

**PART A CHARTER LAWS CHARTER OF THE CITY OF JACKSONVILLE, FLORIDA \_\_\_\_\_**

The Charter of the City of Jacksonville is set out herein as readopted by Chapter 92-341, Laws of Florida. Formerly, the Charter of the City of Jacksonville was derived from Chapter 67-1320, Laws of Florida, adopted by the Legislature of the State of Florida at its regular session in 1967, as amended. The first legal step to consolidated city-county government for Jacksonville occurred in 1934 when the Florida Constitution was amended to permit merger of Duval County and all of its cities. That government matured only after a legislative-directed study commission drafted a Charter with widespread public approval which was adopted as the Charter in 1967. The government was not the metropolitan form of Miami-Dade County, which had retained the county government, nor was it the chartered-county form later permitted by the Florida Constitution when it was revised in 1968. It essentially eliminated two governments (city and county) and replaced it with one.

Smaller communities in Duval County-the three beaches cities and the town of Baldwin-were reconstituted as urban services districts: they were permitted elements of local control but they henceforth would look to the new City of Jacksonville for the former functions of county government, and could draw on essential urban services such as police and fire from the central government. Through judicial and legislative action, these communities were restored to their municipal status: today the City of Jacksonville stands in the relationship of a county government to them, and they continue to function as municipal governments.

To conform to the traditional organization of Florida state government, Jacksonville retained the offices of Sheriff, Property Appraiser, Tax Collector, Supervisor of Elections and Clerk of the Circuit Court. But these officers are now considered not only as county officers but as officers of the Consolidated Government, and as such play an important role in its operation. Certain special functions were allotted to independent agencies appointed by the Mayor or Governor, while a measure of centralized control was held by the City through approval of their budgets and by requiring their use of the central services of the City. Consistent with the Charter's home rule objectives, the Council was permitted to modify this requirement for use of central services.

Through the years, legislation by both the Legislature and the Council have added to and subtracted from the Charter, in an attempt to achieve both aims of the Consolidated Government: government by the broadest representation of its citizens (exercising their home rule powers under the Florida Constitution) and the efficient response to urban problems.

History notes following a particular section indicate the complete history of amendatory legislation enacted subsequent to Chapter 67-1320, Laws of Florida. The indexes appearing at the beginning of each article, notes appearing at the end of various sections or at the beginning of an article or chapter and section and subsection headings enclosed in brackets are added editorially.

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CHAPTER 92-341

House Bill No. 13-H

*An act relating to the City of Jacksonville; readopting the Charter of the City of Jacksonville, chapter 67-1320, Laws of Florida, as amended; repealing certain special acts of the Legislature relating to the Charter of the City of Jacksonville; providing directions to the Council of the City of Jacksonville, in the event of home rule or referendum revisions or amendments to the Charter of the City of Jacksonville; providing an effective date.*

*WHEREAS, the Charter of the City of Jacksonville was created by the Legislature in chapter 67-1320, Laws of Florida, subject to approval by local referendum, and*

*WHEREAS, the electorate within Duval County, Florida, approved said charter in a local referendum held for that purpose, and*

*WHEREAS, provisions of said charter have been amended, repealed, and otherwise revised by the*

*Legislature since adoption after electorate approval, and*

*WHEREAS, the Legislature, in chapter 78-536, Laws of Florida, amended said charter to provide for broad home rule powers in the Council of the City of Jacksonville, to amend said charter in the same manner as the Legislature, except for certain prohibited subjects, and*

*WHEREAS, the Council of the City of Jacksonville has, from time to time, exercised such home rule power to amend, repeal, or otherwise revise portions of said charter, and*

*WHEREAS, by virtue of such actions by the Legislature and city council, said charter should be readopted in its current form, as amended, and all such special acts which have heretofore amended, repealed, or otherwise revised provisions of said charter should be repealed, in order to facilitate the use, review analysis, and other references to said charter, NOW, THEREFORE,*

*Be It Enacted by the Legislature of the State of Florida:*

**Section 1. Readoption of charter.**

The Charter of the City of Jacksonville, chapter 67-1320, Laws of Florida, as amended, is readopted to read:

**ARTICLE 1. GOVERNMENT**

Sec. 1.01. Consolidated government.

Sec. 1.02. Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and Town of Baldwin.

**Section 1.01. Consolidated government.**

(a) The county government of Duval County, the municipal government of the City of Jacksonville, the Duval County Air Improvement Authority, the east Duval County Mosquito Control District, the northeast Duval County Mosquito Control District, and all boards, bodies, and officers thereof were and are consolidated into a single body politic and corporate pursuant to the power granted by former s. 9 of Article VIII of the Constitution of 1885, as amended, of the State of Florida, which section was continued by and remains in full force and effect under s. of Article VIII of the Constitution of the State of Florida. The name of the consolidated government is City of Jacksonville (herein called "city" or "consolidated government"). The consolidated government succeeds to and possesses all the properties (of whatever nature), rights, capacities, privileges, powers, franchises, immunities, liabilities, obligations, and duties of the former governments and former special districts named in the first sentence of this subsection, without including or affecting the existence, properties, rights, capacities, privileges, powers, franchises, immunities, liabilities, obligations, and duties of the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin. The consolidated government shall have perpetual existence and shall have only such officers, departments, and other agencies as are provided in this charter or as may be established by the council.

(b) The consolidated government has and shall have jurisdiction as a chartered county government and extend territorially throughout Duval County, and has and shall have jurisdiction as a municipality throughout Duval County except in the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin.

(Laws of Fla., Ch. 78-536, § 1; Laws of Fla., Ch. 92-341, § 1)

**Section 1.02. Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and Town of Baldwin.**

(a) The territories of the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin were and are also consolidated into the territory of the consolidated government. The Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin shall each continue to exist and have and retain the same local governmental structure, boards, bodies, officers, laws, municipal charters, and special acts which existed in those areas on September 30, 1968, unless changed in accordance with law. The persons who were officers and members of boards and bodies of the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin on September 30, 1968, continued after that date to occupy the same position and were entitled to the same compensation therefor, unless changed in accordance with law. All such boards, bodies, and officers continue since October 1, 1968, to be elected at the times, in the manner, and for the terms which were provided under their respective municipal charters and continue to have the same powers and duties which they had under those charters, unless changed in accordance with law. All municipal charters and special and general laws which applied to the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin on September 30, 1968, continue to apply to the respective governments, boards, bodies, and officers unless changed in accordance with law. These Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin each continue to be entitled to own, acquire, encumber, and transfer property in its own name, by the duly authorized action of its boards, bodies, and officers. The Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin are continued as municipalities having all governmental,

corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and shall be treated, considered, and dealt with as municipalities under the Constitution and laws of the State of Florida and shall be entitled to exercise the same functions, powers, and duties granted to municipalities under the general laws and Constitution of the State of Florida.

(b) The Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin shall not be subject to the provisions of section 5.11, article 14, article 16, article 17, or article 19. The council may provide for management or fiscal audits by the council auditor of the second, third, fourth, and fifth urban services districts or their boards, bodies, or officers.

(Laws of Fla., Ch. 78-536, § 1; Laws of Fla., Ch. 92-341, § 1)

**Cross references:** Duval County boundaries, Part B, Art. 1.

**ARTICLE 2. GENERAL AND URBAN SERVICES DISTRICTS**

Sec. 2.01. Services districts and their territories.

Sec. 2.02. Expansion of first urban services district.

Sec. 2.03. Consolidation of urban services district.

Sec. 2.04. Services in general services district.

Sec. 2.05. Additional services in first urban services district.

Sec. 2.06. Homestead law.

**Section 2.01. Services districts and their territories.**

The territory of the consolidated government is divided into a general services district and five urban services districts. The general services district consists of the total territory within Duval County. The first urban services district initially consists of the territory which immediately prior to the effective date of the original charter of the consolidated government of the City of Jacksonville [October 1, 1968] was included in the corporate limits of the former City of Jacksonville. The second urban services district initially consists of the territory of the City of Jacksonville Beach. The third urban services district initially consists of the territory of the City of Atlantic Beach. The fourth urban services district initially consists of the territory of the City of Neptune Beach. The fifth urban services district initially consists of the territory of the Town of Baldwin.

(Laws of Fla., Ch. 67-1535; Laws of Fla., Ch. 78-536, § 2; Laws of Fla., Ch. 92-341, § 1)

**Section 2.02. Expansion of first urban services district.**

The territory of the first urban services district may, from time to time, be expanded and its territorial limits extended by the council whenever the council determines that a particular territory of the consolidated government outside the urban services district needs urban services and the consolidated government is able to provide such services. No territory may be designated as part of the first urban services district unless the consolidated government provides to such territory all governmental services which the consolidated government is then providing within such first urban services district within a reasonable period of time, which shall not be longer than 1 year after the particular territory is included in the first urban services district. The tax levy on property in territories hereafter becoming part of the first urban services district shall not include any item for the payment of general obligation bonds issued by the first urban services district prior to the date when the particular territory became a part of the first urban services district. No part of the second, third, fourth, or fifth urban services district may be included within the first urban services district under this section.

(Laws of Fla., Ch. 67-1535; Laws of Fla., Ch. 78-536, § 2; Laws of Fla., Ch. 92-341, § 1)

**Section 2.03. Consolidation of urban services district.**

The five initial urban services districts, or any of them, may be consolidated into one or more other urban services districts by ordinances adopted by two-thirds of the members of each of the legislative bodies of the affected governments. Before any such ordinance shall become effective in either one or more urban services districts, a separate referendum shall be held in each district to be affected by the ordinance, and the ordinance must be approved in each urban services district affected by the ordinance by a majority of those voting. If any of the initial urban services districts are consolidated, the tax levy on property formerly included in one of the urban services districts shall not include any item for the payment of general obligation bonds issued by the other former urban services districts.

(Laws of Fla., Ch. 67-1535; Laws of Fla., Ch. 78-536, § 2; Laws of Fla., Ch. 92-341, § 1)

**Section 2.04. Services in general services district.**

Throughout the entire general services district the consolidated government shall furnish the following governmental services; airports, agricultural agent, child care, courts, electricity, fire protection, health, hospitals, library, police protection, recreation and parks, schools, streets and highways, traffic engineering, and welfare services. The foregoing enumeration is intended as a list of those governmental services which shall be performed by the consolidated government within the general services district (except when any of such services is being performed by the second, third, fourth, or fifth urban services district) and is not intended to limit the right of the consolidated government to perform other governmental services within the general services district. In the second, third, fourth, and fifth urban services districts, the consolidated government shall provide only those governmental services that are normally provided by counties to municipalities and are normally considered to be county public functions.

(Laws of Fla., Ch. 67-1535; Laws of Fla., Ch. 78-536, § 2; Laws of Fla., Ch. 92-341, § 1)

**Section 2.05. Additional services in first urban services district.**

In addition to the services provided to the general services district, the consolidated government shall furnish the following additional services within the first urban services district: water supply, sanitary sewers, street lighting, street cleaning, and garbage and refuse collection. The foregoing enumeration is intended as a list of those governmental services which shall be performed by the consolidated government within the first urban services district and is not intended to limit the right of the consolidated government to perform other governmental services within the first urban services district.

(Laws of Fla., Ch. 67-1535; Laws of Fla., Ch. 78-536, § 2; Laws of Fla., Ch. 92-341, § 1)

**Section 2.06. Homestead law.**

That part of the general services district not included in the urban services district shall be deemed to be a rural area, and a homestead in such rural area shall not be limited as if in a city or town. Whenever any urban services district is altered, created, or expanded pursuant to this charter or legislative act, a homestead within such urban services district shall be limited as if in a city or town.

(Laws of Fla., Ch. 67-1535; Laws of Fla., Ch. 78-536, § 2; Laws of Fla., Ch. 92-341, § 1)

**ARTICLE 3. POWERS OF CONSOLIDATED GOVERNMENT\***

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**\*Editor's note:** Section 4 of Ch. 78-536, Laws of Fla., amended Art. 3 hereof and prior to enactment of this legislation, former Art. 3, §§ 3.01--3.03, pertained to similar subject matter and was derived from Laws of Fla., Ch. 67-1320, as amended by Laws of Fla., Chs. 71-707, 72-572, 75-404 and 77-575.

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Sec. 3.01. General powers.

Sec. 3.02. Construction.

**Section 3.01. General powers.**

The consolidated government:

(a) Shall have and may exercise any and all powers which counties and municipalities are or may hereafter be authorized or required to exercise under the Constitution and the general laws of the State of Florida, including, but not limited to, all powers of local self-government and home rule not inconsistent with general law conferred upon counties operating under county charters by s. 1(g) of Article VIII of the State Constitution; conferred upon municipalities by s. 2 (b) of Article VIII of the State Constitution; conferred upon consolidated governments of counties and municipalities by section 3 of Article VIII of the State Constitution; conferred upon counties by ss. 125.85 and 125.86, Florida Statutes; and conferred upon municipalities by ss. 166.021, 166.031, and 166.042, Florida Statutes; all as fully and completely as though the powers were specifically enumerated herein.

(b) With respect to Duval County, except as expressly prohibited by the Constitution or general laws of the State of Florida, may enact or adopt any legislation concerning any subject matter upon which the Legislature of Florida might act; may enact or adopt any legislation that the council deems necessary and proper for the good government of the county or necessary for the health, safety, and welfare of the people; may exercise all governmental, corporate, and proprietary powers to enable the City of Jacksonville to conduct county and municipal functions, render county and municipal services and exercise all other powers of local self-government; all as authorized by the constitutional provisions mentioned in subsection (a) and by ss. 125.86(2), (7), and (8) and 166.021(1) and (3), Florida Statutes.

(c) May engage in any activity in which the State of Florida or any of its political subdivisions may engage and may exercise any power which may be exercised by the State of Florida or any of its political subdivisions within Duval County, not expressly prohibited by the Constitution or general laws of the State of Florida, as authorized by s. 166.021(1), Florida Statutes.

(d) Shall have and may exercise any and all powers which any of the former governments and former special districts possessed on September 30, 1968.

(e) May repeal or amend any provision of this charter, and adopt other provisions of this charter, by ordinance, to the same extent as could be done by the Legislature of the State of Florida, except that:

(1) The following subjects may not be so acted upon:

(i) Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extraterritorial powers by municipalities.

(ii) Any subject expressly prohibited by the Constitution of the State of Florida.

(iii) Any subject expressly preempted to state government by the Constitution or general laws of Florida.

(iv) Any subject affecting the powers, rights, duties, and abilities of the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin.

(2) Any change in this chapter made by ordinance which affects the creation or existence of a municipality, the terms of elected officers and the manner of their election, the distribution of powers among elected officers, matters prescribed by the charter relating to appointive boards, matters prescribed by the charter relating to the office of general counsel, matters prescribed by the charter relating to the council auditor's office, the form of government, or any rights of municipal employees cannot become effective without approval by referendum of the electors as provided in s. 166.031, Florida Statutes. For the purposes of this paragraph, "municipality" includes the county and municipality of the City of Jacksonville but excludes the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin.

(f) May not exercise any municipal power within the Cities of Jacksonville Beach, Atlantic Beach, or Neptune Beach or the Town of Baldwin, notwithstanding the provisions of subsections (a), (b) and (c) of this section, but may exercise any county power throughout Duval County.

(g) In addition to any other construction, reconstruction, repair, or renovation projects, authorized by general or special law, may order the construction, reconstruction, repair, and renovation of sanitary sewer force mains and lift stations, all or any part of the costs of which may be paid levying and collecting special assessments on the abutting, adjoining, contiguous, or other properties specially benefitted by such improvements. Such special assessments shall be levied and collected pursuant to procedures provided in chapter 170, Florida Statutes.

(Laws of Fla., Ch. 78-536, § 4; Laws of Fla., Ch. 85-435, § 2; Laws of Fla., Ch. 86-399, § 1; Laws of Fla., Ch. 89-554, § 1; Laws of Fla., Ch. 92-341, § 1)

### **Section 3.02. Construction.**

The powers of the consolidated government shall be construed liberally in favor of the consolidated government. The specific mention of, or failure to mention, particular powers in this charter shall not be construed as limiting in any way the general powers of the consolidated government as stated in section 3.01. It is the intent of this article to grant to the consolidated government full power and right to exercise all governmental authority necessary for the effective operation and conduct of the government of the City of Jacksonville and all of the affairs of the consolidated government and to secure to the consolidated government the fullest extent of county and municipal home rule consistent with the Constitution and general laws of the State of Florida. The consolidated government may not exercise any municipal power within the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin, but it may exercise any county power throughout Duval County.

(Laws of Fla., Ch. 78-536, § 4; Laws of Fla., Ch. 92-341, § 1)

**ARTICLE 4. DIVISION OF POWERS**Sec. 4.01. General.Sec. 4.02. Allocation of certain powers and duties.**Section 4.01. General.**

The powers of the consolidated government shall be divided among the legislative, executive, and judicial branches of the consolidated government. No power belonging to one branch of the government shall be exercised by either of the other branches, except as expressly provided in this charter.

(Laws of Fla., Ch. 92-341, § 1)

**Section 4.02. Allocation of certain powers and duties.**

Where the consolidated government has any power or duty and the responsibility for the exercise of such power or the performance of such duty is not fixed by this charter or by general or special law, the power or duty shall be exercised or performed as follows: All powers and duties of the consolidated government which are legislative in nature shall be exercised and performed by the council. All powers and duties which are executive in nature shall be exercised or performed by the mayor or such other executive officer of the consolidated government as the mayor may designate, except as otherwise specifically provided herein. All powers and duties of the consolidated government which are judicial in nature shall be exercised and performed by the circuit court of the fourth judicial circuit of Florida and such courts as are provided by this charter, the Constitution, and the general laws of the State of Florida. In the event the nature of any power or duty is uncertain, or the law creating such power or duty requires a combination of branches of the consolidated government, the president of the council, the mayor, and the presiding judge of the circuit court shall affix the responsibility for the exercise of such power or the performance of such duty.

(Laws of Fla., Ch. 92-341, § 1)

**ARTICLE 5. THE COUNCIL**

- Sec. 5.01. Council membership, residence areas and districts.
- Sec. 5.02. Reapportionment of council districts and residence areas.
- Sec. 5.03. Terms of councilmen.
- Sec. 5.04. Qualifications and compensation of council members.
- Sec. 5.041. Limitation of Term of Office.
- Sec. 5.05. Elected constitutional officers.
- Sec. 5.06. Vacancies; temporary appointments.
- Sec. 5.07. Powers.
- Sec. 5.08. Procedures.
- Sec. 5.09. Investigations.
- Sec. 5.10. Auditor.
- Sec. 5.11. Independent audit.
- Sec. 5.12. Secretary and other council employees.
- Sec. 5.13. Reserved.
- Sec. 5.14. Repealed.

