

ORDINANCE NO. 2025- _____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, AMENDING CITY OF TAMPA CODE OF ORDINANCES CHAPTER 2, ARTICLE VIII, THE CITY OF TAMPA ETHICS CODE: SECTION 2-502, DEFINITIONS; BY DEFINING "ADMINISTRATIVE ACTION," "COLLEGIAL BODY," "COMMODITY," "ISSUE OF APPROPRIATION," "ISSUE OF POLICY," AND "ISSUE OF PROCUREMENT"; BY REDEFINING "LOBBYING," "LOBBYING PRINCIPAL," AND "LOBBYIST"; SECTION 2-511, MANDATORY DISCLOSURE BY OFFICIALS AND EMPLOYEES OF NON-CITY EMPLOYMENT OR PRIVATE BUSINESS ENTITY; BY ADJUSTING THE DISCLOSURE FORM FREQUENCY REQUIREMENT; SECTION 2-546, RESTRICTION ON APPOINTMENT, EMPLOYMENT, PROMOTION OR ADVANCEMENT OF RELATIVES; BY EXEMPTING VOLUNTEER EMERGENCY SERVICES FROM RELATIVE-RELATED RESTRICTIONS; SECTION 2-580, LOBBYING; BY UPDATING REGISTRATION FORM REQUIREMENTS; BY ADJUSTING EXPENDITURE REPORT DEADLINES; SECTION 2-581, POST-EMPLOYMENT RESTRICTIONS; REPRESENTATION OF OTHERS BEFORE THE CITY; BY EXPANDING ELECTED OFFICERS' POST-EMPLOYMENT RESTRICTIONS; SECTION 2-624, ETHICS EDUCATION AND TRAINING PROGRAM; BY MODERNIZING THE EMPLOYEE TRAINING PROGRAM; BY INCLUDING ELECTED OFFICIALS' STATE TRAINING REQUIREMENTS; SECTION 2-626, ADDITIONAL PENALTIES; BY ESTABLISHING A COSTS AND ATTORNEY FEES RECOVERY PROCESS FOR CERTAIN ALLEGED CODE VIOLATORS; BY CORRECTING THE DEFINITION OF A "SPECIFIED OFFENSE"; BY ADDING AN ENFORCEMENT MECHANISM; SECTION 2-658, PROCEDURE ON COMPLAINTS OF VIOLATIONS; BY REQUIRING COMPLAINTS TO BE BASED UPON PERSONAL KNOWLEDGE, NOT HEARSAY; BY PROHIBITING THE CITY FROM INITIATING A COMPLAINT; SECTION 2-662, INVESTIGATORY POWERS; BY AMENDING THE TITLE TO READ "EXPLORATORY POWERS."; BY REMOVING MENTIONS OF "INVESTIGATION"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to make certain changes to The City of Tampa Ethics Code to provide consistency with Article II, Section 8, of the Florida Constitution; and

WHEREAS, it is necessary to make certain changes to The City of Tampa Ethics Code to provide consistency with Section 112.3142 of the Florida Statutes; and

WHEREAS, it is necessary to make certain changes to The City of Tampa Ethics Code to provide consistency with Section 112.326 of the Florida Statutes; and

WHEREAS, it is necessary to make certain changes to The City of Tampa Ethics Code to align The City of Tampa Ethics Code with the City of Tampa's current practices; and

1 **WHEREAS**, it is necessary to make certain changes to The City of Tampa Ethics
2 Code to amend the non-city employment and private business entity disclosure process;
3 and
4

5 **WHEREAS**, it is necessary to make certain changes to The City of Tampa Ethics
6 Code to remove an impediment to the police and fire departments' ability to obtain
7 volunteers; and
8

9 **WHEREAS**, it is necessary to make certain changes to The City of Tampa Ethics
10 Code to ensure lobbyists submit expenditure reports in a timely manner; and
11

12 **WHEREAS**, the City Council of the City of Tampa has determined that the
13 proposed amendments are in the best interest of the residents of the City of Tampa;
14 and
15

16 **WHEREAS**, duly noticed public hearings as required by law were held by the City
17 Council of the City of Tampa, at which public hearings all residents and interested
18 persons were given an opportunity to be heard.
19

20 **NOW, THEREFORE,**
21

22 **BE IT ORDAINED BY THE CITY COUNCIL**
23 **OF THE CITY OF TAMPA, FLORIDA:**
24

25 **Section 1.** That the Recitals set forth above are hereby adopted and
26 incorporated into the body of this Ordinance as if fully set forth herein.
27

