abandoned property and is thereby subject to being removed by any person, so long as such removal is accomplished in a safe and peaceful manner. Nothing herein shall be construed to permit any person who removes such abandoned property to do so in a manner that endangers any person, property or the safety of any other person traveling on such roadway.

(c) In accordance with City of Tampa Sign Code section 20.5-7(a)(10), as amended, all political campaign signs shall be removed within thirty (30) days after the election upon which the political sign is based.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Secs. 2-603--2-619. Reserved.

DIVISION 7. ADMINISTRATION, TRAINING, PENALTIES AND ENFORCEMENT

[Jacksonville]

Sec. 2-620. City ethics officer duties assigned.

The duties of the city ethics officer shall be assigned to the appropriate department(s) of the city, as designated by the mayor.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-621. Mission and duties of the city ethics officer.

The mission of the city ethics officer is to encourage each of the officers and employees of the city to act ethically in all actions. This mission requires that the city ethics officer not only encourage, assist and support compliance with various laws, but more importantly, encourage each employee and officer to adhere to the highest standards of ethical behavior as set forth in aspirational goals of this Code. In pursuing that broad mission, the duties of the city ethics officer include, but are not limited to the following:

- Develop policies, programs and strategies to deal with all ethics-related matters;
- Develop training and education programs in coordination with the city attorney and the ethics commission;
- Assist in the selection of departmental ethics liaisons;
- Assist departmental ethics liaisons in training and education;

- Conduct meetings with any or all of the departmental ethics liaisons as well as management to discuss or provide advice on ethics issues;
- Obtain copies of all reports and disclosures made pursuant to state law by persons subject to this Code if such reports and disclosures are substantially similar to reports and disclosures required under this Code to eliminate filing similar information under this Code;
- Maintain a directory of where all reports and disclosures filed pursuant to this Code may be obtained;
- Encourage compliance with the spirit and letter of ethics laws;
- Review periodically this Code and other applicable laws and regulations and recommend to the ethics commission appropriate changes to this Code;
- Serve as the liaison between the ethics commission and the officers and employees of the city;
- Seek formal opinions from the ethics commission on interpretation of his or her duties or of this Code; and
- Accomplish other duties as requested by the mayor or city council.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-622. Designation of department ethics liaison.

The head of each department of the city shall assign an employee the duties of department ethics liaison with the concurrence of the city ethics officer. Appointment of additional personnel will be at the discretion of the mayor. Each department ethics liaison's duties are in addition to his or her principal operational role within the department.

The head of the department shall communicate the selection of the department's ethics liaison to all employees in the department, while emphasizing his/her personal support for the person and the program. Employees should be encouraged to communicate directly with the city ethics officer on issues or questions that are ethics-related.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-623. Responsibilities of the department ethics liaison.

Specific responsibilities assigned to the department ethics liaison include, but are not limited to the following:

- Conduct periodic meetings with department director, senior management, and employee groups to discuss or provide information on ethics issues.
- Conduct a review of and disseminate within his/her department the appropriate city and department policies and regulations that relate to the code of ethics of employees.
- Assist the city ethics officer in the formulation of ethics awareness training sessions, conferences, and seminars that are developed for and presented to department employees.
- Report compliance with the ethics code to the city ethics officer.
- Make recommendations for improvement in training to the city ethics officer.
- Accomplish such other duties as are delegated by the city ethics officer, including participating in investigations of complaints as authorized by the city ethics officer.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

[Jacksonville]

Sec. 2-624. Ethics education and training 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 officer.

(1) Every officer and employee of the city must be responsible for understanding and complying with the provisions of this chapter.

(2) Every elected official shall attend an ethics in government program within ninety (90) days of taking office. Upon fulfillment of this requirement, each elected official will be issued a certificate of completion by the ethics commission.

(3) Every appointed employee shall attend an ethics in government program within the first six (6) months of his/her employment with the city. Upon fulfillment of this requirement, each appointed employee will be issued a certificate of completion by the city ethics officer.