**Section 5.01. Council membership, residence areas and districts.**

The council shall consist of 19 members and there shall be 14 council districts and 5 at-large residence areas. Each council district shall elect one council member. The council districts are described in appendix 1 to this charter. Five council members shall be elected at large. One at-large council member shall reside in each at-large residence area. The initial at-large residence areas are described in Appendix 1-A to this charter.

(Ord. 91-1356-600, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 92-1982-1455, § 2)

**Section 5.02. Reapportionment of council districts and residence areas.**

(a) Within 8 months after publication of each official federal census of the City of Jacksonville (Duval County), the council shall apportion the 14 council districts and 5 at-large residence areas so that all districts and at-large residence areas are as nearly equal in population and are arranged in a logical and compact geographic pattern to the extent possible. If the council shall be unable to complete the apportionment of the council districts within 8 months after the official publication of the census, the general counsel shall petition the circuit court for the fourth judicial circuit to make such apportionment. Any reapportionment of the council districts or at-large residence areas made pursuant to this section shall not affect any term of office in existence at the date of such reapportionment, but shall be applicable beginning with the next succeeding general consolidated government election which occurs at least 9 months after the effective date of the reapportionment.

(b) The council shall establish the initial 5 at-large residence areas according to the same considerations for reapportioning the existing council and school districts as are established in chapter 18 of the Ordinance Code. Establishment of the initial 5 at-large residence areas by the council shall be accomplished no later than 9 months prior to the opening of the qualifying period for candidates seeking election in the 1995 consolidated government elections. Subsequent reapportionment of the residence areas shall be accomplished in the same manner provided for in the Ordinance Code for the reapportionment of council and school board districts. The 5 council members elected countywide in the general consolidated government election occurring in 1995 and thereafter shall each qualify from 1 of the 5 residence areas.

(Ord. 90-765-354, § 6; Ord. 91-1356-600, § 2; Laws of Fla., Ch. 92-341, § 1)

**Editor's note:** For current reapportionment regulations, see Jacksonville Ordinance Code, Ch. 18.

**Section 5.03. Terms of councilmen.**

Councilmen shall serve for a term of 4 years beginning on the first day of July after their election, and continuing after such term until their successors are elected and qualified.

(Laws of Fla., Ch. 92-341, § 1)

**Section 5.04. Qualifications and compensation of council members.**

Every member of the council shall be continuously throughout his or her term of office, a resident and qualified elector of Duval County, and of his or her district or residence area. A candidate for the office of member of the council shall have resided in and been a qualified elector of Duval County for at least 183 consecutive days immediately before the date on which the candidate qualifies to run for the office of member of the council; and if the person is a candidate for the office of member of the council from a district or residence area, the candidate must also have resided in and been a qualified elector of that district or residence area for at least 183 consecutive days immediately before the date on which the candidate qualifies to run for the office of member of the council from a district or residence area. Members of the council shall not hold any other public office or public employment except as notary public nor shall any member of the council be an employee of the city or any of its independent agencies except for certificated employees of the Duval County School Board. Members of the council shall receive an annual salary to be fixed by the council.

(Laws of Fla., Ch. 71-698; Laws of Fla., Ch. 73-509; Ord. 79-821-516, § 1; Laws of Fla., Ch. 90-452, § 1; Ord. 91-1356-600, § 3; Laws of Fla., Ch. 92-341, § 1)

**Section 5.041. Limitation of Term of Office.**

No person elected for two consecutive full terms as a member of the council shall be eligible for election as a council member in the next succeeding term. A council term ending on or prior to June 30, 1991, shall not be considered a consecutive term for purposes of this section.

(Referendum of May 21, 1991; Laws of Fla., Ch. 92-341, § 1)

**Section 5.05. Elected constitutional officers.**

Councilmen shall be considered elected constitutional officers for purposes of s. 8, Article II of the State Constitution.

(Laws of Fla., Ch. 77-582; Ord. 84-1307-754, § 1; Laws of Fla., Ch. 92-341, § 1)

**Section 5.06. Vacancies; temporary appointments.**

The office of a council member shall become vacant upon his or her death, resignation, failure to reside continuously in the district or residence area from which he or she was elected, except in the event redistricting should occur during his or her term of office pursuant to section 5.02, or removal from office in any manner authorized by law. A vacancy in the council shall be filled for the remainder of the unexpired term by election of a council member at a special election to be called pursuant to resolution of the city council and held on a date no sooner than 1 month and no later than 6 months after the vacancy occurs, which special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. Any resignation by a council member shall be submitted in writing to the supervisor of elections (with a copy to the secretary of the city council), shall specify the date on which it is effective, and shall be irrevocable. If any council member submits a resignation which is effective at a date later than that on which it is submitted, the city council may, by resolution, call a special election for the election of a successor, said special election to be held on a date not less than 1 month after the date the resignation is submitted nor more than 6 months prior to the date the

resignation is effective; and such special elections shall, if possible, be held in conjunction with any other election scheduled to be held within the county. In those situations in which a vacancy exists in a council district or at-large resident area and such vacancy is filled in the first consolidated government election or in the general consolidated government election, the council member-elect, who has been duly elected in the first consolidated government election, or in the general consolidated government election to represent said vacant district or at-large residence area, shall take office and assume and exercise all duties of office immediately after certification of said election returns, as of the date of said certification, in order to reduce the time the council district or at-large residence area is vacant and without representation.

(Laws of Fla., Ch. 73-509; Laws of Fla., Ch. 77-576; Laws of Fla., Ch. 83-433, § 1; Ord. 84-1307-754, § 1; Ord. 91-1356-600, § 4; Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 2000-389)

### **Section 5.07. Powers.**

All legislative powers of the consolidate government (except such as are retained by the second, third, fourth, and fifth urban services districts) are vested in the council, and the council may legislate with respect to any and all matters which are within the powers of the consolidated government. The council shall review the budgets and appropriate money to the consolidated government and any independent agencies which request appropriations from the consolidated government and shall also levy taxes as required to meet the budgets approved by it. The council shall fix the salaries of the property appraiser, the tax collector, the sheriff, the supervisor of elections, and the clerk of the circuit and county court for Duval County, but not lower than the highest salary by the most recent general law as it may be from time to time amended setting a salary for those elected officials in counties similar in population to Duval County. No salary set by the council pursuant to the preceding sentence shall be reduced during the term of office of the elected officer receiving that salary. The council shall be the judge of the elections and qualifications of councilmen. The council shall provide for payment of reasonable per diem and travel expenses incurred in travel and other duties performed for public purpose by officials and employees of the consolidated government and its independent agencies and candidates for such positions, and for payment of relocation expenses for new officers and employees thereof, the provisions and limitations of s. 112.061, Florida Statutes, notwithstanding.

(Laws of Fla., Ch. 69-1175; Laws of Fla., Ch. 71-698; Laws of Fla., Ch. 78-536, § 6; Ord. 84-1307-754, § 1; Ref. of 5-26-87; Laws of Fla., Ch. 89-487, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 93-179-185, § 1)

### **Section 5.08. Procedures.**

The council shall meet regularly at least once in every month at such times and places as the council may prescribe. Special meetings may be held on call of the mayor or the president of the council, or seven or more members of the council, upon no less than 24 hours' notice to each member of the council. Fourteen members of the council shall constitute a quorum. The council may take official action only by the adoption of ordinances or resolutions, and no ordinance or resolution shall be passed until it has been read on 3 separate days, unless it is adopted as an emergency measure, or the council authorizes by two-thirds vote of the members to have 2 readings for certain subjects of legislation, so long as the ordinances and resolutions so passed shall be enacted or adopted in the manner provided by general law. The council shall determine its own rules and order of business, keep a journal of its proceedings and annually select a president and a president pro tempore from its members.

(Ord. 84-1307-754, § 3; Laws of Fla., Ch. 92-341, § 1; Ord. 2005-1460-E, § 1)

**Note:** At the City's direction, "President pro tempore" was changed to "Vice President."

### **Section 5.09. Investigations.**

The council or any duly appointed committee of the council may make investigations into the affairs of

the consolidated government and the conduct of any department, office, or agency of the consolidated government and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be guilty of a misdemeanor and punishable by a fine of not more than \$1,000 or by imprisonment of not more than 60 days, or both.

(Ord. 84-1307-754, § 1; Laws of Fla., Ch. 92-341, § 1)

### **Section 5.10. Auditor.**

The council shall appoint an auditor who shall be a certified public accountant or public accountant, as defined under the laws of Florida governing the practice of public accountancy in Florida. This auditor shall be the council auditor and shall be the head of the council auditor's office which shall be a department of the legislative branch of the consolidated government. The auditor shall be responsible for the performance of the duties provided in this Section and such other duties as may be assigned him by the council. The council auditor may be removed by the council and the removal must be concurred in by a majority of the entire membership of the council. The auditor shall:

(a) Have the authority to examine the accounting systems used by all offices and departments of the consolidated government and all commissions, entities, and independent agencies, and advise the council as to whether all such systems provide for full disclosure of the financial results and adequate information for the management needs and budgetary requests of each such office, department, board, and agency, and any commissions or entities, whether presently in existence or hereinafter created by the mayor, council, or Legislature, including, without limitation, the sheriff, property appraiser, supervisor of elections, tax collector, clerk of the circuit court, Duval County School Board, JEA, Jacksonville Port Authority, Jacksonville Airport Authority, Jacksonville Police and Fire Pension Board of Trustees, Jacksonville Economic Development Commission, Jacksonville Transportation Authority, Duval County Housing Finance Authority, Jacksonville Housing and Community Development Commission, Housing Community Development Finance Authority, and the Jacksonville Children's Commission.

(b) Have the authority to conduct a continuous internal audit of the fiscal operations of the consolidated government and all commissions, entities, and independent agencies, whether presently in existence or hereinafter created by the mayor, council, or Legislature, including, without limitation, the sheriff, property appraiser, supervisor of elections, tax collector, clerk of the circuit court, Duval County School Board, JEA, Jacksonville Port Authority, Jacksonville Airport Authority, Jacksonville Police and Fire Pension Board of Trustees, Jacksonville Economic Development Commission, Jacksonville Transportation Authority, Duval County Housing Finance Authority, Jacksonville Housing and Community Development Commission, Housing Community Development Finance Authority, and the Jacksonville Children's Commission.

(c) Submit such reports and financial statements to the council as it may from time to time require.

(d) Render assistance to the independent auditor appointed by the council under Section 5.11 as agreed upon between him and the independent auditor. This assistance shall be extended to all special audits or limited examinations ordered by the council under Section 5.11.

(e) Do such other research as the council president, the committee on finance or individual council member may request concerning the financial or management affairs of the consolidated government or of the agencies to which the council makes miscellaneous appropriations, including any commissions or entities, whether presently in existence or hereinafter created by the mayor, council, or Legislature, including, without limitation, the sheriff, property appraiser, supervisor of elections, tax collector, clerk of the circuit court, Duval County School Board, JEA, Jacksonville Port Authority, Jacksonville Airport Authority, Jacksonville Police and Fire Pension Board of Trustees, Jacksonville Economic Development Commission, Jacksonville Transportation Authority, Duval County Housing Finance Authority, Jacksonville

Housing and Community Development Commission, Housing Community Development Finance Authority, and the Jacksonville Children's Commission.

All nongovernmental agencies which receive funds from the City of Jacksonville shall be subject to audit by the council auditor's office in the event such audit is requested by the council and the completion of this audit may be a condition precedent to the release of appropriated funds to any such nongovernmental agency. The term "nongovernmental agency" means an agency that is not part of the legislative, executive, or judicial branches of the government of the City of Jacksonville or any of its independent agencies and includes agencies which are private, public, or a combination of both.

(Laws of Fla., Ch. 86-399, § 2; Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 2003-369, § 1)

### **Section 5.11. Independent audit.**

The council shall provide for an annual independent audit, certified by an unqualified opinion, of the accounts and financial transactions of the consolidated government. The audit shall be made by an accountant or an accounting firm selected by the council. No such accountant or firm, or member thereof, shall have any personal interest, direct or indirect, in the fiscal affairs of the consolidated government. The independent audit shall be made by a certified public accountant or public accountant, as defined under the laws of Florida governing the practice of public accountancy in Florida, maintaining a regular full-time professional office in the State of Florida.

The final report of the independent audit shall be completed as soon as practicable after the close of the fiscal year and in no event later than 6 months after the close of the fiscal year. The audit report shall be filed with the secretary of the council and shall be available to the public.

In addition to the independent annual audit, the council may at any time order a limited examination or special audit of any office, department, board, or agency of the consolidated government by an independent accountant having the qualifications described above.

(Laws of Fla., Ch. 92-341, § 1; Ord. 94-1145-643, § 1)

### **Section 5.12. Secretary and other council employees.**

The council shall select a secretary who shall keep the records of the council and perform such other duties as may be required of him by the council and this charter. The council may select and employ such employees as are necessary to assist the secretary and the auditor in their duties subject to the civil service provisions of this charter and the rules and regulations enacted pursuant thereto.

(Laws of Fla., Ch. 92-341, § 1)

### **Section 5.13. Reserved.**

**Editor's note:** Section 5.13 was renumbered as section 5.09 by § 1 of Ord. 84-1307-754.

### **Section 5.14. Repealed.**

**Editor's note:** Section 5 of Ch. 78-536, Laws of Fla., repealed former § 5.14, pertaining to audits of the Second, Third, Fourth and Fifth Urban Services Districts or their boards or officers, which was derived from Laws of Fla., Ch. 67-1320, as amended by Laws of Fla., Chs. 67-1535 and 73-504.

**ARTICLE 6. THE MAYOR**Sec. 6.01. Qualifications and term of office.Sec. 6.02. Elected constitutional officer.Sec. 6.03. Compensation.Sec. 6.04. Powers and duties of mayor.Sec. 6.05. Mayor's veto power.Sec. 6.06. Vacancy in the office of mayor.Sec. 6.07. Mayor's staff.Sec. 6.08. Mayor's absence, incapacity or suspension.**Section 6.01. Qualifications and term of office.\***


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\*Case law annotations--The initial term of office provided for in § 6.01 does not constitute a term of office as set forth in this section, *Vieria v. Slaughter*, 318 So.2d 490 (D.C.App., 1975).

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The mayor shall be a qualified elector of Duval County and a resident of Duval County, and shall have resided in and been a qualified elector of Duval County for at least 365 consecutive days immediately before the date on which he or she qualifies to run for the office of mayor. If he or she shall cease to possess any such qualifications during his or her term of office, he or she shall forthwith forfeit the office, and the council shall remove him or her therefrom. He or she shall be elected for a period of 4 years and shall assume office on the first day of July following his or her election and serve until his or her successor is elected and qualified. No mayor elected and qualified for two consecutive terms shall be eligible for election as mayor in the next succeeding term. The mayor shall devote his or her entire time to the performance of the duties of his or her office and shall hold no other public office or public employment.

(Ord. 79-821-516, § 2; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1)

**Section 6.02. Elected constitutional officer.**

The mayor shall be considered an elected constitutional officer for purposes of s. 8 of Article II, of the Florida Constitution.

(Laws of Fla., Ch. 77-582; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1)

**Section 6.03. Compensation.**

The mayor shall receive a salary fixed by the council, but no ordinance shall be effective to reduce the salary of the mayor during any term of the mayor unless adopted or approved by the council at least 90 days prior to the consolidated government election, immediately preceding such term. If any member of the council shall later be elected to the office of mayor or assume the duties and powers of the office of mayor, said member of the council shall not receive a benefit of any increase in the salary of the mayor which he voted for while serving as a member of the council.

(Laws of Fla., Ch. 77-580; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1)

**Section 6.04. Powers and duties of mayor.**

The executive power of the consolidated government (except such as is retained by the second, third, fourth, or fifth urban services districts) is vested in the mayor who is the chief executive and administrative officer of the consolidated government. He shall be responsible for the conduct of the executive and administrative departments of the consolidated government. The mayor shall administer, supervise, and control all departments and divisions created by this charter and all departments and divisions created by the council. The mayor shall appoint the directors and authorized deputy directors of each department and the chief of each division within each department, subject to confirmation by the council, and they shall serve at the pleasure of the mayor. The mayor is authorized to require any executive officer of the consolidated government to submit to him written or oral reports and information relating to the business and affairs of the consolidated government. The mayor shall from time to time submit reports and recommendations to the council with respect to the financial condition, business, and general welfare of the consolidated government and all offices, departments, and divisions thereof. The mayor shall submit to the council an annual budget for the consolidated government.

(Laws of Fla., Ch. 78-536, § 8; Ord. 84-1307-754, §§ 4, 5; Laws of Fla., Ch. 92-341, § 1)

### **Section 6.05. Mayor's veto power.**

The mayor may veto any ordinance or resolution adopted by the council except ordinances and resolutions relating to:

- (a) Consolidation of the urban services districts.
- (b) Appointments to the zoning board and the building codes adjustment board.
- (c) Zoning exceptions and variances.
- (d) The auditor, the secretary of the council, or other employees of the council.
- (e) Internal affairs of the council.
- (f) Investigations by the council or any duly appointed committee thereof.
- (g) Quasi-judicial decisions made by the council.

Any ordinance or resolution adopted by the council over which the mayor has a veto power shall be presented to the mayor for his consideration and recommendations. If he approves the ordinance or resolution he shall sign it and it shall become effective according to the terms thereof. If he disapproves he shall return the ordinance or resolution to the council without his signature, accompanied by a message indicating the reasons for his disapproval and recommendations. Any resolution or ordinance so disapproved by the mayor shall become effective only if, subsequent to its return, it shall be adopted by two-thirds of all the members of the council present at any meeting; except that if the mayor vetoes any item in the consolidated budget appropriation, only a majority vote of the members of the council shall be required to adopt the same as law over the mayor's veto. Any resolution or ordinance shall become effective on the date provided therein unless it be disapproved by the mayor and returned to the council at or prior to the next regular meeting of the council occurring 10 days or more after the date when the ordinance or resolution was delivered to the mayor's office for consideration. The mayor may disapprove the sum of money appropriated by any one or more items, or parts of items, in any ordinance appropriating money for the use of the consolidated government or any independent agency, in any manner provided herein. The one or more items or parts of items disapproved or reduced shall be void to the extent that they have been disapproved or reduced, unless they shall be restored to the ordinance and become effective by the vote of a majority of the members of the council.