28 **Section 2.** That "**Sec. 2-502. - Definitions.**" is hereby amended by adding the
29 underlined language and deleting the stricken language as follows:
30

31 **"Sec. 2-502. - Definitions.**
32

33 The following words, terms, and phrases, when used in this article, shall have the
34 meanings ascribed to them in this section, except where the context clearly indicates a
35 different meaning:
36

37 Administrative action means any action or decision on a license, permit, waiver of
38 regulation, development order or permit, or development agreement; any quasi-
39 judicial proceeding on local government land use matters regulated by F.S. §
40 286.0115(2); any decision subject to judicial review by petition for writ of certiorari or
41 as otherwise prescribed by general law; or any other administrative procedure or
42 procedure governed by existing law, ordinance, rule, or regulation, except on an issue
43 of procurement.
44

1 *Affected personnel* means any member of the city council, the mayor, the chief of
2 staff, an appointed employees, or any employee who has the authority to make final
3 decisions.

4
5 *Appointed officer or official* means any person appointed to a public board of the city.
6 *Appointed employee* means any employee, regardless of their classified or unclassified
7 service status, who holds a managerial position on the mayor's executive staff, ~~and/~~ or
8 is a department or ~~and~~ division heads or directors, a deputy department or ~~and~~
9 deputy division heads or directors, the city attorney, or an ~~and all~~ assistant city
10 attorneys.

11
12 *Business entity* means a corporation (profit and not-for-profit), partnership, limited
13 partnership, limited liability corporation, limited liability partnership, proprietorship,
14 firm, enterprise, franchise, association, self-employed individual, or trust, whether
15 fictitiously named or not.

16
17 *Candidate* means any individual who has filed a statement of financial interest and
18 qualification papers, has subscribed to the candidate's oath required by F.S. § 99.021,
19 and seeks ~~the~~ election to become the mayor or a member of the ~~Tampa~~ City Council.

20
21 *City* means the government of the City of Tampa.

22
23 *City reporting individual* means all elected officers, appointed officers, appointed
24 employees, procurement employees, permitting employees, and zoning employees.

25
26 *Close personal relationship* means dating, cohabitation, and/or having an intimate
27 sexual relationship. Dating includes, but is not limited to, casual dating, serious dating,
28 ~~or~~ casual sexual involvement where the parties have no intention of carrying on a
29 long-term relationship, cohabitation, and any other conduct or behavior normally
30 associated with romantic or sexual relationships. This definition applies regardless of
31 the sexual orientation of the persons ~~employees~~ involved. Persons involved in a close
32 personal relationship shall be referred to as a "close personal relation."

33
34 *Collegial body* means a governmental entity marked by power or authority vested
35 equally in each of a number of colleagues.

36
37 *Commodity* means any supplies, printing, materials, equipment, machinery,
38 appliances, or other personal property the city has purchased, leased, or otherwise
39 contracted for.

40
41 *Compensation* means any money, payment, remuneration, gift, favor, thing of value,
42 or financial benefit conferred in return for services rendered or to be rendered.

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

3
4 *Conflict* or a *conflict of interest* means a situation in which regard for a private interest
5 outweighs a public duty or interest.

6
7 *Controlling financial interest* means ownership, directly or indirectly, ~~of~~ ~~to~~ ten (10)
8 percent or more of the outstanding capital stock in any corporation; ~~or~~ a direct or
9 indirect interest of ten (10) percent or more in a firm, partnership, or other business
10 entity; or such other interest or position in a business entity sufficient to allow the
11 person ~~him or her~~ to control its operations.

12
13 *Elected officer or official* means any person elected to any city office.

14
15 *Employee* means, unless otherwise indicated in this article, any individual, other than
16 an elected official, receiving compensation for services performed for the city (except
17 individuals who perform services as independent contractors), whether part time or
18 full time.

19
20 *Ethics commission* means the City of Tampa Ethics Commission.

21
22 *Fair market value* means the price that would be paid by a willing buyer to a willing
23 seller in a good faith transaction in which neither party is compelled to enter.

24
25 *Financial interest* means any interest which shall yield, directly or indirectly, a
26 monetary or other material benefit (other than the duly authorized salary or
27 compensation for ~~his~~ services to the city) to the official or employee or to any person
28 employing or retaining the services of the official or employee.