(4) Every employee of the city shall complete an employee ethics training program within the first six (6) months of his/her employment with the city. Current employees shall complete training as designated in a schedule developed by the city ethics officer. Upon fulfillment of this requirement,

each employee will be issued a certificate of completion by the city ethics officer.

(5) The city ethics officer shall provide ethics education materials to appointed officials, and encourage appointed officials to attend an ethics in government program.

(6) The ethics in government program and employee ethics training program shall be created and delivered by the city ethics officer with the assistance of the city attorney's office and the ethics commission.

(7) The programs shall include topics as determined necessary to explain the provisions of this article, Florida Statutes concerning ethics, and general ethics issues.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-625. General penalties.

[Palm Bch]

(a) *Elected officers.* A determination or finding by the ethics commission of a violation of any provision set forth in this Code by an elected officer constitutes malfeasance, misfeasance, or neglect of duty in office, and may be grounds for suspension or removal from office pursuant to applicable statutory and constitutional procedures.

(b) *Appointed officers.* A determination or finding by the ethics commission of a violation of any provision set forth in this Code by an appointed officer constitutes malfeasance, misfeasance, or neglect of duty in office, and may be grounds for suspension or removal from office pursuant to applicable statutory and constitutional procedures.

(c) *Employees.* A determination or finding by the ethics commission of a violation of any provision set forth in this Code by an employee may be grounds for employment sanctions, including but not limited to reprimand, suspension, or discharge pursuant to the policies and procedures under which the employee is governed.

(d) *Other persons.* A determination or finding by the ethics commission of a violation of any provision set forth in this Code by any person (other than an officer or employee) may be punished as provided herein or in accordance with the provisions of City of Tampa Code section 1-6.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-626. Additional penalties.

(a) *Liability for breach of public trust-restitution.* [Jacksonville] Article II, Section 8(c) of the Constitution of the State of Florida applies to all officers and employees of the city. 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.

Any officer or employee of the city who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the city for all financial benefits obtained by such actions.

[Jacksonville]

(b) *Penalties for bidders or proposers.* [Dade County] In addition to any other penalties provided herein, violation of this Code by a particular bidder or proposer may render any contract, request for proposal (RFP) award, request for qualification (RFQ) award or bid award to said bidder or propose voidable. Any person who violates a provision of this ordinance shall be prohibited from serving on a City of Tampa competitive selection committee.

[Jacksonville]

(c) *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 a final determination of 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 being transferred or delivered on its behalf, or the reasonable value thereof.

[Palm Bch]

(d) *Prohibition against misuse and frivolous claims.* Individuals covered by this Code shall not use its provisions to further frivolous claims against another. Frivolous claims shall be those forwarded with knowledge that the claim contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this Code.

[Jacksonville]

(e) *Forfeiture of pension rights.*

F.S. § 112.3173, applies to all officers and employees of the city and independent agencies. Section 112.3173(3) states the following:

FORFEITURE.--Any public officer or employee who is convicted of a specified offense committed prior to retirement, or whose office or employment is terminated by reason of his or her admitted commission, aid, or abetment of a specified offense, shall forfeit all rights and benefits

under any public retirement system of which he or she is a member, except for the return of his or her accumulated contributions as of the date of termination.

F.S. § 112.3173(2)(e) defines specified offense as follows:

The committing, aiding or abetting of an embezzlement of public funds; the committing, aiding or abetting of any theft by a public officer or employee from his or her employer; bribery in connection with the employment of a public officer or employee; any felony specified in Ch. 838, except section 838.15 and section 838.16; the committing of an impeachable offense; or the committing of any felony by a public officer or employee who, willfully and with intent to defraud the public or the public agency for which the public officer or employee acts or in which he or she is employed of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains a profit, gain, or advance for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position.

Said forfeiture shall be determined as specified in section 112.3173(5).

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Secs. 2-627--2-649. Reserved.

DIVISION 8. ETHICS COMMISSION

[City of Tampa Code]

Sec. 2-650. City of Tampa Ethics Commission; created; purpose.

There is hereby created and established the City of Tampa Ethics Commission to administer the code of ethics for city officials and employees.