(Laws of Fla., Ch. 72-572; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 98-467, § 1)

### **Section 6.06. Vacancy in the office of mayor.**

If the mayor should die, resign, or remove his residence from Duval County during his term of office, or

be removed from office, the office of mayor shall become vacant. A vacancy in the office of mayor shall be filled in the following manner:

(a) An incumbent mayor who resigns in order to seek a state or federal office in the general statewide election held in November immediately preceding the last year of his term, shall submit his resignation at least 10 days prior to the first day of the qualifying period for the office to which he seeks election and his resignation shall be effective no later than the date on which the general statewide election is held. A vacancy in the office of mayor shall exist as of the effective date of the resignation. In the event a mayor's resignation should be effective before the date of the general statewide election, then the vacancy in the office of mayor shall be temporarily filled in the following succession. The president of council, the vice president of council, the chairman of the council committee on rules, and the chairman of the council committee on finance are established as successors to the office of mayor for the purpose of filling a vacancy in the office. In the event a vacancy should occur, the president of council shall serve as mayor until a successor mayor is qualified and elected, and, if there is no president of council, then the vice president shall so serve. If there is no vice president, then the chairman of the council committee on rules shall serve, and, if there is no chairman of the council committee on rules, then the chairman of the council committee on finance shall serve. If none of these successors can serve as acting mayor, the council shall by ordinance designate an acting mayor until the office of mayor shall be filled as provided herein. If any elected official in the line of succession should refuse to serve as acting mayor or if any such official who is serving as acting mayor should qualify to run for the office of mayor, then he shall no longer serve as acting mayor and the official next in line of succession shall assume the duties of acting mayor. A candidate seeking election to fill the vacancy created by this resignation of an incumbent mayor seeking other elected office shall qualify to run in a special mayoral election to be held as part of and at the same time as the general statewide election. The time period during which such candidates may qualify to run in this special mayoral election shall commence at the same time as does the qualifying period for candidates seeking office in the general statewide election and shall terminate on noon of the seventh day following the date on which the qualifying period for the general statewide election ends. A mayor elected to fill an unexpired term shall take office and assume and exercise all duties of office immediately as of the date of certification of the election returns by the supervisor of elections as provided by law.

(b) In the event that a vacancy in the office of mayor occurs other than as provided in subsection (a), then such a vacancy shall be filled for the remainder of the unexpired term by election of a mayor at a special election to be called pursuant to resolution of the city council and held on a date no sooner than 1 month and no later than 6 months after the vacancy occurs. This special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A resignation by the mayor shall be submitted to the supervisor of elections (with a copy to the secretary of the city council), shall specify the date on which it is effective, and shall be irrevocable. If a mayor submits a resignation which is effective at a date later than that on which it is submitted, the city council may, by resolution, call a special election for the election of a successor, this special election to be held on a date not less than 1 month after the date the resignation is submitted nor more than 6 months prior to the date the resignation is effective; and such special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A vacancy in the office of mayor occurring as contemplated in this subsection shall be temporarily filled in the same manner established in subsection (a). The acting mayor shall exercise all the powers of the office of mayor until a successor mayor is qualified, elected, and assumes office. If an acting mayor should qualify to run for the office of mayor at this special election, then he shall no longer serve as acting mayor and the official next in line of succession shall assume the duties of acting mayor. Should a special mayoral election not be held at the same time as any other election scheduled to be held within the county, then the special primary election for nominations of candidates of political parties for the office of mayor to be voted upon in the special election shall be held at the times specified by the council in the resolution calling the special mayoral election, provided that at least 2 weeks shall intervene between the dates set

for the first and second primary elections and at least 2 weeks shall intervene between the second special primary election and the special mayoral election. The time period during which candidates may qualify to run in the special primary elections and special mayoral elections shall be specified by the council in the resolution calling the special election, provided that at least 7 calendar days shall be fixed for the qualifying period and that the last date on which candidates may qualify shall occur not less than 3 weeks before the date of the first special primary election.

(Laws of Fla., Ch. 77-576; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 85-433, § 1; Laws of Fla., Ch. 92-341, § 1)

**Note:** At the City's direction, "President pro tempore" was changed to "Vice President."

### **Section 6.07. Mayor's staff.**

The mayor may appoint administrative aides and one personal secretary to have such duties as he may determine and to serve at his sole pleasure. The mayor's aides and secretary shall be excluded from the civil service provisions of the charter and ordinances of the City of Jacksonville.

(Laws of Fla., Ch. 71-694; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1)

### **Section 6.08. Mayor's absence, incapacity or suspension.**

During any absence of the mayor from Duval County, the president of the council shall automatically become acting mayor, with emergency powers to act only when the public interest requires and with such additional powers to act only when the public interest requires and with such additional powers as the mayor may designate. If the mayor becomes incapable of acting as the mayor and incapable of delegating his duties, or in the event that the mayor is suspended in the exercise of his office, and in either case as long as the incapacity or suspension lasts, the president of the council shall automatically become acting mayor, with all the powers of the office. If the mayor and the president of the council are simultaneously absent from Duval County, or simultaneously incapable of acting as mayor and incapable of delegating the duties of the office of mayor, or simultaneously suspended in the exercise of the office of mayor, the vice president of the council shall automatically become acting mayor with the same powers as the president of the council would have had in like circumstances. The council may by ordinance provide for further succession to the same powers as provided in this section.

(Laws of Fla., Ch. 70-748; Laws of Fla., Ch. 77-576; Ord. 84-1307-754, § 4; Laws of Fla., Ch. 92-341, § 1)

**Note:** At the City's direction, "President pro tempore" was changed to "Vice President."

**ARTICLE 7. DEPARTMENTS**

## Chapter 1. General Provisions

Sec. 7.101. Directors of departments.

Sec. 7.102. Division and division chiefs.

Sec. 7.103. Changes in departments.

Sec. 7.104. Utilization of central services.

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## Chapter 2. Office of General Counsel

## Part 1. General Provisions

Sec. 7.201. Office established; general responsibility.

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Sec. 7.203. Selection and term of general counsel.

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**CHAPTER 1. GENERAL PROVISIONS****Section 7.101. Directors of departments.**

There shall be a director of each department who shall be the principal officer of the department and responsible for all of its operations. Each director shall be appointed by the mayor and shall be confirmed by the council and shall serve until removed by the mayor. Each director shall conduct the affairs of his department in accordance with the rules and regulations made by the mayor. Each director shall be subject to the supervision and control of the mayor in all matters and shall be responsible for the conduct of the officers and employees of his department, for the performance of its function, and for the custody of books, records, papers, and property under its control. The mayor may also appoint such deputy directors of each department as he deems advisable and the council may approve.

(Laws of Fla., Ch. 92-341, § 1)

**Section 7.102. Division and division chiefs.**

The work of each department shall be distributed among such divisions thereof as are established by this charter, or hereafter created by ordinance. Each division shall have a division chief who shall be the principal officer of the division and responsible for all its operations. Each division chief shall be appointed by the mayor and confirmed by the council and shall serve at the pleasure of the mayor.

(Laws of Fla., Ch. 92-341, § 1)

**Section 7.103. Changes in departments.**

Changes in the departmental organization of the consolidated government, including combinations, terminations, or creations of departments or divisions, transfers of responsibility between departments or divisions, or changes in the salaries of department directors or division chief, may be made by ordinance adopted by a majority of the membership of the council. Any such ordinance may vary, alter, or abolish any provision contained in this article, except the provisions of sections 7.101, 7.102, this section, and section 7.201 through section 7.220, inclusive.

(Laws of Fla., Ch. 70-743; Laws of Fla., Ch. 72-578; Laws of Fla., Ch. 85-435, § 3; Laws of Fla., Ch. 92-341, § 1)

**Section 7.104. Utilization of central services.**

All of the services provided by the central services department and the personnel department shall be utilized by all offices, departments, and boards of the consolidated government and by all independent agencies, except when otherwise provided by law or directed by the council or by this chapter. For the purposes of utilization of central services by independent agencies the services of the personnel department shall be deemed to be services of the central services department of the city. Independent agencies shall compensate the consolidated government for all services provided to the independent agencies.

(Laws of Fla., Ch. 70-743; Ord. 84-1307-754, § 6; Laws of Fla., Ch. 92-341, § 1)

**Section 7.105. Public health division.**

A public health unit under chapter 154, Florida Statutes:

(a) The public health division shall be a full-time public health unit under the provisions of chapter 154, Florida Statutes. The public health officer shall be the director of the public health unit. He shall be a doctor of medicine or a doctor of osteopathy who is trained in public health administration eligible for licensure to practice in the State of Florida. The director and personnel of the public health unit shall be employed and their duties and compensation fixed and determined in accordance with the provisions of s. 154.04 and chapter 110, Florida Statutes. The functions of the board of county commissioners under chapter 154, Florida Statutes, shall be performed by the director of the health, welfare and bioenvironmental services department.

(b) In order to effectuate the orderly conversion of the public health division into and its establishment as a full-time public health unit:

(1) Election to become state employees.--All personnel employed in the public health division who are under the civil service system of the city and who so elect shall be employees of the public health unit under the State Career Service System provided by chapter 110, Florida Statutes, with salary and pension rights as determined in accordance with the following:

(i) Classification and salaries.--The state Department of Administration shall cause said employees becoming members of the State Career Service System to be classified and placed in the appropriate class of position therein. Such action shall cause no decrease in salary even though a change in class title may result and such action will result in a salary increase if the position occupied by the employee is allocated to a class assigned to a pay range the minimum of which is above his city salary. If the maximum salary for the appropriate class is less than that which had been paid by the city to the employee, there shall be no reduction in salary, but the employee's salary shall be frozen until such time as the employee is eligible for salary increases in accordance with the State Career Service System.

(ii) Pensions.--The said employees becoming members of the State Career Service System who are members of the 1937 pension fund as amended, for employees of the City of Jacksonville, under the provisions of chapter 18610, Laws of Florida, acts of 1937, on the effective date of this act, may remain and continue as members of said fund and nothing contained herein shall impair or diminish the rights and benefits of said employees under said pension plan. However, any of said employees may elect to discontinue membership in said pension fund of the city and become a member of the Florida Retirement System provided for by chapter 121, Florida Statutes, but may not have membership in both of said pension and retirement plans or systems at the same time. Those city employees who elect to transfer to the Florida Retirement System shall be brought under said Florida Retirement System as a "covered group" as defined by s. 121.021(34), Florida Statutes, 1970 Supplement, shall participate in said retirement system as provided in s. 121.051, Florida Statutes, 1970 Supplement, and may receive credit for past municipal service as provided in s. 121.081, Florida Statutes, 1970 Supplement. The number of years or portions thereof of membership in said 1937 employees' pension fund shall be as certified by the trustees of said pension fund. After such transfer, said employee shall earn retirement credit in accordance with the provisions of the Florida Retirement System. The city will cause to be remitted from its pension fund to the Florida Retirement System upon the transfer of any employee, a sum equal to 100 percent of the employee's total contributions into the city pension fund, and a like amount as the employer's matching contributions, not to exceed the total contributions plus interest required for past services by chapter 121,

Florida Statutes. After such conversion, the regular deduction for the Florida Retirement System will be made in accordance with chapter 121, Florida Statutes. Deductions shall be made from the salaries of employees who continue their membership in the city pension fund, in the full amount as may be required from time to time by law. The amount of said pension deductions shall be remitted forthwith by the state to the city which shall place said sums of money in said pension fund. Matching contributions to said pension fund during said period of time shall be made by the state and the city as follows: the state shall be liable for and pay into said pension fund a matching contribution equal to that which is required to be made from time to time for employees who are members of the 1937 pension fund, provided that such matching contributions by the state shall not exceed the total matching contributions required for state employees under the Florida Retirement System including social security contributions.

(iii) Other benefits.

a. On the effective date of this act, said employees' accumulated vacation (annual) leave and sick leave credits, hereinafter referred to as transferable leave credits accrued while under the consolidated City of Jacksonville shall be transferred to the Department of Health and Rehabilitative Services and shall be handled separate and distinct from future leave accounting under the Career Service System. Said employees' transferable leave credits accrued while under the consolidated City of Jacksonville shall be certified by that city's personnel manager and forwarded to the Department of Health and Rehabilitative Services. Accrual leave rates under the personnel rules and regulations of the consolidated City of Jacksonville shall cease and said employees' new leave accrual rates under the Career Service System shall commence on the date of transfer. Said employees' continuous and creditable service with the consolidated City of Jacksonville shall be used in determining leave accrual rates under the Career Service System. Said employees may expend transferable leave credits accrued while under the consolidated City of Jacksonville only after leave accumulated under the Career Service System has been expended. Upon retirement, termination, or death, the Department of Health and Rehabilitative Services will provide the consolidated City of Jacksonville with an affidavit regarding the recorded and unused transferable leave credits accrued by the employee while under the consolidated City of Jacksonville. The city will compensate the employee or their survivors or estate for all unused leave credit according to the provisions of law which prevailed on the effective date of this act and computed on the basis of said employees' salary at the time of said retirement, termination or death.

b. On transfer, the pay schedule of each employee shall reflect an increase in salary of a sum equal to the cost of hospitalization, medical, life, and professional liability insurance benefits provided by the city for said employees. Thereafter, said employees transferred to the state Department of Health and Rehabilitative Services may receive hospitalization, medical, and life insurance benefits in such group plan and on the same basis as is from time to time provided for other employees of the Department of Health and Rehabilitative Services.

(iv) The said employees shall be paid their salaries by state voucher from which shall be deducted items required by law, and such deductions as are being made by the city for said employees on the effective date of this act.

(2) Nothing herein shall affect the status, right, and privileges of city employees who do

not elect to transfer to the State Career System, except as provided in paragraph (3). No position held by any employee of the city division of public health, who remains a city employee under this act shall be abolished by the city without prior approval by the city civil service board. The positions or classifications of such employees electing to remain city employees in the health, welfare, and bioenvironmental services department shall not be impaired or reduced and they shall retain such positions or classifications with the same rights, privileges, and guarantees as provided by the civil service system of the City of Jacksonville for employees who are subject to said system, except as provided in paragraph (3).

(3) All employees hired on or after the effective date of this act in the public health unit herein created shall be members of the State Career Service System and the Florida Retirement System without any election. In addition, whenever any position in the city division of public health which is subject to the civil service system of the city becomes vacant by reason of the promotion, transfer, resignation, discharge, death, retirement, or otherwise of the employee holding the same, and the state Department of Administration creates an equivalent position in the local health unit herein created under the State Career Service System, the city civil service system position shall be automatically abolished without the necessity for approval by the city civil service board and the position shall thereafter be a part of and subject to the State Career Service System. Notwithstanding the transfer of said position from the civil service system of the city to the State Career Service System, all employees, whether city employees or state employees, who meet the eligibility requirements of either the city civil service system or the State Career Service System for taking the promotional examination to be held with 60 days after said position becomes vacant, shall be eligible to take said examination; but any person who is appointed to fill said vacant position shall be or become a member of the State Career Service System without any election, whether or not he was a member thereof before said appointment. Any city employee who is appointed to a vacant state position under the provisions of this paragraph shall be deemed to have transferred to the State Career Service System and the transfer provisions of subparagraphs (b)(1)(ii) and (iii) shall apply thereto.

(c) All moneys appropriated by the city for the operation and maintenance of the public health unit, under the provisions of chapter 154, Florida Statutes, including the amounts required to provide the benefits preserved by this act to employees becoming members of the State Career Service System, and all fees collected for services of the public health unit shall be paid to the Department of Health and Rehabilitative Services, or any successor state agency, for deposit with the State Treasurer in the full-time public health unit trust fund of the consolidated government of the City of Jacksonville for the uses and purposes of said fund. The city shall receive credit in the full-time public health unit trust fund for the amounts paid by the city for salaries and other benefits of employees of the city who elect to remain employees of the city under the provisions of this act, and for all other benefits paid by the city required by this act, for matching credit, and all other purposes, as if such funds are actually deposited into the full-time public health unit trust fund.

(d) The council may not vary, alter, or abolish any provisions contained in this section, notwithstanding the provisions of section 7.103 repealed of this chapter.

Administrative and logistical support to the public unit will normally be provided by the state but, on specific agreement by both parties, various logistical support as agreed upon may be supplied by the central services department of the City of Jacksonville and costs billed to the public health unit trust fund.