29
30 *Gift:*

31
32 (1) Gift means the transfer of anything of value that is accepted by a donee or by another
33 on the donee's behalf, or that which is paid or given to another for or on behalf of a
34 donee, directly, indirectly, or in trust for the donee's ~~his or her~~ benefit or by any other
35 means, for which equal or greater consideration is not given. Among other things, a
36 gift may be:

- 37
38 a. Real property;
39
40 b. The use of real property;
41
42 c. Tangible or intangible personal property;
43
44 d. The use of tangible or intangible personal property;

- e. A preferential rate or terms on a debt, a 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, parking, or lodging, other than that provided to an 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, performances, 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; or
 - 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, parking, or lodging 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 governmental elected or appointed officials, officers, or staff, to members, officials, or officers of that organization ~~or officials, officers, or staff of a~~ governmental agency that is a member of that organization; or
- i. Gifts solicited or accepted from a "relative," as that term is defined in F.S. § 112.312(21).

(3) 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 the city reporting individual's ~~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 broadcasted 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; or

- 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 the spouse, parents, and children of the person involved.

Issue of appropriation means a legislative decision to expend or approve an expenditure of public funds, including decisions that are delegated to an administrator.

Issue of policy means a change in a law or an ordinance or a decision, plan, or course of action designed to influence or determine the subsequent decisions or actions of a governmental entity, sell or otherwise divest public property, or regulate conduct. This term does not include a decision or determination of any rights, duties, or obligations made on a case-by-case basis.

Issue of procurement means a proposal to purchase or acquire property, an interest in property, or services by a governmental entity.

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, being a 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 communicating, directly or indirectly, on behalf of and at the direction of a person or entity, outside a duly public meeting or hearing on the record with affected personnel in order to (a) encourage the passage, defeat, or modification of any item pending, or likely to be pending in the near future, before the city council, or any item being considered by the lobbied official or employee for presentation or recommendation to the city council, the mayor, or ~~to~~ any employee who has the authority to make final decisions, or (b) ~~in order to~~ attempt to obtain the goodwill of any such affected personnel. If any such communication with any affected personnel occurs with respect to an item that is not presently pending before such affected personnel, and an item discussed therein subsequently comes before such affected personnel within twelve (12) months of such communication, that communication shall also constitute lobbying and shall be subject to prompt registration and other restrictions hereunder. For purposes of timely registration, the communication shall be deemed to have occurred upon the date such item becomes pending before such

1 affected personnel. Lobbying shall include all forms of communication, whether oral,
2 written, or electronic.

3
4 *Lobbying principal or principal* means any person or entity ~~providing compensation to~~
5 a lobbyist ~~is representing in consideration of his or her performance of lobbying~~
6 ~~activities~~, regardless of the technical or legal form of the relationship between the
7 principal and the lobbyist. ~~Lobbying principal or p~~Principal specifically includes an
8 ~~employer person~~ whose employee or agent lobbies on behalf of the employer for the
9 benefit, or in the name, of the employer.

10
11 *Lobbyist* means any person who ~~shall, for compensation of any kind, including but not~~
12 ~~limited to, salary, payment, retainer, commission, consideration of any type,~~
13 ~~forbearance, forgiveness or any combination thereof, either received or expected,~~
14 engages in lobbying as defined herein. ~~For purposes of this section, compensation~~
15 ~~shall only include something of monetary value.~~ Lobbyist does not include federal,
16 state, county, or other local government employees and quasi-government agency or
17 entity employees who contact a city official or city employee to discuss such federal,
18 state, county, or other local government or quasi-government agency or entity
19 business, and such activity shall not be considered lobbying hereunder.

20
21 *Material interest* means the direct or indirect ownership of more than five (5) percent
22 of the total assets or capital stock of a business entity. For purposes of this ~~article act~~,
23 indirect ownership does not include ownership by a person's spouse or child.

24
25 *Official or officer* means any elected or appointed officer or official.

26
27 *Participate* means any attempt to influence a decision by oral, written, or other
28 communication, whether made by a person subject to the city ethics code or at such
29 person's ~~his or her~~ direction.

30
31 *Permitting employee* means any employee ~~of the city~~ who participates through the
32 decision, approval, disapproval, recommendation, or preparation of a permit or permit
33 application.

34
35 *Person or entity* means any individual, ~~firm~~, business entity, company, ~~corporation~~
36 ~~(profit and not-for-profit)~~, professional corporation or associations, group,
37 organization, joint venture, ~~partnership, limited partnership~~, agency, estate, trusts,
38 business trust, syndicate, fiduciary, or other body having an independent existence
39 and all other groups or combinations however constituted.

40
41 *Personal interest* means any interest arising from blood, marriage, or close personal
42 relationships or from close business association, whether or not any financial interest
43 is involved.

