
Sec. 2-43. Restrictions on employment of relatives.

(a) In this section, unless the context clearly requires otherwise, the following words and phrases shall have the meanings herein ascribed to them:

- (1) *Appointing authority* means any officer or employee of the city in whom is vested the authority by law, rule or regulation or to whom the authority has been delegated to appoint, employ, promote or advance individuals or to recommend individuals for appointment, employment, promotion or advancement in connection with employment by the city.
- (2) *City official or employee* means any officer or employee of the city and specifically including every person engaged in any employment relationship with the city under any appointment or contract of hire, whether express or implied, oral or written, for remuneration and including all full-time, part-time, seasonal, permanent and temporary employees. Notwithstanding the provisions of subsections (e) and (g) of this section, the city manager may authorize temporary employment of individuals for any continuous period of four (4) months and assign those individuals to a department in which a relative of such individual is serving, which relative is related to such individual within the degrees of relationship as set forth in paragraph (a)(3) of this subsection.
- (3) *Relative* means any individual related to a city official or employee of the city by a degree of consanguinity or affinity as set forth below:

Consanguinity

Father
Mother
Son
Daughter
Sister
Brother
Uncle
Aunt
Nephew
Niece
First cousin
Half brother
Half sister

Affinity

Husband
Wife
Father-in-law
Mother-in-law
Son-in-law
Daughter-in-law
Brother-in-law
Sister-in-law
Stepfather
Stepmother
Stepson

Stepdaughter
Stepsister
Stepbrother

- (b) An appointing authority may not appoint, employ, promote or advance or advocate for appointment, employment, promotion or advancement in or to a position in a department or agency of the city in which such appointing authority is serving or over which such appointing authority exercises jurisdiction or control any individual who is a relative of the appointing authority. An individual may not be appointed, employed, promoted or advanced in or to a position in a department or agency of the city if such appointment, employment, promotion or advancement has been advocated by an appointing authority serving in or exercising jurisdiction or control over the department or agency and who is a relative of the individual.
- (c) Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control" for the purposes of this section.
- (d) Except as provided in this section, an individual appointed, employed, promoted or advanced in violation of this section is not entitled to pay and money may not be paid to an individual so appointed, employed, promoted or advanced.
- (e) No person who is related to an incumbent city employee or official within the degrees of relationship set forth in paragraph (a)(3) of this section shall be hired for employment in the same department in which such incumbent employee is employed or holds an appointive position.
- (f) When persons employed in the same department become related to each other within any degree or degrees as set forth in paragraph (a)(3) of this section through acts of affinity or other processes of law, the city manager may, where practical and reasonable, transfer one (1) of such employees to another department.
- (g) No employee who is related to another city employee within any degree of relationship as set forth in paragraph (a)(3) of this section shall be transferred into the department in which the related employee is assigned or in which he holds an appointive position.

(Code 1953, § 2-32; Ord. No. C-76-71, § 1, 7-6-76)

State law reference(s)—Restriction on employment of relatives, F.S. § 116.111.