(Laws of Fla., Ch. 71-703; Laws of Fla., Ch. 71-709; Laws of Fla., Ch. 74-515; Ord. 84-1307-754, § 6; Laws of Fla., Ch. 85-437, § 1; Laws of Fla., Ch. 92-341, § 1)

**CHAPTER 2. OFFICE OF GENERAL COUNSEL****Part 1. General Provisions****Section 7.201. Office established; general responsibility.**

There is established a department of the City of Jacksonville to be known as the office of general counsel, which shall have the responsibility for furnishing legal services to the city and its independent agencies, except that the council may create an office of legislative counsel within the legislative branch whose purpose shall be to advise and assist the council and its committees and members in the achievement of a clear, faithful and coherent expression of legislative policies and to perform such other related duties for the council as the council may by ordinance direct. For purposes of utilization of central services by the city and its independent agencies, the services of the office of general counsel shall be deemed to be central services or services of the central service department, as the case may be. The general counsel shall provide to any member of the Duval County legislative delegation who resides in Duval County upon request an opinion on any matter relative to the government of the City of Jacksonville or any of its independent agencies.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

**Section 7.202. General counsel.**

The head of the office of general counsel shall be the general counsel who shall be the chief legal officer for the entire consolidated government, including its independent agencies. The general counsel shall devote his entire time and attention to the business of the office and shall not engage in the private practice of law. Any legal opinion rendered by the general counsel shall constitute the final authority for the resolution or interpretation of any legal issue relative to the entire consolidated government and shall be considered valid and binding in its application unless and until it is overruled or modified by a court of competent jurisdiction or an opinion of the Attorney General of the State of Florida dealing with a matter of state involvement or concern.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 86-400, § 1; Laws of Fla., Ch. 92-341, § 1)

**Section 7.203. Selection and term of general counsel.**

The general counsel shall be an attorney licensed to practice law in the State of Florida and shall have at least 5 years' experience in the practice of law. The general counsel shall be selected according to the following procedure. Upon the commencement of each mayoral term of office, the mayor shall appoint a selection committee comprised of five attorneys licensed to practice in the State of Florida. No more than two of the members of this committee shall be former general counsels of the city. The mayor shall endeavor to appoint two former general counsels to the committee, but in the event either or both refuse to serve, then the mayor shall appoint an attorney licensed to practice in the State of Florida to serve in the stead of either or both. The selection committee shall receive applications and may consider applicants of its own choosing. The committee shall select three qualified and available candidates to serve as general counsel and shall recommend these three to the mayor who shall select one to serve as general counsel. In the event that the mayor refuses to select one of the three as recommended, then the committee shall conduct another search and recommend an additional three candidates to the mayor. This procedure shall continue until the mayor has made his selection. The person selected to serve as general counsel by the mayor shall be confirmed by the council. The term of the general counsel shall coincide with the term of the mayor that appointed him.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

**Section 7.204. Reappointment.**

A general counsel may be reappointed by a newly elected mayor or by a mayor elected to serve a succeeding term of office. The reappointment of a general counsel shall be confirmed by the council. Any general counsel who is reappointed by the mayor but who fails to receive the confirmation of council may, at the option of the mayor, continue to serve for a period of 6 months subsequent to the refusal of the council to confirm him. The mayor may resubmit the general counsel to the council for confirmation at any time during this 6-month period. In the event the general counsel is not confirmed by the council, then the position of general counsel shall become vacant and shall be filled according to the provisions of section 7.203.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

**Section 7.205. Vacancy.**

A vacancy occurring 1 year or less before the expiration of the mayoral term shall be filled by an acting general counsel appointed by the mayor and confirmed by the council. A vacancy occurring more than 1 year before the expiration of the mayoral term shall be filled in the manner provided in section 7.203.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

**Section 7.206. Removal.**

The general counsel may be removed by the mayor, but such removal shall be only for cause. The removal of a general counsel by the mayor for cause shall be concurred in by a majority of the membership of the council.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

**Section 7.207. Assistant counsels.**

The general counsel shall appoint assistant counsels and fix their compensation, subject to the approval of the mayor. The assistant counsels shall devote their entire time and attention to the business of the office and shall not engage in the private practice of law.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 86-400, § 2; Laws of Fla., Ch. 92-341, § 1)

**Section 7.208. Corporation secretary.**

Subject to applicable civil service laws and rules, the general counsel shall designate one of his employees as corporation secretary.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

**Section 7.209. Duties of corporation secretary.**

The corporation secretary shall be responsible for the custody and safekeeping of such records of the executive office of the mayor as the mayor shall designate and for the performance of such additional duties as may be delegated to him by the mayor. The corporation secretary is authorized and entitled to keep in his possession a duplicate official seal of the city and to affix the seal on all papers and documents necessary to

be executed by the mayor and on all certified copies of public records of which he has custody.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

### **Section 7.210. Litigation imprest fund.**

There is authorized to be established in the office of general counsel, in the custody of the general counsel, a litigation imprest fund of not exceeding \$500, which shall be available, without regard to fiscal years, for the expenses of litigation conducted or defended by the office of general counsel, including filing fees for actions commenced by the city or an independent agency in a state or federal court and for appeals taken by the city or an independent agency, witness fees required to be tendered to persons subpoenaed on behalf of the city or an independent agency, fees for service of process for designated agents within the city and for the several sheriffs of designated agents in other counties of the state or elsewhere, the reproduction or acquisition of necessary documentary evidence not in the official possession of the city or an independent agency to be used at a deposition, hearing, or trial, and similar expenses directly related to cases in litigation, but not including fees for special counsels or the payment of a monetary judgment against the city or an independent agency. The litigation imprest fund shall be maintained as a checking account in a bank located in the city and the general counsel shall prescribe rules for the withdrawal of funds from this checking account, including a requirement that checks be signed by at least two individuals in the office of general counsel. Periodically, as determined by the general counsel, a statement of the disbursements from the litigation imprest fund shall be presented to the city accountant, with such supporting documents as the city accountant requires, for reimbursements of the fund. Bank service charges shall be a proper expense item of the litigation imprest fund.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

## **Part 2. Support Enforcement Activity**

### **Section 7.211. Establishment.**

There is established within the office of general counsel an activity to be known as the support enforcement activity. This activity shall be under the supervision of an assistant counsel, who shall be appointed by the general counsel at a rate of compensation to be fixed from time to time by the general counsel, subject to the approval of the mayor. This assistant counsel shall be a member in good standing of The Florida Bar and shall devote his entire time and attention to the performance of his duties.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

### **Section 7.212. Lawful general county purpose; territorial application.**

The establishment and maintenance of the support enforcement activity is a public need and is hereby declared to be a lawful general county purpose. The support enforcement activity shall have authority throughout the general services district and it may exercise like authority in any other county as provided in section 25.204 of the Ordinance Code of the City of Jacksonville.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

### **Section 7.213. Functions.**

Subject to the general supervision of the general counsel, the support enforcement activity shall investigate and enforce all cases referred to it by the child support enforcement unit, state Department of Health and Rehabilitative Services, and more particularly:

- (a) Institute paternity actions and child support actions unconnected with dissolutions of marriage.
- (b) Establish and enforce any existing child support orders of any state or jurisdiction.
- (c) Seek commencement of child support payments in which prior orders failed to provide for such payment.
- (d) Seek increases in previously ordered child support, where warranted by circumstances.
- (e) Seek collection of public debt as set forth in s. 409.2561(1), Florida Statutes.
- (f) Represent persons pursuant to a contract with the state and its agencies for the purpose of implementing Title IV(D) of the Social Security Act (42 U.S.C. ss. 651--662) and chapter 409, Florida Statutes.
- (g) Handle such ancillary matters connected with the foregoing functions as shall be necessary to effect the purposes set forth in this part.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

#### **Section 7.214. Expansion of activity into other counties authorized.**

(a) The expansion of the support enforcement activity into any other county contiguous to Duval County is hereby authorized. If an office is established in another county, the provisions of section 116.910 of the Ordinance Code of the City of Jacksonville shall not be applicable with respect to the assistant counsels and other employees of the support enforcement activity who work in the other county, so long as their principal place of work is outside Duval County.

(b) Before the support enforcement activity begins operations in a county into which expansion has been authorized, the board of county commissioners of that county shall execute an interlocal agreement with the city to provide necessary funding, sufficient office space, clerical and stenographic assistance, and investigations as are deemed necessary by the general counsel and approved by the board of county commissioners of that county. This interlocal agreement shall provide that funds made available for financial support of such office shall be paid to the city.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

#### **Section 7.215. Authority to execute contracts.**

The mayor and corporation secretary shall have the authority to enter into contracts between the city and the State of Florida and its agencies and also with other counties to provide for financial and other support that may be made available by the state or the counties for the operation of the support enforcement activity. A contract which would obligate the city financially may not be executed without prior approval from the council.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

#### **Section 7.216. Nonpublic assistance cases authorized.**

The support enforcement activity is authorized to accept cases not referred to it under section 25.204 of the Ordinance Code of the City of Jacksonville in which there already exist court orders for child support entered by the courts of this state or any other jurisdiction and may, with respect to these cases, request the circuit court to enforce the orders, using contempt proceedings only. The general counsel, assistant general counsel, or an assistant counsel assigned to the support enforcement activity may represent private individuals for the purpose of seeking enforcement of court orders for child support as provided in this section and the general counsel shall establish a schedule of fees to be charged in these cases, which schedule may provide

for the charging of no fee in appropriate instances and a requirement that public assistance moneys being furnished to a client be used to pay a fee so charged. The support enforcement activity may conduct investigations and handle ancillary matters connected with the cases hereby authorized to be accepted as shall be necessary to effect the purpose expressed in this section. The authority granted under sections 25.204 and 25.206 of the Ordinance Code of the City of Jacksonville shall apply to the cases authorized under this section.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

### **Part 3. Duval County Legislative Delegation Activity**

#### **Section 7.217. Establishment; legislative delegation coordinator.**

There is established within the office of general counsel an activity to be known as the Duval County legislative delegation activity. This activity shall be under the supervision of a legislative delegation coordinator, who shall be exempt from the classified civil service system of the city and who shall be appointed by the general counsel at a rate of compensation to be fixed from time to time by the general counsel, subject to the approval of the mayor and the chairman of the Duval County delegation to the Legislature. The legislative delegation coordinator shall serve at the pleasure of the chairman of the Duval County delegation to the Legislature and shall devote his entire time and attention to the performance of his duties.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

#### **Section 7.218. Legislative delegation secretary.**

The general counsel is authorized to appoint a legislative delegation secretary, who shall be exempt from the classified civil service system of the city, at a rate of compensation to be fixed from time to time by the general counsel, subject to the approval of the chairman of the Duval County delegation to the Legislature. The legislative delegation secretary shall devote his entire time and attention to the performance of his duties.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

#### **Section 7.219. Functions.**

Subject to the general supervision of the general counsel, the Duval County legislative delegation activity shall have the following functions:

- (a) To provide a local office at which to maintain the records and files of the Duval County delegation to the Legislature.
- (b) To assist the chairman and members of the Duval County legislative delegation in preparation for sessions of the Legislature, meetings of committees and subcommittees of the Legislature, and meetings of and hearings by the delegation itself.
- (c) To serve as a liaison office between the Duval County legislative delegation and the units of local government represented by the members of the Duval County legislative delegation.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

#### **Section 7.220. Legislative delegation coordinator and secretary to attend sessions of Legislature, etc.**

The legislative delegation coordinator and legislative delegation secretary shall attend sessions of the Legislature, meetings of committees and subcommittees of the Legislature, and meetings of and hearings by the Duval County legislative delegation itself, as directed by the chairman of the Duval County legislative delegation. While attending the sessions of the Legislature and meetings of committees and subcommittees in the Legislature and meetings of committees and subcommittees in Tallahassee and elsewhere in the state (except in the city), the legislative delegation coordinator and legislative delegation secretary shall receive travel expense reimbursement as authorized by section 106.716 of the Ordinance Code of the City of Jacksonville.

(Laws of Fla., Ch. 85-435, § 1; Laws of Fla., Ch. 92-341, § 1)

**ARTICLE 8. SHERIFF**

Sec. 8.01. Duties.

Sec. 8.02. Qualifications, election, terms, compensation.

Sec. 8.03. Vacancy.

Sec. 8.04. Two term limit.

**Section 8.01. Duties.**

The sheriff shall be responsible for the performance of duties imposed upon the sheriff of Duval County by the Constitution or by the general or special laws of Florida and shall be responsible for the management, operation, and control of law enforcement and traffic safety in the consolidated government. When deemed necessary, the sheriff may contract for traffic engineering services to be provided by an independent engineer or engineering firm, with the approval of the council. He shall administer the prison farm and jails, and shall be responsible for service of civil process.

(Laws of Fla., Ch. 80-512, § 1; Laws of Fla., Ch. 92-341, § 1)

**Section 8.02. Qualifications, election, terms, compensation.**

The sheriff shall be a qualified elector of and reside in Duval County, and shall have resided in and been a qualified elector of Duval County for at least 183 consecutive days immediately before the date on which he or she qualifies to run for the office of sheriff. The sheriff shall be elected by the qualified electors of Duval County for a period of 4 years and shall assume office on the first day of July following his or her election and serve until his or her successor is elected and qualified. The sheriff shall devote his or her entire time to the performance of the duties of his or her office and shall hold no other public office or public employment except that he or she may be a notary public or a member of the armed forces. The compensation of the sheriff shall be fixed by the city council.

(Laws of Fla., Ch. 69-1175; Ord. 79-821-516, § 3; Laws of Fla., Ch. 92-341, § 1)

**Section 8.03. Vacancy.**

If the sheriff should die, resign, or remove his residence from Duval County during his term of office, or be removed from office, the office of sheriff shall become vacant. A vacancy in the office of sheriff shall be filled in the following manner:

- (a) An incumbent sheriff who resigns in order to seek a state or federal office in the general statewide election held in November immediately preceding the last year of his term, shall submit his resignation at least 10 days prior to the first day of the qualifying period for the office to which he seeks election and his resignation shall be effective no later than the date on which the general statewide election is held. A vacancy in the office of sheriff shall exist as of the effective date of the resignation. In the event a sheriff's resignation should be effective before the date of the general statewide election, then the vacancy in the office of sheriff shall be temporarily filled with an acting sheriff who shall be appointed by the Governor and who shall serve until a successor sheriff is qualified and elected. A candidate seeking election to fill the vacancy created by this resignation of an incumbent sheriff seeking other elected office shall qualify to run in a special election to be held as a part of and at the same time as the general statewide election. The time period during which such candidates may qualify to run in this special election shall commence at the same time as does the qualifying period for candidates seeking office in the general statewide election and shall terminate on noon of the seventh day following the date on which the qualifying period for the general statewide election ends. A

sheriff elected to fill an unexpired term shall take office and assume and exercise all duties of office immediately as of the date of certification of the election returns by the supervisor of elections as provided by law.

(b) In the event that a vacancy in the office of sheriff occurs other than as provided in subsection (a), then such a vacancy shall be filled for the remainder of the unexpired term by election of a sheriff at a special election to be called pursuant to resolution of the city council and held on a date no sooner than 1 month and no later than 6 months after the vacancy occurs. This special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A resignation by the sheriff shall be submitted to the supervisor of elections (with a copy to the secretary of the city council), shall specify the date on which it is effective, and shall be irrevocable. If a sheriff submits a resignation which is effective at a date later than that on which it is submitted, the city council may, by resolution, call a special election for the election of a successor, this special election to be held on a date not less than 1 month after the date the resignation is submitted nor more than 6 months prior to the date the resignation is effective; and such special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A vacancy in the office of sheriff occurring as contemplated in this subsection shall be temporarily filled in the same manner established in subsection (a). The acting sheriff shall exercise all the powers of the office of sheriff until a successor sheriff is qualified, elected, and assumes office. Should a special election not be held at the same time as any other election scheduled to be held within the county, then the special primary election for nominations of candidates of political parties for the office of sheriff to be voted upon in the special election shall be held at the times specified by the council in the resolution calling the special election, provided that at least 2 weeks shall intervene between the dates set for the first and second primary elections and at least 2 weeks shall intervene between the second special primary election and the special election. The time period during which candidates may qualify to run in the special primary elections and special elections shall be specified by the council in the resolution calling the special election, provided that at least 7 calendar days shall be fixed for the qualifying period and that the last date on which candidates may qualify shall occur not less than 3 weeks before the date of the first special primary election.

(Laws of Fla., Ch. 77-576; Ord. 84-1307-754, § 7; Laws of Fla., Ch. 85-432, § 1; Laws of Fla., Ch. 92-341, § 1)

#### **Section 8.04. Two term limit.**

No person elected and qualified for two consecutive full terms as Sheriff shall be eligible for election as Sheriff for the next succeeding term. The two-term limitation shall apply to any full term which began in 1992 or thereafter.

(Ord. 91-533-606, § 1 (Referendum of November 3, 1992))

**ARTICLE 9. SUPERVISOR OF ELECTIONS**

Sec. 9.01. Duties, compensation.

Sec. 9.02. Qualifications, election, term.

Sec. 9.03. Vacancy.

Sec. 9.04. Two term limit.

**Section 9.01. Duties, compensation.**

The supervisor of elections shall have responsibility for maintaining rolls of qualified voters of the consolidated government and for the conduct of all elections. It shall be his duty to perform all duties which are imposed by general or special law on the supervisor of elections for Duval County, to conduct all consolidated government elections, and such other duties as are prescribed by this charter or by the council. The compensation of the supervisor of elections shall be fixed by the city council.

(Laws of Fla., Ch. 69-1175; Laws of Fla., Ch. 92-341, § 1)

**Section 9.02. Qualifications, election, term.**

The supervisor of elections shall be a qualified elector of Duval County and a resident of Duval County, and shall have resided in and been a qualified elector of Duval County for at least 183 consecutive days immediately before the date on which he or she qualified to run for the office of supervisor of elections. He or she shall be elected for a term of 4 years and shall assume office on the first day of July following his or her election. He or she shall devote his or her entire time to the performance of the duties of his or her office and shall hold no other public office or public employment.

(Laws of Fla., Ch. 74-504; Ord. 79-821-516, § 4; Laws of Fla., Ch. 92-341, § 1)

**Section 9.03. Vacancy.**

If the supervisor of elections should die, resign, or remove his residence from Duval County during his term of, or be removed from office, the office of supervisor of elections shall become vacant. A vacancy in the office of supervisor of elections shall be filled in the following manner:

(a) An incumbent supervisor of elections who resigns in order to seek a state or federal office in the general statewide election held in November immediately preceding the last year of his term, shall submit his resignation at least 10 days prior to the first day of the qualifying period for the office to which he seeks election and his resignation shall be effective no later than the date on which the general statewide election is held. A vacancy in the office of supervisor of elections shall exist as of the effective date of the resignation. In the event a supervisor of elections' resignation should be effective before the date of the general statewide election, then the vacancy in the office of supervisor of elections shall be temporarily filled with an acting supervisor of elections who shall be appointed by the Governor and who shall serve until a successor supervisor of elections is qualified and elected. A candidate seeking election to fill the vacancy created by this resignation of an incumbent supervisor of elections seeking other elected office shall qualify to run in a special election to be held as a part of and at the same time as the general statewide election. The time period during which such candidates may qualify to run in this special election shall commence at the same time as does the statewide election and shall terminate on noon of the seventh day following the date on which the qualifying period for the general statewide election ends. A supervisor of elections elected to fill an unexpired term shall take office and assume and exercise all duties of office immediately as of the date of certification of the election returns as provided by law.

(b) In the event that a vacancy in the office of supervisor of elections occurs other than as provided in subsection (a), then such a vacancy shall be filled for the remainder of the unexpired term by election of a supervisor of elections at a special election to be called pursuant to resolution of the city council and held on a date no sooner than 1 month and no later than 6 months after the vacancy occurs. This special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A resignation by the supervisor of elections shall be submitted to the assistant supervisor of elections (with a copy to the secretary of the city council), shall specify the date on which it is effective, and shall be irrevocable. If a supervisor of elections submits a resignation which is effective at a date later than that on which it is submitted, the city council may, by resolution, call a special election for the election of a successor, this special election to be held on a date not less than 1 month after the date the resignation is submitted nor more 6 months prior to the date the resignation is effective; and such special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A vacancy in the office of supervisor of elections occurring as contemplated in this subsection shall be temporarily filled in the same manner established in subsection (a). The acting supervisor of elections shall exercise all the powers of the office of supervisor of elections until a successor supervisor of elections is qualified, elected and assumes office. Should a special election not be held at the same time as any other election scheduled to be held within the county, then the special primary election for nominations of candidates of political parties for the office of supervisor of elections to be voted upon in the special election shall be held at the times specified by the council in the resolution calling the special election, provided that at least 2 weeks shall intervene between the dates set for the first and second primary elections and at least 2 weeks shall intervene between the second special primary election and the special election. The time period during which candidates may qualify to run in the special primary elections and special elections shall be specified by the council in the resolution calling the special election, provided that at least 7 calendar days shall be fixed for the qualifying period and that the last date on which candidates may qualify shall occur not less than 3 weeks before the date of the first special primary election.

