

ORDINANCE NO. 1643

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CITY'S CODE OF ORDINANCES RELATED TO OFF DUTY EMPLOYMENT; REPEALING THE PROHIBITION ON POLICE AND FIRE EMPLOYEES ENGAGING IN OFF DUTY EMPLOYMENT ON SPECIAL EVENTS; REQUIRING OFF DUTY EMPLOYERS TO REIMBURSE THE CITY FOR EQUIPMENT AND VEHICLE EXPENSES USED FOR LAW ENFORCEMENT OFF-DUTY EMPLOYMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. From and after the effective date of this Ordinance, Chapter 2, Article III, Division 2, Sections 2-54 of the City's Code of Ordinances are hereby amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

Sec. 2-54. – General Provisions

- (a) Since Panama City Beach does not provide workers' compensation coverage for off-duty employment, employees are encouraged to sufficiently protect themselves by ensuring that workers' compensation is provided by the off-duty employer. This is the responsibility of the employee.
- (b) Hours worked will not be in conflict with regular duty nor inhibit an employee's ability to perform satisfactorily during normal duty hours.
- (c) The type of work that is to be performed shall not be demeaning to an employee or the City of Panama City Beach.
- (d) Employment while off-duty shall not be in conflict with any Department regulations, Civil Service codes, state statutes nor ordinances or regulations of the City of Panama City Beach.
- (e) Employees approved to perform off-duty work must only perform those duties approved on the Off-Duty Employment Authorization Request form. Employees who engage in unapproved off-duty employment will be subject to revocation of off-duty employment authorization and disciplinary action.

- (f) No employee shall be permitted to engage in any off-duty employment which might reasonably be expected to require the employee to disclose or make use of confidential information acquired by reason of the employee's position with the City.
- (g) No employee shall accept off-duty employment which might impair the employee's independence or judgment in the performance of the employee's public duties.
- (h) The primary duty, obligation and responsibility of each employee is to the city at all times.
- (i) All City employees are subject to call at any time for emergencies or overtime duty and no off-duty employment shall infringe on these primary obligations to the City.
- (j) ~~The City Police Department and Fire Department employees may not engage in off duty employment for the provision of law enforcement, security, traffic control, emergency medical technician services, fire protection, crowd management, or provide any other services necessary for the implementation of a special event within the corporate limits of the City of Panama City Beach.~~

SECTION 2. From and after the effective date of this Ordinance, Chapter 2, Article III, Division 2, Sections 2-56 of the City's Code of Ordinances are hereby amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

Sec. 2-56. Law Enforcement Officers.

In addition to the provisions contained elsewhere herein, law enforcement officers, including command officers and the Chief of Police, shall be subject to the following provisions:

- (a) Security Related Off-Duty Employment - Attire and Equipment.

All law enforcement officers who work as security guards for the purpose of identifying, contacting or apprehending violators, shall be allowed to (i) work in standard on-duty attire, including the basic police uniform, and carry the approved Department-issued equipment in the performance of off-duty security related jobs, and (ii) use the officer's assigned police vehicle for transportation. ~~to and from, but not to perform, such off-duty jobs.~~ **The off-duty employer shall reimburse the City for equipment and vehicle expenses related to the off-duty employment.**

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SECTION 2. REPEALER. All ordinances or parts of resolutions or ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include, and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the

final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. SEVERABILITY. If any clause or portion of this ordinance is held invalid or unenforceable, the remainder of this ordinance shall continue in full force and effect.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED in special session of the City Council of the City of Panama City Beach, Florida, this 23rd day of May, 2024.

CITY OF PANAMA CITY BEACH

By: 
Stuart Tetteimer, Mayor

ATTEST:

Lynne Fasone, City Clerk

Published on <https://publicnoticesbaycountyfl.gov/> on the 13th day of May, 2024.

Posted on <https://www.pcbfl.gov/government/city-council/ordinances> on the 14th day of May, 2024.


Lynne Fasone, City Clerk

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published. This Business Impact Estimate may be revised following its initial posting.

Proposed ordinance's title/reference:

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CITY'S CODE OF ORDINANCES RELATED TO OFF DUTY EMPLOYMENT; REPEALING THE PROHIBITION ON POLICE AND FIRE EMPLOYEES ENGAGING IN OFF DUTY EMPLOYMENT ON SPECIAL EVENTS; REQUIRING OFF DUTY EMPLOYERS TO REIMBURSE THE CITY FOR EQUIPMENT AND VEHICLE EXPENSES USED FOR LAW ENFORCEMENT OFF-DUTY EMPLOYMENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;

¹ See Section 166.041(4)(c), Florida Statutes.

- c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

If no exemption applies, in accordance with the provisions of controlling law, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

This ordinance improves the health and safety of the City by allowing City Fire and Law Enforcement to work off-duty on special events. The ordinance also improves the fiscal health of the City by requiring off-duty employers to reimburse the City when a law enforcement officer uses City equipment and/or vehicles for off-duty employment.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

There are no required compliance costs for this ordinance. Businesses would not be required to utilize City law enforcement employees for off-duty employment. However, if businesses do hire City law enforcement employees for off-duty work, they must reimburse the City for equipment/vehicle use.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

See response to 2(a) above.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There are no new regulatory costs for the City.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Unknown

4. Additional information the governing body deems useful (if any):