1 *Procurement employee* means any employee ~~of the city~~ who participates through (a)
2 the decision, approval, disapproval, recommendation, or preparation of any part of a
3 purchase request, (b) influencing the content of any specification or procurement
4 standard, (c) the rendering of advice, or (d) investigation or auditing, or in any other
5 advisory capacity, in the procurement of commodities and contractual services ~~or~~
6 ~~commodities as defined in F.S. § 287.012~~, if the cost of such services or commodities
7 exceeds one thousand dollars (\$1,000.00) in any fiscal year.

8
9 *Public board* means any agency, board, commission, or other public body which is
10 created pursuant to City Charter or ordinance and authorized to render decisions or
11 make recommendations in accordance with said enabling legislation.

12
13 *Public body* means any agency, board, body, commission, committee, department,
14 bureau, division, or office of the city.

15
16 *Public statement* means a statement, written or oral, describing the nature and extent
17 of the financial interest, personal interest, or employment involved.

18
19 *Quasi-government agency or entity* means any agency or entity conducting
20 governmental or regulatory functions pursuant to general or special act of the Florida
21 Legislature, the laws of any state ~~or the United States~~, or federal law.

22
23 *Relative* means an individual who is related to the subject official or employee as
24 father, mother, son, daughter, grandfather, grandmother, grandchild, brother, sister,
25 uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law,
26 son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother,
27 stepson, stepdaughter, stepbrother, stepsister, half-brother, ~~or~~ half-sister, anyone
28 who is engaged to be married to the subject official or employee, or anyone who is a
29 domestic partner pursuant to section 12-120, City of Tampa Code.

30
31 *Reporting individual or city reporting individual* means and includes:

32
33 Elected officials;

34
35 Appointed officials;

36
37 Appointed employees;

38
39 Procurement employees;

40
41 Permitting employees; and

42
43 Zoning employees.
44

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

5
6 *Special private gain* means economic benefit of any kind that inures to the person, as
7 opposed to a class of similarly situated persons.

8
9 *Transact any business* means the purchase or sale by the city of specific goods or
10 services for a consideration.

11
12 *Zoning employee* means any employee ~~of the city~~ who participates through the
13 decision, approval, recommendation, or preparation of a zoning or land use matter or
14 application.”

15
16 **Section 3.** That “**Sec. 2-511. - Mandatory disclosure by officials and employees**
17 **of non-city employment or private business entity.**” is hereby amended by adding the
18 underlined language and deleting the stricken language as follows:

19
20 **“Sec. 2-511. - Mandatory disclosure by officials and employees of non-city**
21 **employment or a private business entity.**

22
23 (a) ~~[Dade County]~~ All officials and employees engaged in, or seeking to be engaged in, non-
24 city employment or actively participating, or seeking to actively participate, in a private
25 business entity, shall file, under oath, an annual disclosure form report with the city ethics
26 officer indicating the source of the non-city employment or the name of the private
27 business entity and the nature of the work being done pursuant to said same non-city
28 employment or private entity. ~~Said official's and employee's reports shall be filed with the~~
29 ~~city ethics officer no later than 12:00 noon on July 1st of each year, including the July 1st~~
30 ~~following the last year that person held such employment or was engaged in such private~~
31 ~~business entity.~~ Said forms reports shall be available at a reasonable time and place for
32 inspection by the public. The city ethics officer may require, with good cause, monthly
33 reports from individual officials or employees, or groups of officials or employees, to file
34 disclosure forms monthly for good cause.

35
36 (b) ~~[Palm Beach Co]~~ With regard to any non-city employment or active private business entity
37 activity, the disclosure form statement shall contain the following information:

38
39 (i) ~~▲~~ The name, address, and telephone number of the non-city employer or private
40 business entity;

41
42 (ii) ~~▲~~ A brief description of the purpose and activities of the non-city employer or private
43 business entity;

1 (iii) ~~▲~~ The non-city employment or private business entity position held, or to be held, by the
2 official or employee disclosing individual;

3
4 (iv) ~~▲~~ The official's or employee's disclosing individual's relationship in and to the business;
5 and

6
7 (v.) ~~▲~~ The nature and extent of any ownership interest in the business.

8
9 (c) ~~[Jacksonville]~~ For officials or employees currently employed by the city before or on
10 the effective date of this article, the disclosure form shall be filed within thirty (30) days
11 from the effective date of this article. For officials or employees who become
12 officials or employees after the effective date of this article, the disclosure form shall
13 be filed within thirty (30) days from the beginning date of their current his or her
14 employment with the city. All officials or employees who have filed a disclosure form
15 of the city shall file an updated disclosure form within thirty (30) days of the date
16 whenever any of the information required by the form changes. Officials or employees
17 who wish to begin actively participating in a private business entity, or begin engaging in
18 non-city employment, shall obtain approval to do so pursuant to section 2-512."