(Ord. No. 89-222, sec. 2(2-646), 9-28-89; Ord. No. 2003-255, §§ 2, 3, 10-2-03)

[Dade County]

Sec. 2-651. Composition and appointment.

(a) The ethics commission shall be composed of five (5) members. The members of the ethics commission shall be appointed as follows:

(1) The Chief Judge of the Thirteenth Judicial Circuit shall be requested to appoint one (1) former federal judge, or former United States Magistrate or former State court judge;

(2) The Chief Judge of the Thirteenth Judicial Circuit shall be requested to appoint one (1) former U.S. Attorney or Assistant U.S. Attorney, former State Attorney or Assistant State Attorney, former County Attorney or Assistant County Attorney or former City Attorney or Assistant City Attorney;

(3) The Dean of the Stetson University School of Law shall be requested to appoint one (1) full time or adjunct faculty member from his or her law school who is knowledgeable in legal ethics.

(4) The President of the University of South Florida or University of Tampa shall be requested to appoint one (1) full time or adjunct faculty member who is knowledgeable in ethics; and

(5) The mayor shall be requested to appoint one (1) member who has held elective office at the local level prior to appointment.

In the event that a person empowered to appoint a member(s) is unable to identify a person who meets the qualifications for appointment, the appointing individual shall notify the mayor in writing including the reasons for the inability to appoint, in which case the mayor shall appoint a member to the ethics commission who substantially meets the qualifications hereof. Said appointment shall be subject to confirmation by city council.

(b) *Additional qualifications.* Each member of the ethics commission shall be a United States citizen, resident of the City of Tampa and shall be of outstanding reputation for integrity, responsibility and commitment to serving the community. The members of the ethics commission should be representative of the community-at-large and should reflect the racial, gender and ethnic make-up of the community. Prior to final selection of each member of the ethics commission, those persons empowered herein to appoint members shall meet and evaluate the qualifications of each person(s) under consideration to ensure that (a) that said person(s) is qualified to serve on the ethics commission and (b) that the membership of the ethics commission will be representative of the community-at-large and reflect the racial, gender and ethnic make-up of the community. Before entering upon the duties of office, each appointee on the ethics commission shall take the prescribed oath of office.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03; Ord. No. 2004-110, § 5, 4-29-04)

Sec. 2-652. Term.

The members of the ethics commission shall serve staggered terms of four (4) years each, provided that of the original members, two (2) members shall be appointed for a term of two (2) years and three (3) shall be appointed for a term of four (4) years, and each member shall continue to serve until their successor has been appointed.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-653. Vacancies.

A vacancy occurring during or at the expiration of a member's term on the ethics commission shall be filled as provided in subsections (a) and (b).

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-654. Additional requirements.

No individual, while a member of the ethics commission shall:

- Hold or campaign for any elective political office;
- Hold office in any political party or political committee;
- Actively participate in or contribute to any political campaign for city office;
- Be employed by the City of Tampa; or
- Allow his or her name to be used by a campaign in support of or against any candidate for city office or any city referendum or other city ballot question.

Nothing herein shall preclude a member of the ethics commission from signing petition in support of or against any referendum or other ballot question.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

[City of Tampa Code]

Sec. 2-655. Organization; rules and regulations; swearing witnesses; keeping minutes.

The members of the ethics commission shall elect a chairman annually. The board may promulgate written rules and regulations to govern its proceedings and all hearings held before it. The board may conduct investigations upon complaints or information received by it and may swear witnesses. The board shall keep accurate and complete minutes of its business.

(Ord. No. 89-222, sec. 2(2-651), 9-28-89; Ord. No. 2003-255, §§ 2, 3, 10-2-03)

[City of Tampa Code]

Sec. 2-656. Compensation.

Members of the ethics commission shall not be entitled to compensation; however, all members shall receive reimbursement for parking in city garages and for

mileage for any board-related business except travel to and from regularly scheduled and specially called board meetings. Such reimbursement shall be consistent with city policy.

(Ord. No. 89-222, sec. 2(2-652), 9-28-89; Ord. No. 2003-255, §§ 2, 3, 10-2-03)

[Dade County]

Sec. 2-657. Powers, duties and jurisdiction of ethics commission.

