

**From:** [Rhode, Lynne C. \(City of Jacksonville\)](#)  
**To:** ["Phillips, Jon"](#); ["Granat, Sean"](#)  
**Subject:** Comp memo ethics notes  
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Jon and Sean,

Please see below some preliminary notes I have pertaining to the ethics component of the draft comp memo. I will be here at the conference the rest of today, available on my cell phone (804-212-7943) tomorrow and over the weekend, and available in the office (or on my cell) on Monday if we need to discuss further. As we discussed, please send me a revised final memo on Monday (whenever you can). I will then deliver the memo to Herschel for his and Aaron's review before Tuesday's Compensation Committee meeting. Thank you both for your assistance!

Best regards,  
Lynne

Under state and local ethics laws, an otherwise proper JEA long-term incentive program benefiting both management and non-management employees is permissible within the following key parameters designed to prevent the misuse of public funds:

Article II, Section 8 of the Florida Constitution (Ethics in Government) requires financial disclosure by public officials and generally prohibits public officials from acting in a manner in breach of the public trust. This general prescription has been codified by Florida Statute, namely Chapter 112 Part III (Code of Ethics for Public Officers and Employees), and further enumerated for Jacksonville officials and employees within the Jacksonville Ethics Code (Chapter 602 of the Jacksonville Ordinance Code).

Within the state ethics code, which generally applies to all public officials and employees within the state, § 112.313 is the primary provision that should be considered when analyzing an incentive program adopted by an independent agency of the City. Section 112.313 (Standards of conduct) subsection (6) (Misuse of public position) states, in relevant part and with emphasis added, that "no public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. ...". Pursuant to subsection (6), an independent agency employee may not corruptly use his position or perform his official duties in order to secure for himself or other individuals a unique benefit.

Similar to F.S. § 112.313(6), the city ethics code (which expressly at § 602.631 applies to officers and employees of independent agencies) at § 602.401 (Misuse of position, information, resources etc.) subsection (a) prohibits an employee of an independent agency from intentionally using his position or otherwise acting in a manner inconsistent with his official duties in order to obtain a special privilege, financial or otherwise.

Both F.S. § 112.313(6) and Jacksonville, Florida, Municipal Code § 602.401(a) contain intent and uniqueness components. An incentive program developed and implemented by managers generally

responsible for developing and implementing compensation measures, that fully comports with all F.S. § 215.425 and JEA Charter strictures, under which all JEA employees are considered for the bonus in a transparent, impartial manner, and which is based upon objective financial metrics measured by an independent party generally would not run afoul of either the state or city ethics codes.