19
20 **Section 4. That "Sec. 2-546. - Restriction on appointment, employment,**
21 **promotion or advancement of relatives."** is hereby amended by adding the underlined
22 language and deleting the stricken language as follows:

23
24 **"Sec. 2-546 - Restrictions on appointment, employment, promotion, and or**
25 **advancement of relatives.**

26
27 (a) ~~[F.S. § 112.3135 and City Personnel Manual B24.]~~ No official or employee may appoint,
28 employ, promote, or advance, ~~or advocate for appointment, employment, promotion, or~~
29 ~~advancement,~~ in or to a position in the department or public body in which the official or
30 employee is serving, or over which the official or employee exercises jurisdiction and
31 control, any individual who is a relative of the official or employee.

32
33 (b) No officer or employee ~~Further, an individual~~ may advocate for an individual's not be
34 appointed, employed, promoted, or advanced in or to a position in
35 the city if such ~~appointment, employment, promotion, or advancement has been~~
36 ~~advocated by an officer or employee, serving in or exercising jurisdiction and control~~
37 ~~over the city department or public body, who is a relative of the individual or if such~~
38 ~~appointment, employment, promotion, or advancement is made by a collegial body of~~
39 ~~which a relative of the individual is a member.~~

40
41 (c) A collegial body may not appoint, employ, promote, or advance an individual whose
42 relative is a current member of such collegial body.

(d)(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 ~~in to~~ the same division or section of the department of which the relative serves as ~~a~~ 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, if an employee's relative is selected to become the employee's department head or director or a managerial, supervisory, or lead employee in the employee's department's division or section, employees who hold a status prior to the relative's appointment or selection as a department director, manager, or supervisor, or an employee who becomes related by marriage to the employee's department head or director or to a managerial, supervisory, or lead employee in the employee's same department division or section, the employee 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 applicable, as soon as practicable. This subsection does not apply to individuals serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Said individuals may receive, without losing their volunteer status, reimbursement for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide."

Section 5. That "**Sec. 2-580. - Lobbying.**" is hereby amended by adding the underlined language and deleting the stricken language as follows:

"Sec. 2-580. - Lobbying.

(a) *Registration of lobbyists.* All persons who are lobbyists pursuant to section 2-502 must register prior to lobbying using the registration process maintained by the city ethics officer. Lobbying prior to registration is prohibited. Thereafter, all lobbyists shall register and re-register annually, as applicable, prior to January 1 of each year or as soon thereafter when as the lobbyist should reasonably know that they a person shall will be engaging in lobbying activities. Each lobbyist is required to submit a separate registration for each principal represented. All lobbyists must update their registrations when they represent ~~engage~~ a new principal client prior to initiating any lobbying activities with affected personnel. Registration forms shall be in the manner designated by the city ethics officer and shall require the following information: the name, ~~business address~~ and phone number of the lobbyist; the name, and business address and phone number of the each principal represented; ~~the general and specific areas of interest,~~ and the manner and extent of any direct business association or partnership with any current member of the city council or other affected personnel. If said principal does not have a business address, registration forms shall require said principal's personal address in lieu of a business address. Each lobbyist's submittal of ~~shall sign~~ the registration form, indicating that the lobbyist has read the lobbying provisions of the City of Tampa Ethics Code and shall will abide by its provisions. The registration form shall be submitted in paper or electronic form, pursuant to city policies and procedures, to the city ethics officer. A lobbyist shall

promptly send written notice to the city ethics officer canceling the registration for a principal upon termination of the lobbyist's representation of that principal. The lobbyist is responsible for ensuring the information contained in the registration is current and up to date.

- (b) Private communications. Registered Lobbyists shall be prohibited from lobbying any member of the city council, the mayor, or other affected personnel regarding official city business via text message, email, or any other form of communication directed to or on that member of the city council's, the mayor's, or that other affected personnel's private cell phone, private email account, or any other form of private communication media, such as private emails. In cases where such communication cannot be avoided, the lobbyist must send a copy of the communication to the member of the city council's, ~~the~~ mayor's, or other affected personnel's city email address.

~~(c)(b)~~ *Annual expenditure reporting.*

- (1) A lobbyist shall annually, on or before the third Thursday of January 31 of each year, submit to the city ethics officer's office an expenditure report with 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 the lobbyist expended for each city official or employee by each registered lobbyist. It shall be the responsibility of the lobbyist to obtain this expenditure reporting form from the city ethics officer's office. Expenditure reporting forms shall be made available in paper or electronic form pursuant to city policies and procedures. The city ethics officer shall maintain such filings available and open for public inspection.

