

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2024-__

AN ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, AMENDING THE CODE OF THE CITY OF CORAL GABLES, FLORIDA, CHAPTER 2, ENTITLED “ADMINISTRATION”, ARTICLE III “BOARDS, COMMISSIONS, COMMITTEES”, DIVISION 3 “TRAIL BOARD” BY CREATING SECTION 2-124 “PROCEDURES” AND AMENDING CHAPTER 2 ENTITLED “ADMINISTRATION”, ARTICLE IV “OFFICERS AND EMPLOYEES” BY CREATING SECTION 2-255 “EMPLOYEE PROTECTION” IN ORDER TO PROVIDE FOR AN ADMINISTRATIVE PROCEDURE FOR HANDLING COMPLAINTS MADE IN ACCORDANCE WITH THE FLORIDA WHISTLE-BLOWER’S ACT, F.S. §112.3187; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, consistent with the Florida Whistle-blower’s Act, as codified in Florida Statute § 112.3187, the City Commission wishes to create an administrative procedure for handling complaints made pursuant to the state Whistle-blower’s Act; and

WHEREAS, this Ordinance establishes an administrative procedure utilizing the City’s existing trial board and requires an amendment to the City Code to create that procedure and codifies the trial board’s authority to establish rules of procedure consistent with state law.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. That the foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof

SECTION 2. That Chapter 2- Administration of the City of Coral Gables City Code be amended as indicated as follows¹:

¹ Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

Section 2-124. Procedures

The trial board, in consultation with the City Attorney, shall have the power to adopt rules of procedure pertaining to all matters brought before it pursuant to Section 13 of the City Charter. In addition, the trial board, in consultation with the City Attorney, shall have the power to adopt rules of procedure pertaining to all matters brought before it pursuant to Section 2-255 of the City Code, provided those policies and procedures are consistent with F.S. § 112.3187 et seq., as may be amended from time to time. These policies and procedures shall include the option of mediation or arbitration prior to a full hearing of the Trial Board, with costs to be shared by all parties.

Section 2-255. Employee Protection.

- (a) *Purpose.* Consistent with the State of Florida’s Whistle-blower’s Act, F.S. § 112.3187 et seq., as may be amended from time to time (“Whistle-blower’s Act”), it is the intent of the City to prevent retaliatory action against an employee who properly reports violations of law on the part of a public employer or independent contractor that create a substantial and specific danger to the public’s health, safety, or welfare, or against an employee who properly discloses to an appropriate official allegations of improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of a department, agency, authority, board, commission, public officer, or employee.
- (b) *Employees and Persons protected.* This section protects employees and persons who disclose information on their own initiative in a written and signed complaint or are otherwise protected by F.S. §112.3187(7).
- (c) *Remedies.* Within sixty (60) days after any action prohibited by the Whistle-blower’s Act any local public employee protected by the Whistle-blower’s Act may file a written complaint with the City Manager.
- (d) *Panel.* Any properly filed complaint will be referred to the City’s Trial Board established in Section 13 of the City Charter. The Trial Board will make findings of fact and conclusions of law for a final decision by the City Manager consistent with the Whistle-blower’s Act.
- (e) *Interpretation and Existing Rights.* This section shall be interpreted consistently with F.S. § 112.3187, and all rights, remedies, relief, defenses, deadlines, and existing rights outlined in F.S. §112.3187 et seq., as may be amended from time to time, shall apply.
- (f) *Application.* This section shall not apply to those employees of the City covered by a collective bargaining agreement unless and until the collective bargaining agreement is amended to include these procedures.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables City Code and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. If the City of Coral Gables City Code Table of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2024.

APPROVED:

VINCE LAGO

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CRISTINA M. SUÁREZ
CITY ATTORNEY