(Laws of Fla., Ch. 77-576; Laws of Fla., Ch. 85-432, § 2; Laws of Fla., Ch. 92-341, § 1)

#### **Section 9.04. Two term limit.**

No person elected and qualified for two consecutive full terms as Supervisor of Elections shall be eligible for election as Supervisor of Elections for the next succeeding term. The two-term limitation shall apply to any full term which began in 1992 or thereafter.

(Ord. 91-533-606, § 2 (Referendum of November 3, 1992))

**ARTICLE 10. PROPERTY APPRAISER**

Sec. 10.01. Duties, compensation.

Sec. 10.02. Qualifications, elections, term.

Sec. 10.03. Vacancy.

Sec. 10.04. Two term limit.

**Section 10.01. Duties, compensation.**

The property appraiser shall be responsible for assessing all real and personal property in Duval County. It shall be the duty of the property appraiser to perform all functions or duties which are imposed by general law or special laws on the property appraiser of Duval County. The compensation of the property appraiser shall be fixed by the city council.

(Laws of Fla., Ch. 69-1175; Ord. 79-821-516, § 5; Laws of Fla., Ch. 92-341, § 1)

**Section 10.02. Qualifications, elections, term.**

The property appraiser shall be a qualified elector of and reside in Duval County, and shall have resided in and been a qualified elector of Duval County for at least 183 consecutive days immediately before the date on which he or she qualified to run for the office of property appraiser. He or she shall be elected for a period of 4 years and shall assume office on the first day of July following his or her election and serve until his or her successor is elected and qualified. The property appraiser shall devote his or her entire time to the performance of the duties of his or her office and shall hold no other public office or public employment.

(Laws of Fla., Ch. 78-821-516, § 5; Laws of Fla., Ch. 92-341, § 1)

**Section 10.03. Vacancy.**

If the property appraiser should die, resign, or remove his residence from Duval County during his term of office, or be removed from office, the office of property appraiser shall become vacant. A vacancy in the office of property appraiser shall be filled in the following manner:

- (a) An incumbent property appraiser who resigns in order to seek a state or federal office in the general statewide election held in November immediately preceding the last year of his term, shall submit his resignation at least 10 days prior to the first day of the qualifying period for the office to which he seeks election and his resignation shall be effective no later than the date on which the general statewide election is held. A vacancy in the office of property appraiser shall exist as of the effective date of the resignation. In the event a property appraiser's resignation should be effective before the date of the general statewide election, then the vacancy in the office of property appraiser shall be temporarily filled with an acting property appraiser who shall be appointed by the Governor and who shall serve until a successor property appraiser is qualified and elected. A candidate seeking election to fill the vacancy created by this resignation of an incumbent property appraiser seeking other elected office shall qualify to run in a special election to be held as a part of and at the same time as the general statewide election. The time period during which such candidates may qualify to run in this special election shall commence at the same time as does the qualifying period for candidates seeking office in the general statewide election and shall terminate on noon of the seventh day following the date on which the qualifying period for the general statewide election ends. A property appraiser elected to fill an unexpired term shall take office and assume and exercise all duties of office immediately as of the date of certification of the election returns by the supervisor of elections as provided by law.

(b) In the event that a vacancy in the office of property appraiser occurs other than as provided in subsection (a), then such a vacancy shall be filled for the remainder of the unexpired term by election of a property appraiser at a special election to be called pursuant to resolution of the city council and held on a date no sooner than 1 month and no later than 6 months after the vacancy occurs. This special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A resignation by the property appraiser shall be submitted to the supervisor of elections (with a copy to the secretary of the city council), shall specify the date on which it is effective, and shall be irrevocable. If a property appraiser submits a resignation which is effective at a date later than that on which it is submitted, the city council may, by resolution, call a special election for the election of a successor, this special election to be held on a date not less than 1 month after the date the resignation is submitted nor more than 6 months prior to the date the resignation is effective; and such special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A vacancy in the office of property appraiser occurring as contemplated in this subsection shall be temporarily filled in the same manner established in subsection (a). The acting property appraiser shall exercise all the powers of the office of property appraiser until a successor property appraiser is qualified, elected, and assumes office. Should a special election not be held at the same time as any other election scheduled to be held within the county, then the special primary election for nominations of candidates of political parties for the office of property appraiser to be voted upon in the special election shall be held at the times specified by the council in the resolution calling the special election, provided that at least 2 weeks shall intervene between the dates set for the first and second primary elections and at least 2 weeks shall intervene between the second special primary election and the special election. The time period during which candidates may qualify to run in the special primary elections and special elections shall be specified by the council in the resolution calling the special election, provided that at least 7 calendar days shall be fixed for the qualifying period and that the last date on which candidates may qualify shall occur not less than 3 weeks before the date of the first special primary election.

(Laws of Fla., Ch. 77-576; Laws of Fla., Ch. 85-432, § 3; Ord. 84-1307-754, § 7; Laws of Fla., Ch. 92-341, § 1)

#### **Section 10.04. Two term limit.**

No person elected and qualified for two consecutive full terms as Property Appraiser shall be eligible for election as Property Appraiser for the next succeeding term. The two-term limitation shall apply to any full term which began in 1992 or thereafter.

(Ord. 91-533-606, § 3 (Referendum of November 3, 1992))

**ARTICLE 11. TAX COLLECTOR**

Sec. 11.01. Duties, compensation.

Sec. 11.02. Qualifications, election, term.

Sec. 11.03. Vacancy.

Sec. 11.04. Two term limit.

**Section 11.01. Duties, compensation.**

The tax collector shall be responsible for the collection of all taxes, fees, service charges, and all other revenues of any type due the consolidated government except as the council may otherwise provide with respect to the collection of charges for water and sewer services and any public service tax on the purchase of such services. It shall be his duty to collect and receive all real, personal, and intangible property taxes due the consolidated government in accordance with such ordinances pertaining to same as the council may from time to time enact. The tax collector shall perform all duties which are imposed by general or special laws on the tax collector of Duval County. The compensation of the tax collector shall be fixed by the city council.

(Laws of Fla., Ch. 69-1175; Laws of Fla., Ch. 77-577; Laws of Fla., Ch. 92-341, § 1)

**Section 11.02. Qualifications, election, term.**

The tax collector shall be a qualified elector of and reside in Duval County, and shall have resided in and been a qualified elector of Duval County for at least 183 consecutive days immediately before the date on which he or she qualifies to run for the office of tax collector. He or she shall be elected for a term of 4 years and shall assume office on the first day of July following his or her election. He or she shall devote his or her entire time to the performance of the duties of his or her office and shall hold no other public office or public employment.

(Laws of Fla., Ch. 74-503; Ord. 79-821-516, § 6; Laws of Fla., Ch. 92-341, § 1)

**Section 11.03. Vacancy.**

If the tax collector should die, resign, or remove his residence from Duval County during his term of office, or be removed from office, the office of tax collector shall become vacant. A vacancy in the office of tax collector shall be filled in the following manner:

(a) An incumbent tax collector who resigns in order to seek a state or federal office in the general statewide election held in November immediately preceding the last year of his term, shall submit his resignation at least 10 days prior to the first day of the qualifying period for the office to which he seeks election and his resignation shall be effective not later than the date on which the general statewide election is held. A vacancy in the office of tax collector shall exist as of the effective date of the resignation. In the event a tax collector's resignation should be effective before the date of the general statewide election, then the vacancy in the office of tax collector shall be temporarily filled with an acting tax collector who shall be appointed by the Governor and who shall serve until a successor tax collector is qualified and elected. A candidate seeking election to fill the vacancy created by the resignation of an incumbent tax collector seeking other elected office shall qualify to run in a special election to be held as a part of and at the same time as the general statewide election. The time period during which such candidates may qualify to run in this special election shall commence at the same time as does the qualifying period for candidates seeking office in the general statewide election and shall terminate on noon of the seventh day following the date on which the qualifying period for the general statewide election ends. A tax collector elected to fill an unexpired term shall take office

and assume and exercise all duties of office immediately as of the date of certification of the election returns by the supervisor of elections as provided by law.

(b) In the event that a vacancy in the office of tax collector occurs other than as provided in subsection (a), then such a vacancy shall be filled for the remainder of the unexpired term by election of a tax collector at a special election to be called pursuant to resolution of the city council and held on a date no sooner than 1 month and no later than 6 months after the vacancy occurs. This special election shall, if possible, be held in conjunction with any other election schedule to be held within the county. A resignation by the tax collector shall be submitted to the supervisor of elections (with a copy to the secretary of the city council), shall specify the date on which it is effective, and shall be irrevocable. If a tax collector submits a resignation which is effective at a date later than that on which it is submitted, the city council may, by resolution, call a special election for the election of a successor, this special election to be held on a date not less than 1 month after the date the resignation is submitted nor more than 6 months prior to the date the resignation is effective; and such special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. A vacancy in the office of tax collector occurring as contemplated in this subsection shall be temporarily filled in the same manner established in subsection (a). The acting tax collector shall exercise all the powers of the office of tax collector until a successor tax collector is qualified, elected, and assumes office. Should a special election not be held at the same time as any other election scheduled to be held within the county, then the special primary election for nominations of candidates of political parties for the office of tax collector to be voted upon in the special election shall be held at the times specified by the council in the resolution calling the special election, provided that at least 2 weeks shall intervene between the dates set for the first and second primary elections and at least 2 weeks shall intervene between the second primary election and the special election. The time period during which candidates may qualify to run in the special primary elections and special elections shall be specified by the council in the resolution calling the special election, provided that at least 7 calendar days shall be fixed for the qualifying period and that the last date on which candidates may qualify shall occur not less than 3 weeks before the date of the first special primary election.

(Laws of Fla., Ch. 77-576; Laws of Fla., Ch. 85-432, § 4; Ord. 84-1307-754, § 7; Laws of Fla., Ch. 92-341, § 1)

#### **Section 11.04. Two term limit.**

No person elected and qualified for two consecutive full terms as Tax Collector shall be eligible for election as Tax Collector for the next succeeding term. The two-term limitation shall apply to any full term which began in 1992 or thereafter.

(Ord. 91-533-606, § 4 (Referendum of November 3, 1992))

**ARTICLE 12. JUDICIARY**

Sec. 12.01. Certain courts continued.

Sec. 12.02. Elections.

Sec. 12.03. Duties of council in respect to courts.

Sec. 12.04. County judges not to issue licenses.

Sec. 12.05. Certain duties of circuit court eliminated.

Sec. 12.06. Clerk of the circuit and county court.

Sec. 12.07. State attorney.

Sec. 12.08. Public defender.

Sec. 12.09. Time deposits by clerk of circuit and county court.

Sec. 12.10. Disposition of funds by clerk.

Sec. 12.11. Two term limit.

**Section 12.01. Certain courts continued.**

The circuit court of the fourth judicial circuit of Florida in and for Duval County and the county court of Duval County, as presently constituted under general law, shall continue in full force and effect; and all general and special laws applicable thereto shall continue in full force and effect, except as herein expressly provided to the contrary.

(Ord. 84-1307-754, § 9; Laws of Fla., Ch. 92-341, § 1)

**Section 12.02. Elections.**

The clerk of the circuit and county court, the states attorney and the public defender shall be elected under the provisions of general law. The judges of the county court of Duval County shall be elected in nonpartisan elections under the provisions of general law applying to the nonpartisan election of judicial officers.

(Laws of Fla., Ch. 71-710; Laws of Fla., Ch. 72-572; Ord. 84-1307-754, § 9; Laws of Fla., Ch. 92-341, § 1)

**Section 12.03. Duties of council in respect to courts.**

The council shall have the powers and duties with respect to the county court of Duval County, and the circuit court of the fourth judicial circuit in and for Duval County, and their judges, clerks, and employees, which by general or special law the board of county commissioners of Duval County had with respect to those courts or to any predecessor courts prior to the effective date of this charter; however, where any of the courts or their judges, clerks, or employees are required to pay any amounts to the board of county commissioners, all such payments shall be made to the tax collector, who shall account to the council. The council shall have the power and the duty to appropriate funds for the maintenance and operation of the administrative offices of the circuit and county courts in Duval County.

(Laws of Fla., Ch. 69-717; Ord. 84-1307-754, § 9; Laws of Fla., Ch. 92-341, § 1)

**Section 12.04. County judges not to issue licenses.**

The county judges shall have no authority or duty to issue licenses required by law, except marriage licenses.

(Ord. 84-1307-754, § 9; Laws of Fla., Ch. 92-341, § 1)

**Section 12.05. Certain duties of circuit court eliminated.**

The circuit court sitting as the juvenile court of Duval County shall have no duties or powers over the operation of child care programs of the consolidated government and shall not appoint a county board of visitors for Duval County.

(Ord. 84-1307-754, § 9; Laws of Fla., Ch. 92-341, § 1)

**Section 12.06. Clerk of the circuit and county court.**

The office of the clerk of the circuit and county court shall continue, and all general and special laws applicable thereto and not in conflict with this act shall continue in full force and effect except that the clerk of the circuit and county court shall be elected as herein provided and shall no longer have any duty or right to act as clerk of the board of county commissioners or the ex officio auditor of the county. The salary of the clerk of the circuit and county court shall be fixed by the council.

(Laws of Fla., Ch. 69-1175; Ord. 84-1307-754, § 9; Laws of Fla., Ch. 92-341, § 1)

**Section 12.07. State attorney.**

The office of state attorney of the fourth judicial circuit in and for Duval County shall continue, and all general and special laws applicable thereto shall continue in full force and effect, except as herein expressly provided to the contrary.

(Ord. 84-1307-754, § 9; Laws of Fla., Ch. 92-341, § 1)

**Section 12.08. Public defender.**

The office of public defender of the fourth judicial circuit in and for Duval County shall continue, and all general and special laws applicable thereto shall continue in full force and effect, except as herein expressly provided to the contrary.

(Ord. 84-1307-754, § 9; Laws of Fla., Ch. 92-341, § 1)

**Section 12.09. Time deposits by clerk of circuit and county court.**

The clerk of the circuit and county court is authorized, without court order, to deposit any and all moneys paid into the registry of the court in interest-bearing time deposit in any designated depository as provided by chapter 43, Florida Statutes. All interest accruing from registry of court moneys while on time deposit shall be deemed income of the office of the clerk of the circuit and county court and shall be deposited in the same account as are other fees and commissions of said clerk's office.

(Laws of Fla., Ch. 72-572; Ord. 84-1307-754, § 9; Laws of Fla., Ch. 92-341, § 1)

**Section 12.10. Disposition of funds by clerk.**

Except as otherwise provided in the 1968 Florida Constitution, all public funds, except all funds in custody of the court pursuant to chapter 43, Florida Statutes, coming into the possession of the clerk of the circuit and county court of the fourth judicial circuit in and for Duval County which are due the consolidated

government shall be promptly turned over to the tax collector on a daily basis. The city treasurer is authorized to promulgate regulations implementing this section, which may include provision for extension of time under such reasonable circumstances as the city treasurer may determine.

(Laws of Fla., Ch. 73-511; Ord. 84-1307-754, § 9; Laws of Fla., Ch. 92-341, § 1)

### **Section 12.11. Two term limit.**

No person elected and qualified for two consecutive full terms as Clerk of the Court shall be eligible for election as Clerk of the Court for the next succeeding term. The two-term limitation shall apply to any full term which began in 1992 or thereafter.

(Ord. 91-533-606, § 5 (Referendum of November 3, 1992))

**ARTICLE 13. DUVAL COUNTY SCHOOL BOARD**

Sec. 13.01. Duval County Board of Public Instruction continued and renamed.

Sec. 13.02. School board districts.

Sec. 13.03. Apportionment of school board districts.

Sec. 13.04. Qualifications of board members.

Sec. 13.05. Vacancies.

Sec. 13.06. Compensation.

Sec. 13.07. Superintendent of schools.

Sec. 13.08. Powers and duties of superintendent.

Sec. 13.09. Use of internal services of the city.

Sec. 13.10. School board budget.

Sec. 13.11. Group insurance for members and employees of board.

Sec. 13.12. Transfer of property.

Sec. 13.13. Provision for legal holidays in calculation of compensation.

Sec. 13.14. Participation in the City of Jacksonville's risk management program.

Sec. 13.15. Two term limit.

**Section 13.01. Duval County Board of Public Instruction continued and renamed.**

The Duval County Board of Public Instruction is renamed the Duval County School Board, a body corporate, hereinafter called "school board." The school board shall consist of seven members elected in a nonpartisan district election. The school board shall be responsible for the public school system in Duval County, and all general and special laws applicable thereto shall continue in full force and effect, except as herein expressly provided to the contrary.

(Ord. 84-1307-754, § 10; Laws of Fla., Ch. 92-341, § 1)

**Section 13.02. School board districts.**

Members of the school board shall be elected from one of the seven school board districts hereby created and established. Each school board district shall be composed of two adjoining council districts as set forth in appendix 2 of this charter.

(Ord. 84-1307-754, § 10; Laws of Fla., Ch. 92-341, § 1)

**Section 13.03. Apportionment of school board districts.**

Within 6 months after publication of each official federal census of Duval County, the council shall apportion the seven school board districts so that all districts are as nearly equal in population as practicable. In the event that the council shall be unable to complete the apportionment of the school board districts within 6 months after the publication of that census, the city's general council shall petition the circuit court for the judicial circuit having jurisdiction over Duval County to make such apportionment. Any apportionment of the school board districts made pursuant to this section shall not affect any term of office in existence at the date of such apportionment but shall be applicable only to the next succeeding school board election.

(Ord. 84-1307-754, §§ 10, 26; Laws of Fla., Ch. 92-341, § 1)

**Editor's note:** For current reapportionment regulations, see Jacksonville Ordinance Code, Ch. 18.

**Section 13.04. Qualifications of board members.**

Members of the Duval County School Board shall be electors of and residents of the school board

districts in which they are elected, and each shall have resided in and been a qualified elector of the school board district in which he or she runs for office for at least 183 consecutive days immediately before the date on which he or she qualifies to run for the office of member of the school board. Members shall not hold any other public office or public employment except as notary public, member of the armed services, or federal office or employment.