- (2) On or after the third Friday of January, and no later than the first Monday of February, of each year, tThe city ethics officer shall concurrently notify all any lobbyists who have faileds to timely file an expenditure report of their failure to file their expenditure report and the associated penalties on or before February 28 of any year. In addition to any other non-monetary penalties which may be imposed, a fine of fifty dollars (\$50.00) per day, beginning the day after the day the lobbyist receives such notification, shall be assessed against a lobbyist who has not filed their expenditure report for reports filed after the due date. After notifying such lobbyists, ~~t~~The city ethics officer shall notify the ethics commission of the failure of each such a lobbyist to file a report and ~~/or if such lobbyist has any outstanding 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 on or before the third Monday of February of each year within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form.

- (3) In addition to any other penalty provided for herein, a lobbyist shall not be permitted to engage in any lobbying activity until the expenditure 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.

~~(d)(e)~~ *Exceptions.* The following persons and activities shall not be considered lobbyists or lobbying ~~exempted from the requirement of lobbying registration and annual reporting:~~

(1) ~~Employees or a~~ 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 authorities' representatives, officials, or employees, including the city's, acting in their official capacity, or in connection with, their job responsibilities or 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;~~

~~(3)(4)~~ Law enforcement personnel conducting an active investigation;

~~(4)(5)~~ Persons or representatives of organizations contacted by an ~~city~~ official when such contact is initiated by the ~~city~~ official;

~~(5)(6)~~ A person who appears under compulsion or subpoena by the city council, a board, or a staff member of a board;

~~(6)(7)~~ Any person in contractual privity with the city who appears only in their ~~his or her~~ official contractual capacity to discuss issues related to their services under contract; and-

~~(7)(8)~~ Any person who only appears in their ~~his or her~~ individual capacity for the purpose of self-representation ~~without compensation or reimbursement~~, whether directly, or indirectly or contingent, to express support of or opposition to any item, ~~shall not be required to file a lobbying disclosure form.~~

~~(e)(d)~~ *Record of meetings; meeting logs.*

(1) Except when appearing at a duly noticed public meeting or hearing on the record, all persons who meet with a member of the city council, ~~or the mayor, or any other affected personnel~~ shall sign meeting logs maintained and available in the office of reception of the city council or the mayor. ~~Meeting logs shall be available and in designated certain city departments as designated by the city ethics officer for meetings with other affected personnel.~~ Meeting logs shall be made available in paper or electronic form pursuant to city policies and procedures. Each person shall provide their ~~his or her~~ name, whether the person is attending the meeting as a part of their ~~his or her~~ employment or otherwise for

1 compensation, the name of each principal, if any, represented in the course of the
2 particular meeting, and the subject matter of the meeting. Upon submitting the
3 information in the meeting log to the city, the member of the city council and their his or
4 her aide, the mayor and their his or her aide, or any other the affected personnel
5 attending the meeting, and the city ethics officer shall will receive concurrent notification
6 from the city of the information submitted in the meeting log. All meeting logs shall be
7 maintained by the city for a period of five (5) fiscal years, and in no event for a period of
8 time less than provided under state law.

9 (2) The following shall not be required to sign the meeting logs:

10
11 (i)(1) City of Tampa employees, and employees of ~~other~~ Hillsborough County agencies;

12
13 (ii)(2) Law enforcement officers; or

14
15 (iii)(3) Relatives of any affected personnel, unless such meeting constitutes lobbying as
16 defined in section 2-502, ~~City of Tampa Code~~.

17
18 (f)(e) *Enforcement*. The enforcement of expenditure reporting shall be as provided in
19 section 2-580(c)(b). If the city ethics officer is informed of any person who has failed to
20 comply with the requirements of any other provisions of this section, and the city
21 ethics officer ~~shall conduct a preliminary investigation as deemed necessary under the~~
22 ~~circumstances. In the event the city ethics officer determines that a violation has may~~
23 ~~have occurred based on the results of the investigation~~, the city ethics officer shall
24 assess the penalty as provided in section 2-580(g)(f). Any appeal of the assessment
25 shall go to the ethics commission for final resolution.