The ethics commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce this ethics code. Jurisdiction of the ethics commission shall automatically extend to elected officers, appointed officers, and employees and lobbyists, as defined herein, who are required to comply with this code of ethics ordinance.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

[City of Tampa Code]

Sec. 2-658. Procedure on complaints of violations.

(a) Upon the filing with the city ethics officer of a written, sworn complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this article, the city ethics officer shall present the complaint to the ethics commission. Within five (5) days after receipt of a complaint by the ethics officer, a copy shall be transmitted to the alleged violator. The ethics commission shall investigate any alleged violation of this article in accordance with procedures set forth in this section.

In no event shall a complaint under this section against a candidate in any city election be filed or the filing of or intention of filing such a complaint be disclosed on the day of any such election or within the five (5) days immediately preceding the date of the election.

(b) A preliminary investigation shall first be undertaken by the ethics commission to determine if the facts alleged in the complaint constitute probable cause to believe that a violation has occurred.

If, upon completion of the preliminary investigation, the ethics commission finds no probable cause to believe that this article has been violated, the ethics commission shall dismiss the complaint; and the complaint shall then become a matter of public record, together with a written statement of the findings of the preliminary investigation and a summary of the facts, all of which the ethics commission shall transmit to the complainant and the alleged violator.

If the ethics commission finds from the preliminary investigation probable cause to believe that this article has been violated, it shall so notify the complainant and the alleged violator in writing. Such notification and all documents made or received in the

disposition of the complaint shall then become public records. Upon request submitted to the ethics commission in writing, any person who the ethics commission finds probable cause to believe has violated any provision of this article shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if a request therefor is not received by the ethics commission within thirty (30) days following the receipt of the probable cause notification required by this section; however, the ethics commission may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

The complainant and alleged violator shall be given notice in writing of the date and time set for such public hearing at least ten (10) days before the public hearing is held. The hearing shall be conducted in accordance with all requirements of due process of law and in accordance with any written rules and regulations that have been promulgated by the ethics commission. Any person filing such a sworn complaint and any alleged violator may appear before the ethics commission in person or by counsel and shall be entitled to question witnesses and present evidence in accordance with any rules that have been adopted by the ethics commission.

Within ten (10) days after the public hearing, unless the commission determines additional time is needed the ethics commission shall make and promulgate written findings of fact and conclusions based thereon, including a determination as to the propriety of the conduct of the alleged violator, all of which shall be transmitted to the complainant, the alleged violator and, in the event that it is found and determined that a violation has occurred, to the official, the city council or other appropriate body for appropriate action.

(c) Any person who willfully discloses or permits to be disclosed his intention to file a complaint, the existence or contents of a complaint which has been filed with the ethics commission, or any document, action or proceeding in connection with a confidential preliminary investigation of the ethics commission before the same becomes a public record shall, any provision of this article to the contrary notwithstanding, be guilty of an offense against the city, punishable as provided in section 1-6 of this Code.

(d) In any case in which the ethics commission finds probable cause to believe a violation of criminal law has been committed by an alleged violator or where the ethics commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with or any testimony given before the ethics commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution.

(Ord. No. 89-222, sec. 2(2-668), 9-28-89; Ord. No. 2003-255, §§ 2, 3, 10-2-03)

[City of Tampa Code]

Sec. 2-659. Recommended

If the ethics commission, pursuant to the provisions hereof, shall make a determination that the conduct of any official or employee is or was a violation of this ethics code, the ethics commission shall make a recommendation to the official, city council, or other appropriate body or person to institute appropriate action for correction

or rectification of that conduct or for the censure, suspension or removal from office of the official or employee, and may recommend appropriate action to void any transaction with a public body or any determination made by a public body.

The official, city council, or other public body or person taking such action may base any action it takes upon the written findings of fact, conclusions and determination of the ethics commission and shall institute such action they deem appropriate within sixty (60) days of the promulgation of the ethics commission's findings, conclusions, and determination.

(Ord. No. 89-222, sec. 2(2-669), 9-28-89; Ord. No. 2003-255, §§ 2, 3, 10-2-03)

[Jacksonville]

Sec. 2-660. Advisory opinions.