(Ord. 79-821-516, § 7; Ord. 80-741-580, § 1; Ord. 84-1307-754, § 10; Laws of Fla., Ch. 92-341, § 1)

### **Section 13.05. Vacancies.**

A school board member shall forfeit his office if at any time during his term of office he lacks any qualification for the office prescribed by this charter. In the event that a vacancy in the school board occurs, the vacancy shall be filled for the remainder of the unexpired term by election of a school board member at a special election to be called pursuant to resolution of the city council and held on a date no sooner than 1 month and no later than 6 months after the vacancy occurs. This special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. Any resignation by a school board member shall be submitted in writing to the supervisor of elections, with a copy to the secretary of the city council, shall specify the date on which it is effective, and shall be irrevocable. If any school board member submits a resignation which is effective at a date later than that on which it is submitted, the city council may, by resolution, call a special election for the election of a successor, this special election to be held on a date not less than 1 month after the date the resignation is submitted nor more than 6 months prior to the date the resignation is effective; and such special election shall, if possible, be held in conjunction with any other election scheduled to be held within the county. In the event that this special election cannot be held within the 1 to 6-month period prior to the qualifying period for the next general statewide election at which such office would be filled for a full term, then no special election shall be held and the office shall remain vacant until filled at the next general statewide election for the full term. Should it be possible to hold the special election to fill a vacancy in the school board at the same time that another election is being held in the county, then this special election shall take place on the date of the first primary of the other election and if a runoff election is required, it shall be held on the date that the other election is held whether it be another special election, a general statewide election or a consolidated general government election. A vacancy in the school board shall not be temporarily filled in any manner and shall continue until filled in the manner provided in this section.

(Laws of Fla., Ch. 72-572; Ord. 73-326-303; Ord. 84-1307-754, § 10; Laws of Fla., Ch. 85-430, § 1; Laws of Fla., Ch. 92-341, § 1)

### **Section 13.06. Compensation.**

Members of the school board shall receive such salary as set by city council ordinance, but when any member in connection with his official duties travels outside Duval County, he may receive compensation for his expenses from county school funds as provided in s. 112.061, Florida Statutes.

(Laws of Fla., Ch. 70-752; Ord. 84-1307-754, § 10; Laws of Fla., Ch. 92-341, § 1)

### **Section 13.07. Superintendent of schools.**

The Duval County School Board shall designate a person with experience in school management and supervision as the superintendent of schools who shall be the chief administrative employee of the board. The superintendent of schools shall be considered an elected constitutional officer for purposes of section 8 of article II of the State Constitution.

(Laws of Fla., Ch. 77-582; Ord. 84-1307-754, § 10; Laws of Fla., Ch. 92-341, § 1)

**Section 13.08. Powers and duties of superintendent.**

The superintendent shall have the power and duties assigned to the Duval County Superintendent of Schools by general or special laws and such other powers and duties as are assigned by this charter or by the rules, regulations, and instruction of the school board.

(Ord. 84-1307-754, § 10; Laws of Fla., Ch. 92-341, § 1)

**Section 13.09. Use of internal services of the city.**

Unless otherwise directed by the council, the Duval County School Board shall utilize the internal services of the city except that the Duval County School Board shall not be required to use the services of the city's Division of Procurement and Supply and the City's Division of Human Resources.

(Laws of Fla., Ch. 70-745; Ord. 81-28-13, § 1; Ord. 84-1307-754, § 10; Laws of Fla., Ch. 92-341, § 1; Ord. 98-624-E, § 3)

**Section 13.10. School board budget.**

The Duval County School Board shall be exempt from the budgetary requirements of article 14. However, the Duval County School Board shall include in its budget sufficient funds to pay the City of Jacksonville for such central services of the city as the board shall be required to use and shall use, on a cost accounted basis.

(Laws of Fla., Ch. 73-508; Ord. 83-591-400, § 1; Ord. 84-1307-754, § 10; Laws of Fla., Ch. 92-341, § 1)

**Editor's note:** See Jacksonville Ordinance Code, § 102.112 for the requirement that the council auditor conduct a performance audit.

**Section 13.11. Group insurance for members and employees of board.**

(a) The Duval County School Board is authorized to provide for life, accidental death and dismemberment, and hospital, medical, and surgical insurance for members and employees of said board and their families, with a group insurance plan, and to that end to enter into agreements with insurance companies to provide such insurance.

(b) The Duval County School Board is authorized to pay out of district school funds the cost of all or any part of the premium for such group life, accidental death and dismemberment, and hospital, medical, and surgical insurance and to deduct from the compensation of such members or employees, who in writing make request for such insurance, the remaining balance of such costs, if any, and to pay the same directly to the insurance company issuing such group insurance.

(Laws of Fla., Ch. 77-543; Ord. 84-1307-754, § 10; Laws of Fla., Ch. 92-341, § 1)

**Section 13.12. Transfer of property.**

Whenever the Duval County School Board, a body corporate, shall determine by formal resolution spread upon the minutes of a regular or special meeting of said body corporate that any real or personal property is unsuited for school purposes because of its size, location, and/or condition and is therefore surplus to the needs and uses of the school system of the consolidated City of Jacksonville, Florida, then in such event, the said Duval County School Board, a body corporate, is authorized to transfer the title to any such property to the consolidated City of Jacksonville, and/or any of its independent agencies, with or without consideration, provided that the said Duval County School Board determines that the such transfer would be in

the best interest of the school system of the City of Jacksonville, Florida.

(Laws of Fla., Ch. 71-620; Ord. 84-1307-754, § 10; Laws of Fla., Ch. 92-341, § 1)

### **Section 13.13. Provision for legal holidays in calculation of compensation.**

The Duval County School Board, a body corporate, is authorized in its discretion to provide for the inclusion of legal holidays during the school year in the calculation of compensation to be paid to instructional personnel as if said holidays were to be compensated, all for the purpose of providing biweekly or monthly pay periods for said instructional personnel, with such payments being nearly equal as practicable. Including such legal holidays in calculating such periodic pay periods and treating such legal holidays as if they were actually paid holidays shall not require the Duval County School Board to actually pay for such holidays. Inclusion of such legal holidays in calculating said periodic pay periods for instructional personnel shall not be deemed to be payment to any employee in advance of service being rendered.

(Laws of Fla., Ch. 71-619; Ord. 84-1307-754, § 10; Laws of Fla., Ch. 92-341, § 1)

### **Section 13.14. Participation in the City of Jacksonville's risk management program.**

Notwithstanding any general or special law to the contrary, the Duval County School Board is authorized, at its option, to participate, with the concurrence of the city council and in accordance with the provisions of chapter 128, Ordinance Code, in the risk management program operated and managed by the City of Jacksonville.

(Laws of Fla., Ch. 87-474, § 1; Laws of Fla., Ch. 92-341, § 1)

### **Section 13.15. Two term limit.**

No person elected and qualified for two consecutive full terms as a Member of the Duval County School Board shall be eligible for election as a Member of the Duval County School Board for the next succeeding term. The two-term limitation shall apply to any full term which began in 1992 or thereafter.

(Ord. 91-533-606, § 6 (Referendum of November 3, 1992))

**ARTICLE 14. FINANCE AND TAXATION**

- Sec. 14.01. Proposed budgets of independent agencies.
- Sec. 14.02. Adoption of budgets.
- Sec. 14.03. Transfer of appropriations.
- Sec. 14.04. Consolidated government's power to issue bonds.
- Sec. 14.05. Ad valorem bonds of independent agencies.
- Sec. 14.06. Definitions.
- Sec. 14.07. Millage limitations.
- Sec. 14.08. Increases and decreases in millage limitations.
- Sec. 14.09. Limitation on ad valorem taxes.

**Section 14.01. Proposed budgets of independent agencies.**

Each independent agency entitled to receive appropriations from the council shall also prepare and submit a proposed budget for its operations for its fiscal year to the council.

(Ord. 84-1307-754, § 11; Laws of Fla., Ch. 92-341, § 1)

**Section 14.02. Adoption of budgets.**

After the conclusion of the public hearings, the council shall adopt and approve the budgets submitted to it, with such changes as the council may deem appropriate, subject to the following: The proposed consolidated government budget may be altered by the council on a line-by-line basis or on a total basis, as the council may elect. The council may increase or decrease the appropriation requested by any independent agency on a line-by-line basis or on a total basis.

(Ord. 84-1307-754, § 11; Laws of Fla., Ch. 92-341, § 1)

**Section 14.03. Transfer of appropriations.**

The mayor may transfer any amount appropriated to any consolidated government division within such division but may not:

(a) Transfer funds that are appropriated to any consolidated government division, department, agency, or nondepartmental account to any other division, department, agency, or nondepartmental account unless the council has adopted a general ordinance, approved by at least 13 members of the council, that authorizes the mayor to make such transfers. Repeal or modification of such ordinance shall require the concurrence of at least 13 members of the council. The ordinance must specify:

- (1) The type and manner of mayoral transfers that are permitted.
- (2) Whether the council must be given prior notice of a proposed transfer.
- (3) Whether the council must be given an opportunity to override a proposed transfer within a specified timeframe and by a specified vote.

To the extent the provisions of the general ordinance are consistent with these standards, they shall be deemed to be a grant of additional powers to the executive branch not in violation of section 4.01 of this charter; or

(b) Transfer funds appropriated to any services district to any other services district.

(Ord. 84-1307-754, § 11; Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 2006-331, § 1)

**Section 14.04. Consolidated government's power to issue bonds.**

The consolidated government may issue any bonds which:

- (a) Cities are or may hereafter be authorized to issue under the Constitution or general laws of the State of Florida.
- (b) Counties are or may hereafter be authorized to issue under the Constitution or the general laws of the State of Florida.
- (c) Any of the former governments were authorized to issue immediately prior to the effective date of this charter [October 1, 1968].

(Ord. 84-1307-754, § 12; Laws of Fla., Ch. 92-341, § 1)

**Section 14.05. Ad valorem bonds of independent agencies.**

If any independent agency desires to issue ad valorem bonds which will be obligations of the consolidated government, such independent agency shall request the council to authorize the issuance of such bonds. If the issuance of such bonds is authorized by the council and approved in a bond election as hereinabove provided, the consolidated government shall thereafter issue each ad valorem bond on behalf of such independent agency, and the council shall thereafter levy annual taxes sufficient to meet the debt service requirement of such bonds. Taxes so levied by the council to meet the debt service requirements of bonds of independent agencies shall be paid to the independent agencies for application to such debt service promptly on the collection of such taxes.

(Ord. 84-1307-754, § 12; Laws of Fla., Ch. 92-341, § 1)

**Section 14.06. Definitions.**

For the purpose of this article, the word "bonds" shall mean ad valorem bonds, revenue bonds, certificates of indebtedness, special assessment bonds and certificates, and other evidences of indebtedness. The words "revenue bonds" shall mean bonds payable solely from the revenues derived from sources of revenue other than ad valorem taxes on real and personal property. The words "ad valorem bonds" means bonds and the interest thereon which are payable from the proceeds of ad valorem taxes levied on real and personal property situated in Duval County or any part thereof.

(Ord. 84-1307-754, § 12; Laws of Fla., Ch. 92-341, § 1)

**Section 14.07. Millage limitations.**

(a) The council is authorized to levy taxes upon all of the real and personal property assessed for taxes, annually, for the payment of debt service requirements of ad valorem bonds as authorized and required by law, and for all other debt service requirements of ad valorem bonds as purposes of the consolidated government:

- (1) Within the entire general services district, at such millage rate as is authorized by the Constitution and general law for counties to levy.
- (2) Within that part of the general services district not included within the second, third, fourth, and fifth urban services districts, at such millage rate as is authorized by the Constitution and general law for municipalities to levy.

(b) The second, third, fourth, and fifth urban services districts are each authorized to levy taxes upon all of the real and personal property within their respective districts assessed for taxes, annually, for the payment of debt service requirements of ad valorem bonds as authorized and required by law, and for all other purposes of the governments of each of said urban services districts, at such millage rate as is authorized by the Constitution and general law for municipalities to levy.

(Laws of Fla., Ch. 78-536, § 14; Ord. 84-1307-754, § 21; Laws of Fla., Ch. 92-341, § 1)

#### **Section 14.08. Increases and decreases in millage limitations.**

No increase shall be allowed in any of the millage limitations provided in section 14.07 unless first approved by a majority vote of those qualified electors voting in a special referendum in the district to be affected by any such proposed increase in such millage limitations. No such increase shall be effective for a period longer than 2 years. On the written petition or petitions of qualified electors representing not less than 20 percent in number of such electors voting in the last such special referendum in the general services district or 20 percent of such electors voting in the last such special referendum in an urban services district, a special referendum shall be held to consider a reduction in any millage limitation which has been previously increased under the provisions of this section. Not more than one such special referendum shall be held in any calendar year.

(Laws of Fla., Ch. 71-695; Ord. 84-1307-754, § 21; Laws of Fla., Ch. 92-341, § 1)

#### **Section 14.09. Limitation on ad valorem taxes.**

The Council shall not adopt any millage rate which would result in more than a three (3) percent increase in total ad valorem taxes levied on the preliminary taxable value (adjusted to exclude ad valorem taxes generated from new construction added in the current year) over the previous year's ad valorem tax levy. The Council shall not fail to reduce the millage rate should such action be necessary to ensure that this limitation on the ad valorem tax levy takes affect.

(Ord. 92-1073-753, § 1 (Referendum of November 3, 1992))

**ARTICLE 15. REMOVAL OF OFFICERS**

Sec. 15.01. Recall by voters.

Sec. 15.02. General and special elections.

**Section 15.01. Recall by voters.**

Any officer elected in any consolidated government or school board election may be removed from office in the following manner:

- (a) A petition demanding an election of a successor of the elected official sought to be removed shall be filled with the supervisor of elections.
- (b) In the petition for recall of a person elected in the city at large, there shall be included the signatures of qualified voters equal to 10 percent of the number of voters registered in that district at the time of the election of the person sought to be removed.
- (c) In the petition for recall of a person elected in a district election, there shall be included the signatures of voters qualified to vote in that district equal to 10 percent of the number of voters registered in that district at the time of the election of the person sought to be removed.

The petition shall contain a general statement of the grounds for which the removal is sought. Copies of petitions may be executed, but one of the signers of each copy shall affirm under oath before an officer competent to administer oaths that he believes that each signature to the copy is the genuine signature of the person whose name it purports to be. Within 15 normal working days from the date of filing such petition, the supervisor of elections shall examine the petition and ascertain whether the petition is signed by the required number of persons and whether such persons are qualified voters as shown by the registration books. He shall attach to the petition his certificate showing the result of such examination. If the supervisor of elections determines that the petition is insufficient, it may be amended within 15 days from the date of said certificate. The supervisor of elections shall, within 15 days after such amendment, make like examination of the amended petition. If he again determines that the petition is insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect. If the supervisor of elections shall determine that any petition is duly executed and in proper form, he shall at once order and fix a date for holding a recall election not less than 30 days or more than 60 days from the date on which he determines the petition to be sufficient. The supervisor of elections shall make or cause to be made publication of notice of such recall election. A majority of the votes cast in such election shall be required to remove the officer. Upon such removal, a vacancy shall exist in the office.

(Laws of Fla., Ch. 69-1173; Laws of Fla., Ch. 72-572; Ord. 84-1307-754, § 13; Laws of Fla., Ch. 92-341, § 1)

**Section 15.02. General and special elections.**

- (a) The city shall conduct elections for the offices of Council Member, Mayor, Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections and Civil Service Board Member pursuant to the procedures set forth herein. Elections shall be by majority vote.
- (b) The names of all persons who qualify as candidates for election to an office referred to in subsection (a) shall be placed on the general election ballot. If one candidate in such election receives a majority of the votes for an office, that candidate shall be elected. If no candidate in such election receives a majority of the votes for an office, the names of the two (2) candidates receiving the highest number of votes for such office shall be placed on a run off election ballot. The Council by ordinance shall provide for procedures in the event of a tie. The party affiliation, if any, of each candidate shall be noted on the election ballot for each election. Special elections shall follow the procedures set forth in this section.

(Ord. 91-178-146, § 1 (Referendum of November 3, 1992))

**ARTICLE 16. RETIREMENT AND PENSION BENEFITS**

Sec. 16.01. Retirement and pension system authorized.

Sec. 16.02. Existing plans continued.

Sec. 16.03. Amendment of prior plans in certain respects.

Sec. 16.04. Election of membership by certain employees and membership of handicapped employees.

Sec. 16.05. Police and correctional officers; special provisions relative to disability.

Sec. 16.06. Funding and enhanced pension benefits for correctional officers.

**Section 16.01. Retirement and pension system authorized.**

All officers and employees of the consolidated government employed after the effective date of this charter shall be members of the 1937 police and fire department pension fund of the City of Jacksonville, under the provisions of chapter 18615, Acts of 1937, as amended, or the 1937 pension fund for employees of the City of Jacksonville, under the provisions of chapter 18610, Acts of 1937, as amended, and such system shall be the retirement and pension system for the consolidated government. The council shall have the authority to amend said retirement and pension system to provide a separate classification or classifications, including provisions relating to eligibility, contributions, required services, retirement age and benefits thereunder, for officers and employees becoming members of said retirement and pension system after the effective date of this charter. Nothing in this section shall impair or diminish the rights and privileges, including rights and privileges of social security coverage, to which employees of former governments may be entitled under retirement and pension plans of or under former governments on the effective date of this charter.

(Laws of Fla., Ch. 69-1172; Ord. 84-1307-754, § 14; Laws of Fla., Ch. 92-341, § 1)

**Section 16.02. Existing plans continued.**

Retirement and pension plans of former governments existing immediately prior to the effective date of this charter shall continue as retirement and pension systems of the consolidated government and all benefits and rights under such plans shall continue unimpaired for the same duration provided in such plans and shall constitute an obligation and liability of the consolidated government. The council may increase rights and benefits under any retirement or pension plan of a former government but may not decrease such rights and benefits. All officers and employees of former governments entitled to benefits under any such plan shall continue to be entitled to such benefits, and for the purpose of all such plans service with the consolidated government shall constitute service under the plans. An officer or employee entitled to benefits under a retirement or pension plan of a former government may elect instead to be covered by the system authorized by section 16.01 but may not be required to make such election. Officers and employees of former governments not covered by existing pension plans on the effective date of this charter who become employees of the consolidated government shall not be eligible to enter the plans of the former government but may be eligible for participation in the system authorized by section 16.01, to the extent qualified by the appropriate pension advisory committee.