26
27 (g)(f) *Violations/penalties*. Violations of expenditure reporting shall be punishable as
28 provided in section 2-580(c)(b). The following shall apply to all other violations of this
29 section. A first violation of the provisions of this section shall result in the issuance of a
30 warning by the city ethics officer. A second violation within a period of twelve (12)
31 months shall be punishable by a fine of two hundred fifty dollars (\$250.00). If a third
32 violation occurs within twelve (12) months, the violator shall be prohibited from
33 lobbying for six (6) months beginning the day the violator receives notification of such
34 prohibition. If a fourth violation occurs within twelve (12) months, the violator shall be
35 prohibited from lobbying for one (1) year beginning the day the violator receives
36 notification of such prohibition. The city ethics officer shall notify all affected
37 personnel should a lobbyist be suspended under this subsection. If a lobbyist lobbies
38 any affected personnel while under suspension, the city ethics officer shall impose a
39 fine of five hundred dollars (\$500.00). The validity of any action or determination of
40 the city council, ~~or city~~ employees, boards, or committees shall not be affected by the
41 failure of any person to comply with the provisions of this section."
42

1 **Section 6.** That “**Sec. 2-581. - Post-employment restrictions; representation of**
2 **others before city.**” is hereby amended by adding the underlined language and deleting
3 the stricken language as follows:
4

5 **“Sec. 2-581. - Post-employment restrictions; representation of others before city.**
6

7 (a) No elected officer shall personally represent another person or entity for compensation
8 before the city;

9
10 (1) on any matter for a period of two (2) years following vacation of office; and
11

12 (2) Pursuant to Article II, Section 8(f) of the Constitution of the State of Florida, on issues of
13 policy, appropriations, or procurement, as defined in section 2-502, for a period of six (6)
14 years following vacation of office. This does not include refraining from influencing
15 administrative actions, as defined in section 2-502.
16

17 (b) No appointed employee shall personally represent another person or entity for
18 compensation before the city on any matter (except collective bargaining) for a period of
19 two (2) years following termination of employment.
20

21 (c) No ~~city~~ employee (other than appointed employees subject to section 2-581(b) above)
22 shall personally represent another person or entity for compensation before the city for a
23 period of two (2) years following termination of employment in connection with:
24

25 (1) Any particular matter in which ~~involving a specific party or parties in which~~ the city is a
26 party or has a direct and substantial interest; and
27

28 (2) Any matter in which they ~~he~~ participated personally and substantially as an employee
29 ~~through~~ in the decision, approval, disapproval, recommendation, ~~the~~ rendering of advice,
30 investigation, or otherwise of the matter while employed by the city, except for purposes
31 of collective bargaining.
32

33 (d) In addition to the post-employment restrictions contained in this section, elected
34 officers and employees are subject to the lobbying restrictions contained in section 2-
35 580.”
36

37 **Section 7.** That “**Sec. 2-624. - Ethics education and training program.**” is hereby
38 amended by adding the underlined language and deleting the stricken language as
39 follows:
40

41 **“Sec. 2-624. - Ethics education and training program.**
42

43 (a) Officers and employees ~~of the city~~, as public servants, are considered stewards of the
44 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.

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

~~(c)(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 shall ~~will~~ be issued a certificate of completion by the ethics commission. Elected officials must also fulfill the state's yearly ethics training requirements as listed in F.S. Ch. 112.

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

~~(4)~~ Every employee of the city shall complete an employee ethics training program within the first six (6) months of ~~his/her~~ their 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.

~~(e)(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.

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

Section 8. That "**Sec. 2-626. - Additional penalties.**" is hereby amended by adding the underlined language and deleting the stricken language as follows:

"Sec. 2-626. - Additional penalties.

(a) *Liability for breach of public trust and -restitution.* ~~[Jacksonville]~~

(1) 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.

(2) 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 proposer voidable. Any person who violates a provision of this article ordinance shall be prohibited from serving on a City of Tampa competitive selection committee.

[Jacksonville]

(c) *Voiding transactions in violation of article 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 article 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 complaints claims.*

(1) Individuals covered by this Code shall not use city ethics code its provisions to further frivolous complaints claims against another person. Frivolous complaints claims are complaints shall be those forwarded to the city ethics commission with knowledge that the complaint 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 the city ethics code, including repetitive complaints that that have already been resolved or dismissed previously and do not present any new material facts or arguments this code.

(2) Consistent with F.S. § 112.326, if a complainant files a frivolous complaint, such complainant shall be liable to the alleged violator for the alleged violator's costs and attorney fees incurred in the alleged violator's defense of such a complaint if the city ethics commission determines that (A) the alleged violator is an officer, an employee, or a candidate for public office and (B) the complainant filed the complaint with a malicious intent to injure the reputation of the alleged violator. Such costs and attorney fees incurred includes the costs and attorney fees the alleged violator incurred while proving entitlement to, and establishing the amount of, such costs and fees.