(a) Every elected officer, appointed officer, candidate for city office, or city employee, when in doubt about the applicability and interpretation of any city ethics law to himself or herself in a particular context, may submit in writing the facts of the situation to the ethics commission with a request for an advisory opinion to establish the standard of public duty. Any officer or employee who has the power to hire or terminate employees may likewise seek an advisory opinion from the ethics commission as to the application of the provisions of the ethics laws to any such employee or applicant for employment. An advisory opinion shall be rendered by the ethics commission, and each such opinion shall be numbered, dated and published.

Such opinion, until amended or revoked, shall be binding on the conduct of the officer, employee, or candidate who sought the opinion or with references to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

(b) The ethics commission is authorized to call upon appropriate agencies of city government for such professional assistance as may be needed in the discharge of its duties. The city attorney's office shall provide legal assistance to the ethics commission; provided however, in the event the city attorney determines that he or any attorney in his office has a conflict of interest which prevents the city attorney's office from providing impartial representation to the ethics commission, the city shall engage outside legal counsel to provide the necessary legal assistance to the ethics commission.

(c) The ethics commission shall assist in the preparation of materials and programs designed to assist persons in complying with the ethics laws. The ethics commission shall work with the city ethics officer in establishing, presenting, and expanding the city's ethics education program.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

[Jacksonville]

Sec 2-661. Additional duties of the ethics commission; reporting.

(a) It shall be the further duty of the ethics commission to submit to the city council periodically a report of its work and recommendations for legislation deemed necessary to improve the ethics laws and their enforcement which shall be dutifully considered by the city council.

(b) The city ethics officer shall be responsible for documenting compliance with the financial disclosure, gift disclosure, lobbying registration and reporting, and ethics education and certification requirements of this Code for all officers and appointed employees.

The ethics commission shall receive annual reports from the city ethics officer regarding the compliance or non-compliance with financial reporting, gift reporting, lobbying registration and reporting, and ethics education and certification requirements of this Code. The annual report shall also be filed with the mayor and city council.

At the close of the reporting period, the city ethics officer shall notify any individual who has failed to timely comply with financial disclosure, gift disclosure, lobbying registration and reporting, or ethics education and certification requirements of this Code. After expiration of any additional time to comply with said reporting requirement, the city ethics officer may request the ethics commission to institute action.

(c) It shall be further be the duty of the ethics commission to review and make recommendations to the mayor relative to the removal from office those appointed officers or officials who disclosed a conflict of interest, pursuant to Section 2-519(c), in 10% or more of the applications filed with the public board to which that officer or official is appointed. For purposes of this sub-section, the 10% threshold shall be based on the number of applications filed on an annual basis. Factors for consideration by the ethics commission in determining whether to recommend removal from office include but are not limited to the following: (1) whether the conflicts of interest necessarily interfered with the full and faithful discharge of the appointed officer's public duties; (2) whether the conflicts of interest jeopardized the appointed officer's independence and impartiality; (3) whether the conflicts of interest caused the appointed officer to be unable to perform his public duties efficiently and faithfully; or (4) whether the conflicts of interest caused the appearance of public office being used for private gain.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

[Jacksonville]

Sec. 2-662. Investigatory powers.

The ethics commission may, on its own initiative, seek information and gather facts for the purpose of investigating any circumstance or situation of which the ethics

commission may become aware that appears to violate or may potentially violate an acceptable standard of conduct for city officers and employees. If, as a result of such investigation, the ethics commission determines the need for remedial or preventative legislation, the ethics commission may make such recommendations to the city council as it deems appropriate.

The services of other departments, boards and agencies of the city may be made available to the ethics commission at its request, subject to their ability and capacity to provide them. All city agencies shall cooperate with the ethics commission in the exercise of the ethics commission's responsibilities.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)

Sec. 2-663. Appeals.

Appeals from any decision of the ethics commission, with the exception of recommendations made pursuant to Section 2-661(c), shall be to circuit court as provided by law.

(Ord. No. 2003-255, §§ 2, 3, 10-2-03)