(Ord. 84-1307-754, § 14; Laws of Fla., Ch. 92-341, § 1)

**Section 16.03. Amendment of prior plans in certain respects.**

The council shall have the power to amend any plans of former governments and to establish which officers of the consolidated government are responsible for the administration of the plans and the handling and investment of funds under such plans. The council shall also have the discretionary power to determine that interrupted service of any officer or employee of former governments shall be treated as continuous service for the purpose of any retirement or pension plan of a former government.

(Ord. 84-1307-754, § 14; Laws of Fla., Ch. 92-341, § 1)

**Section 16.04. Election of membership by certain employees and membership of handicapped employees.**

Notwithstanding the provisions of section 16.01:

(a) Any employee of the City of Jacksonville who is not in the civil service system of the city nor any elected or appointed officer of the city shall be required to become a member of the retirement and pension system of the City of Jacksonville, but any noncivil service employee or elected or appointed officer may elect to become a member of the retirement and pension system of the City of Jacksonville by filing a written notice of election with the trustees of the pension funds of the city retirement and pension system. Upon the filing of the notice of election, the membership of the officer or employee in any other public pension fund of which he may be a member shall terminate.

(b) Any person employed by the City of Jacksonville in the health and welfare department on or after October 1, 1968, who was or shall be a member of the State and County Officers and Employees Retirement System provided for in chapter 122, Florida Statutes, at the time of such employment, shall not be required to become a member of the retirement and pension system of the City of Jacksonville, but may elect to discontinue membership in the State and County Officers and Employees Retirement System and to become a member of the retirement system and pension system of the City of Jacksonville by filing a written notice of election with the trustees of the pension funds of the retirement and pension systems concerned.

(c) Excluding those employed in fire & rescue and law enforcement, any person previously employed by the Jacksonville Port Authority and employed by the Jacksonville Seaport Authority or Jacksonville Airport Authority on October 1, 2001, who was a member of the State and County Officers and Employees Retirement System provided for in Chapter 122, Florida Statutes, at the time of such employment, shall not be required to become a member of the general employees retirement and pension system of the City of Jacksonville, but, on a one-time basis, may elect to discontinue membership in the State and County Officers and Employees Retirement System and to become a member of the general employees retirement system and pension system of the City of Jacksonville by filing (no later than November 1, 2001) a written notice of such election with the trustees of said pension fund. Likewise, any person employed by the Jacksonville Seaport Authority or Jacksonville Airport Authority (and not previously employed, as of September 30, 2001, by the Jacksonville Port Authority) on or after October 1, 2001, who otherwise meets eligibility requirements, shall be required to become a member of the retirement and pension system of the City of Jacksonville, subject to the limitations contained in the next sentence. Provided, however, any person who became employed by either the Jacksonville Seaport Authority or the Jacksonville Airport Authority on or after April 1, 2002, or who hereafter becomes so employed, shall be ineligible to become a member of the 1937 General Employees Pension Plan, and instead must join the Florida Retirement System; and provided further, anything above in this subsection to the contrary notwithstanding, that any person who became employed by either the Seaport Authority or the Airport Authority between October 1, 2001 and March 31, 2002 and joined the fund as required under Ordinance 2001-838-E, shall have a one-time option, as described further in Section 120.105(e) of the Jacksonville Municipal Code, to elect within a 60-day period to cease being a member of the fund and to join the FRS. Credited service under the general employees retirement and pension system of the City of Jacksonville shall commence for all Jacksonville Seaport Authority or Jacksonville Airport Authority employees on October 1, 2001 or their date of employment (whichever is later), for those employees who elected to join that plan prior to November 1, 2001 or who became employed prior to April 1, 2002, and no employment service prior to October 1, 2001 with the Jacksonville Port Authority may be credited or otherwise eligible for service purchase under the general employees retirement and pension system of the City of

Jacksonville.

(d) Any member of a retirement and pension system of the City of a former government who subsequent to being made a member of said system is employed to fill a position which is not in the civil service system of the City may elect in writing to terminate his membership in said retirement and pension system to be effective no earlier than the date such written election is filed with the trustees of said retirement and pension system and thereupon being entitled to receive the applicable refund, if any. However, any employee electing to withdraw from said retirement or pension system shall not be granted any credit for prior periods of service for the purpose of pension benefits in the system from which he has withdrawn his membership.

(e) A handicapped person shall be eligible to participate in any retirement and pension plans described in this article. However, said handicapped person, who shall be defined as having any disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness, including epilepsy, shall be examined by a panel of two or more medical physicians, who are specialists in the handicapped applicant's particular disability. The examination shall be conducted through the Division of Vocational Rehabilitation of the Department of Health and Rehabilitative Services and paid for by same. The panel shall determine the applicant's ability to perform the duties required pertaining to the applied position for a period of time not less than that required to obtain minimum time service benefits with the City of Jacksonville. The handicapped applicant shall be considered on the same basis as any other applicant without discrimination or prejudice. If the handicapped applicant, in the opinion of the medical panel aforementioned, could not logically be expected to carry out the requirements of the applied for position for a period of time not less than that required to obtain minimum time service benefits, he may be employed under the old age and survivors insurance provisions, and shall not be required to be a member of said retirement and pension system of the City of Jacksonville.

(f) No handicapped applicant shall be entitled to benefits under the retirement and pension system due to a disability arising out of the handicapped applicant's existing condition either directly or indirectly, which condition existed at the time the handicapped applicant became a member of the retirement and pension system. However, any contributions paid by the handicapped employee into the retirement and pension fund shall be refunded to said employee if the employee becomes disabled.

(g) Any employee of the City of Jacksonville on or before June 30, 2004, who is a member of the general employees retirement and pension system of the City of Jacksonville and becomes employed by the First Coast Metropolitan Planning Organization on or before July 1, 2004, may elect to remain a member of the general employees retirement and pension system of the City of Jacksonville by filing a written notice of election with the trustees of the general employees retirement and pension system of the City of Jacksonville not later than July 1, 2004. The First Coast Metropolitan Planning Organization shall make all appropriate employer contributions.

(Laws of Fla., Ch. 69-117; Laws of Fla., Ch. 73-510; Laws of Fla., Ch. 74-514; Ord. 84-1307-754, § 14; Laws of Fla., Ch. 92-341, § 1; Ord. 2001-838-E, § 2; Ord. 2002-971-E, § 2; Laws of Fla., Ch. 2004-429, § 1)

### **Section 16.05. Police and correctional officers; special provisions relative to disability.**

(1) Any condition or impairment of health of any police or correctional officer caused by heart disease or hypertension resulting in total or partial disability or death shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by competent evidence. However, any such police or correctional officer shall have successfully passed a physical examination upon entering into any such service as a police or correctional officer, which examination failed to reveal any evidence of any such condition. Such presumption shall not apply to benefits payable under or granted in a policy of life insurance or disability insurance, unless the insurer and insured have negotiated for such additional benefits to be included in the policy contract.

(2) This section shall be construed to authorize the City of Jacksonville to negotiate policy contracts

for life and disability insurance to include accidental death benefits or double indemnity coverage which shall include the presumption that any condition or impairment of health of any police or correctional officer caused by heart disease or hypertension resulting in total or partial disability or death was accidental and suffered in the line of duty, unless the contrary be shown by competent evidence.

(3) The Legislature finds that a proper and legitimate state purpose is served when employees and retirees of the state and its political subdivisions, and the dependents, survivors, and beneficiaries of such employees and retirees, are extended the basic protections afforded by governmental retirement systems which provide fair and adequate benefits and which are managed, administered, and funded in an actuarially sound manner as required by s. 14, Art. X of the State Constitution and part VII of chapter 112 of the Florida Statutes. Therefore, the Legislature hereby determines and declares that the provisions of this act fulfill an important state interest.

(4) To fund the provisions of this act, the Board of Trustees of the Police Officer and Firefighter Pension Fund is directed to obtain an actuarial impact statement and file it with the City Council. Upon receipt of this impact statement, the council shall determine any change in contributions which will be required to fund this additional benefit, effective January 1, 1993. Any increased cost required to fund any additional pension benefit or any benefit arising from a worker's compensation claim relating to the presumption created in subsection (1) shall be paid solely from contributions of the affected police and correctional officers. Said increases shall be in addition to all other changes to such contribution rates which may be enacted into law to take effect on said date.

(Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 93-356, § 1)

#### **Section 16.06. Funding and enhanced pension benefits for correctional officers.**

(1) There is hereby created within the 1937 General Employees Pension Fund of the City of Jacksonville a separate Correctional Officers Pension Fund for all correctional officers employed by the City of Jacksonville on the effective date of this act and for those to be hired in the future. All assets and accrued benefits, employee contributions, and employer contributions, including interest, for all affected correctional officers in the 1937 Pension Fund for the Employees of the City of Jacksonville shall be transferred to the Correctional Officers Pension Fund, which shall be administered separately by the Board of Pension Trustees administering the 1937 General Employees Pension Fund, except that a separate three-member Correctional Officers Advisory Committee shall be established to perform the same functions for this fund as are performed by the General Employees Pension Advisory Committee. The chair of the Correctional Officers Advisory Committee shall serve on the Board of Pension Trustees for all matters directly related to the Correctional Officers Pension Fund in lieu of the chair of the General Employees Advisory Committee. The City Council of the City of Jacksonville shall be responsible for implementing this act and for establishing benefits for participants in the Correctional Officers Pension Fund. The benefits for current participants and future retirees of the Correctional Officers Pension Fund shall be identical to those presently provided to participants and retirees in the 1937 General Employees Pension Fund, subject to those improvements deemed necessary by the city council to address inadequacies in current benefits and funding.

(2) In support of remediating the cost of housing, boarding, and caring for detainees held in the City of Jacksonville's pretrial and posttrial detention facilities by providing separate and additional funds for the enhancement of pension benefits of the correctional officers of the City of Jacksonville, Office of the Sheriff, each person who is arrested and booked into a consolidated City of Jacksonville corrections facility shall pay an administrative surcharge of \$20, which sum shall be deposited into the City of Jacksonville's Correctional Officers Pension Fund. Such surcharge funds shall be accounted for separately and used only to supplement the pension benefits for those members who are classified as correctional officers of the City of Jacksonville, Office of the Sheriff, and are members of said fund. The city shall provide procedures for refunds or waivers of the administrative surcharge for those detainees:

- (a) Against whom charges are dropped or not pursued;
- (b) Who are acquitted of the charges;

(c) Who are unable to pay due to indigency; or

(d) Who demonstrate a legal basis for relief from such payment.

No detainee shall be subject to continued detention, be denied access to judicial process or legal counsel, or be subject to penalty solely because of nonpayment of the administrative surcharge.

(Laws of Fla., Ch. 2004-411, § 1)

**ARTICLE 17. CIVIL SERVICE**

- Sec. 17.01. Civil service system established.
- Sec. 17.02. Civil service board.
- Sec. 17.03. Employment policy.
- Sec. 17.04. Duties and powers of civil service board.
- Sec. 17.05. Duties of personnel department.
- Sec. 17.06. Applicability of civil service system to employees of consolidated government.
- Sec. 17.07. Administration.
- Sec. 17.08. Judicial review.
- Sec. 17.09. Cooperation of employing agencies.
- Sec. 17.10. Ex parte communication.
- Sec. 17.11. Disciplinary actions.
- Sec. 17.12. Two term limit.

**Section 17.01. Civil service system established.**

There shall be a civil service system for the employees of the consolidated government which shall promote the effective, efficient, and fair conduct of the public business. The council shall have authority to enact such ordinances as are necessary to further implement the civil service system so long as such ordinances are not inconsistent with the provisions of this charter.

(Laws of Fla., Ch. 81-402, §§ 7, 12; Laws of Fla., Ch. 82-292, § 1; Ord. 84-1307-754, § 15; Laws of Fla., Ch. 92-341, § 1)

**Section 17.02. Civil service board.**

- (a) There shall be a civil service board of the consolidated government which shall consist of nine members. Each member shall be a resident and qualified elector of the City of Jacksonville.
- (b) The members of the board shall serve without compensation and shall be appointed for 3-year overlapping terms. Five members shall be appointed by the Mayor, one of whom shall be a member of a union, two members shall be appointed by JEA, one member shall be appointed by the Duval County School Board, and the ninth member shall be chosen by the other eight, with all appointments subject to confirmation by the City Council. Members shall be appointed for staggered terms. The board shall elect annually one of its members as chair and one as vice chair. Five members of the board shall constitute a quorum.
- (c) No member of the Civil Service Board shall be an agent of or employed by the City of Jacksonville, the JEA, the Duval County School Board, or any collective bargaining organization representing employees of the City of Jacksonville, the JEA, or the Duval County School Board.
- (d) Each member of the board shall continue to hold office until the member's successor is chosen and qualified.

The office of a board member shall become vacant upon the member's death, resignation, relocating outside the boundaries of the City of Jacksonville, or removal from office in any manner provided by law. If any member of the board fails to attend three consecutive meetings or fails to attend 50 percent of the meetings in a calendar year, the chair shall make a recommendation of retention or removal to the Mayor, who may declare the member's office vacant and notify the appointing body of the Mayor's recommendation. The vacancy shall be filled as provided in this act. The City Council shall also be empowered to remove members of the board for cause under due process of law.

- (e) A board member appointed before or on the effective date of this act shall serve through the end of his or her respective term. Thereafter, the first two of the current positions appointed by the Duval County School Board to become vacant shall be filled by the Mayor and the JEA, respectively, and

confirmed by the City Council. The Mayor and JEA shall each immediately appoint a member to one of the two new positions created by this act, whose terms shall expire on June 30, 2005, and June 30, 2006, respectively. Thereafter, all vacancies shall be filled in the same manner as provided in this act.

(Laws of Fla., Ch. 72-572; Laws of Fla., Ch. 74-513; Laws of Fla., Ch. 77-583; Ord. 79-821-516, § 8; Laws of Fla., Ch. 80-514, § 1; Laws of Fla., Ch. 81-402, § 1; Laws of Fla., Ch. 84-455, § 1; Ord. 84-1307-754, § 15; Laws of Fla., Ch. 92-341, § 1; Ref. of 5-9-95; Laws of Fla., Ch. 2004-437, § 1)

### **Section 17.03. Employment policy.**

The personnel department shall prescribe qualifications and certify personnel for employment, promotion, demotion, transferal, dismissal, and compensation solely on the basis of merit and qualification, without regard to race, color, religion, political affiliation, sex, national origin, or any other circumstances than merit and qualification. The civil service board of the consolidated government shall ensure the enforcement of this employment policy.

(Ord. 84-1307-754, § 15; Laws of Fla., Ch. 92-341, § 1)

### **Section 17.04. Duties of civil service board.**

The civil service board shall:

- (a) Periodically review the operation and effect of the personnel provisions of this charter, the classification plan, and the pay plan, and report their findings to the council and the mayor.
- (b) Hear and determine appeals initiated by employees who are charged with violations of the personnel provisions of this chapter and the civil service regulations authorized by ordinance or civil service rules adopted pursuant to section 17.05. If after review the civil service board determines that the disciplinary action is inconsistent with such provisions, rules, or regulations, or concludes that the disciplinary action is manifestly unjust under the circumstances, it shall order the reduction or increase of the disciplinary action or provide such other action as it deems appropriate. Should the board order a reduction, increase, or other action with respect to the disciplinary action, then the specific reasons for the board's actions shall be set forth in the board's final order rendered at the appeal hearing.
- (c) Hear and determine complaints by employees and prospective employees concerning alleged violations of civil service rules or regulations with respect to hiring and promotion. If after review the civil service board determines that such a violation exists, it shall order such action as it deems appropriate in order to ensure compliance with such rules or regulations pertaining to hiring and promotion.
- (d) Hear and determine the grievance of any person covered by the civil service rules or regulations of the consolidated government or the grievance of any person who may be entitled to be covered by such civil service rules or regulations concerning any action taken in the administration of such rules and regulations which pertains to his employment or employment rights. If after review the civil service board determines the action taken to be inconsistent with the rules or regulations, it shall order the modification of action taken by the appropriate office, department, board, or independent agency in order to ensure consistency and compliance with such rules and regulations.
- (e) Issue subpoenas to compel the attendance of witnesses and the production of books, papers and records at hearings before the Civil Service Board. By Civil Service Board procedure, the Board may delegate the power to issue subpoenas to the Chairperson of the Civil Service Board, the Chief Administrative Officer or other such Civil Service Board employee as the Board may specifically designate.

(f) Perform such further duties and responsibilities as may be hereafter prescribed by ordinance.

(Laws of Fla., Ch. 70-743; Ord. 70-959-428; Laws of Fla., Ch. 81-402, § 3; Laws of Fla., Ch. 84-455, § 2; Ord. 84-1307-754, § 15; Ord. 98-956-E, § 1)

### **Section 17.05. Duties of personnel department.**

The personnel department, or its successor shall:

(a) Alter, amend, modify, or adopt in total or in part the job classification plan for the consolidated government, including job specifications for positions under civil service.

(b) Provide for a career system based on merit and qualification, including, but not limited to, the following factors: written examination, job performance evaluations of employees, tests of physical fitness, where appropriate, and interview evaluations of prospective employees, where appropriate.

(c) Certify persons as qualified for hiring or promotion when they meet the qualification requirements, with provisions for probationary hiring or promotions for a period of not less than 6 months nor more than 1 year to afford the employing department an opportunity to determine if the employee can adequately perform the duties of his employment, as specified in the rules or regulations adopted by the personnel department.

(d) Establish the personnel policy of the consolidated government by civil service and personnel rules and regulations adopted by the personnel department in accordance with this charter and the ordinances of the city. The personnel department shall forward all proposed rules and regulations before they take effect to the civil service board for review and comment. The civil service board shall have a period of 30 days within which to review and comment upon a proposed rule or regulation and either approve or object to it. If approved, the rule or regulation shall take effect on the date of board approval, unless it takes effect at a later date according to its own provisions. If the civil service board objects to the proposed rule or regulation, the rule or regulation and the objection shall be transmitted to the council, which shall either approve or disapprove the proposed rule or regulation within 60 days following the date of receipt from the civil service board. If the rule or regulation is approved, it shall take effect on the date of approval, unless it takes effect at a later date according to its own provisions; if the proposed rule or regulation is disapproved, by the council, it shall not become effective.

(e) Develop and implement a performance evaluation system to be used in evaluating employee performance and in making employment decisions, which system shall be adopted by the department and shall be required to be used by the consolidated government within 2 years from the effective date of this section. The system shall include mandatory annual performance evaluations of all civil service employees. A copy of the written performance evaluation shall be provided to each employee and discussed with the employee. The employee may make any written comments concerning the evaluation and the comments shall be made part of the employee's employment record. The Duval County School Board is exempted from this subsection. The Duval County School Board shall be responsible for developing and implementing its own performance evaluation system for its employees.