(3) For the purposes of subsection 2-626(d), “initial complainant” means a complainant liable for an alleged violator’s costs and attorneys fees under this section, and “initial alleged violator” means the person to whom the initial complainant is liable for such costs and fees.

(4) If an initial alleged violator files a complaint with the ethics commission claiming an initial complainant is liable to the initial alleged violator for the initial alleged violator’s costs and attorney fees under this section, the ethics commission shall determine such liability upon a hearing conducted in accordance with the procedures defined in section 2-658.

[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:~~

(1) ~~FORFEITURE.—Any public officer or employee who is convicted of a specified offense, as defined in F.S. § 112.3173, committed prior to retirement, or whose office or employment is terminated by reason of their 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 they are his or her is a member, except for the return of their 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 his or her 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.~~

(2) Said forfeiture shall be determined as specified in F.S. § section 112.3173(5).

(f) Enforcement of Financial Liability.

If the ethics commission determines an individual has financial liability under this article and the individual fails to make the payment as required by the ethics commission no later than thirty (30) days after the day the ethics commission makes such a

determination, or as otherwise specified in this article, the ethics commission shall ask the city to seek a petition for relief in the circuit court to enforce such liability.”

Section 9. That “**Sec. 2-658. - Procedure on complaints of violations.**” is hereby amended by adding the underlined language and deleting the stricken language as follows:

“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, To file a complaint alleging a city ethics code violation, a person must transmit a legally sufficient complaint, as defined herein, to the city ethics officer. The city ethics officer shall present all legally sufficient the complaints 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 legally sufficient complaint ~~alleged violation of this article~~ in accordance with the procedures set forth in this section.

(1) Within five (5) days after the day the city ethics officer receives a legally sufficient complaint, the city ethics officer shall transmit a copy of the complaint to the alleged violator.

(2) A legally sufficient complaint is one that:

(i) Is written and signed under oath or affirmation by the person making the complaint;

(ii) Alleges facts which, if true, would constitute improper conduct under the provisions of this article; and

(iii) Is based upon personal knowledge or information other than hearsay.

~~(3) (1) In no event shall~~ If a complaint is filed under this section against a candidate in any city election ~~be filed or the filing of, or intention of filing of, such a complaint be disclosed~~ on the day of any such election or within the five (5) days immediately preceding the date of such the election, the city ethics officer shall not present such complaint to the ethics commission until at least one (1) day following such election but no later than five (5) days following such election.

(4) The city may not initiate a complaint or investigation.

(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.

- (1) 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 After dismissing the complaint, the ethics commission shall transmit the complaint, a written statement of the findings of the preliminary investigation, and a summary of the facts 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. Once the complaint is dismissed, such documents are no longer exempt from public disclosure.
- (2) 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 preliminary investigation complaint are no longer exempt from public disclosure shall then become public records. Upon request submitted to the ethics commission in writing, the alleged violator 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. The alleged violator 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.
- (3) If the ethics commission holds a public hearing, tThe 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. The Any person filing such a sworn complainant 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.
- (4) Within ten (10) days after the public hearing, unless the ethics 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 another appropriate body for appropriate action.
- (c) 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.”

Section 10. That “**Sec. 2-662. - Investigatory powers.**” is hereby amended by adding the underlined language and deleting the stricken language as follows:

“**Sec. 2-662. – Exploratory ~~Investigatory~~ powers.**

The ethics commission may, ~~on its own initiative, seek information and gather facts for use its fact gathering powers to explore opportunities to maintain and advance the acceptable standards of ethics for officers and employees. Based upon such exploration, the ethics commission may recommend 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 public bodies ~~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 public bodies ~~city agencies~~ shall cooperate with the ethics commission in the exercise of the ethics commission's responsibilities.”

Section 11. That should a court of competent jurisdiction declare any part of this Ordinance invalid, the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

Section 12. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 13. That this Ordinance shall take effect immediately upon becoming a law.

1 **PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,**
2 **FLORIDA, ON _____.**
3

4 _____
5 CHAIR/CHAIR PRO-TEM
6 TAMPA CITY COUNCIL

7 ATTEST:

8
9 _____
10 CITY CLERK/DEPUTY CITY CLERK
11

12
13
14 APPROVED AS TO FORM
15 AND LEGAL SUFFICIENCY:
16 e/s
17 MEGAN BIRNHOLZ-COUTURE
18 ASSISTANT CITY ATTORNEY I