(f) Perform such other duties and responsibilities as may be hereafter prescribed by ordinance.

(Laws of Fla., Ch. 81-402, § 4; Laws of Fla., 88-490, § 1; Ord. 84-1307-754, § 15; Laws of Fla., Ch. 92-341, § 1)

**Section 17.06. Applicability of civil service system to employees of consolidated government.**

The civil service provisions of this charter shall be applicable to all employees of the consolidated government except:

- (a) Officers elected by popular vote and persons appointed to fill vacancies in such elected offices.
- (b) Directors of departments, deputy directors, chiefs of divisions, the chief administrative officer, the undersheriff, and the council auditor.
- (c) Members of boards and commissions.
- (d) The following persons employed by the Duval County School Board, provided that those persons holding these positions on the effective date of this act shall continue under the civil service system until removed in accordance with the law and applicable civil service regulations:
  - (1) Superintendent of schools, chief of staff, regional superintendents, associate and assistant superintendents, chief information officer, administrative assistants to the superintendent, directors, supervisors and coordinators, specialists in administrative or educational services, and secretary to superintendent.
  - (2) All persons employed in positions which are required under general state law and implementing regulations which apply uniformly throughout the state to be filled by persons holding a teacher's certificate.
  - (3) Teachers aides as defined by s. 231.141, Florida Statutes, or as they may hereafter be defined, and who are employed by the Duval County School Board.
  - (4) Certified public accountants, and employees of the Duval County School Board divisions of finance or business affairs who are accountants holding a college degree or equivalent certificate in accounting, unless otherwise requested by such employee. Notwithstanding the provisions of subsection (d), employees subject to this paragraph on the effective date of this act may elect to discontinue their civil service status, without prejudice to requesting reinstatement at a later date.
- (e) Persons employed to conduct special inquiries or surveys or to perform special services.
- (f) Part-time and temporary employees.
- (g) The executive director of the Commission on Human Rights and the Director of Equal Opportunity/Equal Access.
- (h) Doctors, lawyers, legal assistants, and investigators employed in the Office of General Counsel, certified public accountants, and employees of the council auditor who are accountants holding a college degree or equivalent certificate in accounting, unless otherwise requested by such employee. The request shall be addressed to the civil service board and the employees shall receive protection from dismissal without cause as provided in the civil service and personnel rules and regulations. Upon approval of the request such employees are required to apply for membership in the city's pension plan.
- (i) The chief administrative officer of the civil service board.
- (j) Mayor's aides and secretaries appointed under section 6.07.
- (k) Assistant council auditor, an administrative assistant to the council auditor, chief of legislative services, director/council secretary, assistant chiefs of legislative services, a records management officer, an information systems administrator, the secretary to the president of the council, chief of research, research assistant, the chief of public information, public information assistant, the chief of administrative services, the executive administrator, the administrative assistant to the director/council secretary, administrative assistant I to the chief of administrative services, administrative assistant II to the chief of administrative services, legislative assistant I,

legislative assistant II, and executive council assistants appointed by council members.

(l) Assistant information technology officers and information technology analysts provided that a person holding such position at the time of exemption from civil service may elect to retain civil service status for the duration of continuous employment in the position.

(m) The following persons employed within the employee assistance programs (EAP):

- (1) EAP administrators.
- (2) Secretary to EAP administrator.

(n) The following persons employed by the JEA, in addition to employees appointed under section 21.07 and other persons as may be provided from time to time by any special act of the Legislature:

- (1) One secretary to the managing director.
- (2) One secretary to the chairman of the authority.

(o) Legislative delegation secretary and coordinator.

(p) The secretary to the general counsel.

(q) All persons employed by the Jacksonville Economic Development Commission (JEDC); except for those employees of organizations who were transferred into the JEDC on July 1, 1997 as a result of Section 24.08 of the Charter, and who elected to retain civil service status.

(r) The following persons employed by the Duval County Housing Finance Authority:

- (1) The executive director.
- (2) One administrative assistant to the executive director.
- (3) Housing finance specialists.
- (4) Finance director.

(s) The following persons employed by the clerk of the circuit and county court, provided that the persons holding these positions on October 1, 1989, will retain civil service status until removed in accordance with law and applicable civil service rules:

- (1) The chief assistant clerk of the circuit and county court.
- (2) The assistants to the clerk of the circuit and county court.
- (3) The executive assistant to the clerk of the circuit and county court.

(t) The following persons employed within the judicial branch of government:

- (1) Mediators.
- (2) Director Law Library.
- (3) Volunteer coordinator.
- (4) Court administrator's secretaries.
- (5) Assistant court administrators.
- (6) Project Director, Foster Care Citizen Review.

(u) The following persons employed within the department of administration and finance:

- (1) Minority business coordinator.
- (2) Managers of purchasing services.
- (3) Internal auditors.

- (4) Industrial psychologist and managers of personnel services employed in the human resources division.
- (5) Managers of accounting services.
- (v) The following persons employed by the tax collector, provided that the persons holding these positions on the effective date of this section may elect to retain civil service status in the position until removed in accordance with law and applicable civil service rules or may elect to waive continued civil service status in the position while retaining all other civil service rights to which they have become entitled as a person in the classified civil service:
  - (1) The deputy assistants to the tax collector.
  - (2) The executive assistants to the tax collector.
  - (3) Chief assistant tax collector.
  - (4) Assistants to the tax collector.
- (w) The executive director of the construction trades qualifying board.
- (x) The following persons employed within the parks, recreation and entertainment department:
  - (1) Internal auditor.
  - (2) Tennis professionals.
  - (3) Manager of Metropolitan Park and Riverwalk.
  - (4) Manager of electrical maintenance.
- (y) Assistant management improvement officers.
- (z) The director of libraries of the library board of trustees, assistant director of libraries, and executive assistants of library services.
- (aa) The following persons employed by the office of the sheriff:
  - (1) One secretary to the sheriff.
  - (2) One secretary to the undersheriff.
  - (3) Up to four (4) secretaries to directors.
  - (4) Up to one sheriff's aide.
  - (5) Chaplains, except that any person serving as a chaplain on January 1, 1997, may remain in the classified civil service.
  - (6) Up to twenty (20) assistant division chiefs.
- (bb) The following persons employed by the Jacksonville Children's Commission:
  - (1) The executive director.
  - (2) Heads of activities.
  - (3) Professional employees.
- (cc) Employees holding the position of county extension faculty and employees holding the position of extension adjunct agent in the Agriculture Department.
- (dd) The executive director and administrator of the tourist development council.
- (ee) The following persons employed by the supervisor of elections, provided that the persons holding these positions on July 1, 1996, shall receive protection from dismissal without cause as provided in the civil service and personnel rules and regulations:

- (1) Chief elections assistant.
- (2) The executive assistant to the supervisor of elections.
- (3) Three assistant elections officers.

(ff) Any position which may be exempted by a majority plus one vote of the Council, provided that a position may be so exempted only if, because of restructuring, it replaces or renames a position which was previously exempt or only if, the position so exempted is newly established.

(gg) All persons employed by the Housing and Community Development Commission (HCDC) and the Housing and Community Development Finance Commission (HCDFC), except those employees of organizations who were transferred into the HCDC or the HCDFC on July 1, 2003, as a result of the creation of the HCDC and the HCDFC pursuant to the City Ordinance Code and who elected to retain civil service status.

(hh) All persons employed in the Office of the Property Appraiser, except those employees who elected to retain civil service status prior to January 1, 2000.

Any person in the classified civil service who is appointed to a position exempted from the civil service system by this Section shall be entitled to return to the same or a comparable civil service classification, with the same rights and status as held immediately prior to such appointment. Compensation for an employee returning to a civil service classification under this provision will be based upon the rate that he or she would have been receiving had the appointment not been made. This paragraph shall not apply to employees exempted from civil service provisions by subsections (a), (c), (e), (f), (i), or (q).

(Laws of Fla., Ch. 69-1171; Laws of Fla., Ch. 69-1179; Laws of Fla., Ch. 69-1181; Laws of Fla., Ch. 71-712; Laws of Fla., Ch. 72-572; Laws of Fla., Ch. 72-573; Laws of Fla., Ch. 73-503; Laws of Fla., Ch. 73-507; Laws of Fla., Ch. 74-505; Laws of Fla., Ch. 74-506; Laws of Fla., Ch. 74-509; Laws of Fla., Ch. 76-392; Laws of Fla., Ch. 78-536, § 9; Laws of Fla., Ch. 79-486, § 1; Laws of Fla., Ch. 81-401, §§ 1, 4; Laws of Fla., Ch. 82-310, § 1; Laws of Fla., Ch. 83-427, §§ 1, 2; Laws of Fla., Ch. 83-431, § 1; Ord. 84-1307-754, § 15; Laws of Fla., Ch. 87-470, § 1; Laws of Fla., Ch. 87-475, § 1; Laws of Fla., Ch. 88-498, § 1; Laws of Fla., Ch. 89-411, § 1; Laws of Fla., Ch. 90-441, § 1; Laws of Fla., Ch. 90-443, §§ 1, 2; Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 93-355, § 1; Laws of Fla., Ch. 94-468, § 1; Laws of Fla., Ch. 95-518, § 1; Laws of Fla., Ch. 96-504, § 1; Laws of Fla., Ch. 97-337, § 1; Laws of Fla., Ch. 97-339, § 3; Ord. 98-136-E, § 1; Ord. 98-625-E, § 1; Ord. 98-719-E, § 1; Ord. 1999-418-E, § 4; Ord. 2000-793-E, § 4; Laws of Fla., Ch. 2001-329, § 1; Ord. 2001-1022-E, § 5; Laws of Fla., Ch. 2003-321, § 1; Ord. 2004-100-E, § 1; Ord. 2004-464-E, § 4)

### **Section 17.07. Administration.**

(a) The civil service board may appoint a chief administrative officer to the board. The civil service board shall establish the duties and responsibilities of the chief administrative officer, which responsibilities shall include ensuring that the personnel policy of the consolidated government, as promulgated by the civil service board, is implemented by the human resources division. The civil service board shall also establish the qualifications for the chief administrative officer position.

(b) The salary of the chief administrative officer shall be fixed by the civil service board within the approved salary range and subject to available budgetary funding. The salary range shall be fixed by the civil service board with the approval of the chief of the human resource division. The chief administrative officer position is an appointed employee position and, as such, shall be governed by the city's Appointed Official and Employees Salary and Employment Plan, as amended.

(c) The civil service board shall be empowered to employ, subject to available budgetary funding, such other personnel as may be necessary to assist the chief administrative officer and the board in the performance of their respective duties.

(Laws of Fla., Ch. 70-743; Laws of Fla., Ch. 81-402, § 4; Ord. 84-1307-754, § 15; Laws of Fla., Ch. 92-341, § 1; Ord. 98-957-E, § 1)

**Section 17.08. Judicial review.**

The judgments and findings of the civil service board shall be subject to review by the circuit court of the State of Florida having jurisdiction within Duval County.

(Ord. 84-1307-754, § 15; Laws of Fla., Ch. 92-341, § 1)

**Section 17.09. Cooperation of employing agencies.**

The employing agencies, departments, and authorities of the consolidated government shall furnish to the board such reports and information as are required in the board's opinion for the administration of this article.

(Ord. 84-1307-754, § 15; Laws of Fla., Ch. 92-341, § 1)

**Section 17.10. Ex parte communication.**

Board members shall not have any ex parte communications regarding complaints, grievances, and appeals that are pending or are reasonably anticipated to be considered by the board. In the event a board member receives a prohibited ex parte communication, the board member shall place on the record of the pending matter all written communications received, all written responses to such communications, and a memorandum stating the substance of all oral communications received and all oral responses made, and shall also advise all parties that such matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, if such party requests the opportunity for rebuttal in writing within 10 days after notice of such communication. The board member may, if deemed necessary to eliminate the effect of an ex parte communication received, recuse himself or herself from the proceeding.

(Laws of Fla., Ch. 81-402, § 5; Ord. 84-1307-754, § 15; Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 2004-437, § 1)

**Section 17.11. Disciplinary actions.**

(a) Disciplinary actions by the employing department may include:

- (1) Suspension without pay.
- (2) Dismissal.
- (3) Demotion.
- (4) Reprimand given orally or in writing.
- (5) Reduction in compensation without change of classification or grade but not below the entrance rate for the classification.

(b) An employee, other than an employee whose status is provisional or probationary, may not be suspended without pay, demoted, or dismissed except for cause and after a hearing has been held. However, an employee may be immediately suspended without pay, without prior hearing, in extraordinary situations, as described and limited by the civil service rules and regulations. The civil service and personnel rules and regulations adopted pursuant to this section shall include a definition of cause for disciplinary action against an employee, and shall also include a procedure by which an employee may be disciplined for any violation of these rules or regulations whereby his conduct constitutes cause for disciplinary action.

(c) Each employing department shall be responsible for taking disciplinary action in a manner that evidences fairness, consistency, and the promotion of the aims and goals of that department.

(Laws of Fla., Ch. 81-402, § 6; Laws of Fla., Ch. 84-455, § 3; Ord. 84-1307-754, § 15; Laws of Fla., Ch. 92-341, § 1)

**Section 17.12. Two term limit.**

No person appointed and qualified for two consecutive full terms as a member of the Civil Service Board shall be eligible for appointment as a member of the Civil Service Board for the next succeeding term. The two-term limitation shall apply to any full term which began in 1992 or thereafter.

(Ord. 91-533-606, § 7 (Referendum of November 3, 1992); Laws of Fla., Ch. 2004-437, § 1)

**ARTICLE 18. MISCELLANEOUS PROVISIONS**

Sec. 18.01. Authority to issue subpoenas and administer oaths.

Sec. 18.02. Consolidated government to constitute county and municipality.

Sec. 18.03. Authority to deal with state and federal agencies.

Sec. 18.04. Employees continued.

Sec. 18.05. Method of amendment of charter.

Sec. 18.06. Intent of charter and separability of provisions.

Sec. 18.07. Definitions.

Sec. 18.08. Effective date of charter.

Sec. 18.09. Short title.

Sec. 18.10. Ethics education and application of ethics laws.

Sec. 18.11. Waiver of payment and performance bonds on construction contracts.

**Section 18.01. Authority to issue subpoenas and administer oaths.**

The council, the civil service board, the building codes adjustment board and every other officer and agency of the consolidated government authorized by the council to conduct investigations or to hold hearings shall have the power to compel the attendance of witnesses and production of books, papers and records pertinent to the investigation or hearing, and to administer oaths to witnesses. Any person who fails or refuses to obey a reasonable order for attendance or for the production of books and papers shall be guilty of a misdemeanor and punishable by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or both.

(Laws of Fla., Ch. 72-572; Ord. 84-1307-754, § 18; Laws of Fla., Ch. 92-341, § 1)

**Section 18.02. Consolidated government to constitute county and municipality.**

For all purposes of general law, the consolidated government shall constitute a county and a municipality. If the general laws applicable to counties and municipalities conflict in any respect, the council may elect and determine whether the consolidated government shall be considered a county or a municipality for the purpose of such conflicting laws and, in making such election, may determine in any case that the first urban services districts shall be considered to be a municipality and the general services district considered to be a county. The second, third, fourth, and fifth urban services districts shall, for all intents and purposes, be considered as separate municipalities.

(Laws of Fla., Ch. 78-536, § 10; Ord. 84-1307-754, §§ 17, 19; Laws of Fla., Ch. 92-341, § 1)

**Section 18.03. Authority to deal with state and federal agencies.**

The mayor and the council shall have the power and the authority to participate in, cooperate in and take all necessary action with respect to any and all projects, programs and undertakings of any nature whatsoever authorized by any statute, rule, or regulation of the United States or the State of Florida, or any federal or state instrumentality, including, but not limited to, highways, aviation terminals, airports, airport facilities, river development or river terminals, municipal area or regional development, schools, colleges or any other area of education, sewers and sewage disposal, public housing, housing for the aged, and transportation or mass transit; to borrow money and issue promissory notes, general obligation bonds, or revenue bonds, or a combination thereof, for any such purposes, and to execute mortgages or deeds of trust in favor of any federal agency, secured by property of which the consolidated government is the legal or beneficial or equitable owner, or in favor of any private agency when the loan is guaranteed by a federal agency. With respect to the second, third, fourth, and fifth urban services districts, the power and the authority described in this section shall repose in the respective mayors and legislative bodies of those urban services districts and not in the consolidated government.

(Laws of Fla., Ch. 78-536, § 11; Ord. 84-1307-754, § 17; Laws of Fla., Ch. 92-341, § 1)

#### **Section 18.04. Employees continued.**

(a) All employees of former governments shall, on the effective date of this charter, become employees of the consolidated government without any loss of benefits on account of the adoption of this charter. All such employees of former governments shall be entitled to at least the same salary and the same rights which they had under the civil service provisions of former governments. Notwithstanding the two preceding sentences, no employee of a former government shall have promotion rights in the consolidated government solely by virtue of any rule or law of any such former government. To the contrary, the promotion rights of all employees of the consolidated government shall be governed by ordinance passed by the legislative body of the consolidated government and by the implementing rules adopted by the civil service board of the consolidated government. Employees, as used in this section, shall include those full-time paid personnel contemplated in section 1(a), chapter 62-1294, Laws of Florida, hereafter called paid personnel. All such paid personnel shall, on the effective date of this charter, become employees under the second fire protection division. When paid personnel are not under civil service provisions immediately prior to the effective date of this charter, they shall be entitled to at least the same salaries and rights they had immediately prior to the effective date of this charter. All such employees of former governments shall be entitled to all rights which they had under any retirement or pension plans of former governments in accordance with section 16.02. Employees of former governments who become employees of the consolidated government on the effective date of this charter may thereafter be discharged by the consolidated government only for cause, it being the intention hereof to assure the employees of all former governments that unification of governments by this charter will not cause any loss of employment opportunities to any employee of a former government. No fireman employed by the City of Jacksonville immediately prior to the effective date of this charter shall be required to work more time in his position under the consolidated government than he was required to work in his employment by said city immediately prior to the effective date of this charter.

(b) Where an agency of any former government is abolished or consolidated by this charter, all employees and officers thereof shall continue as employees of the agency to which the rights, powers, duties, and obligations of such abolished or consolidated agency are transferred. The employees and officers shall continue to perform their usual duties on the same terms and conditions as heretofore until transferal with the same status as held under the former government or one of equal rank, job value, or class, to other agencies of the consolidated government. The civil service board, however, shall determine, in questions arising under the preceding sentence, the rank and position of heads of departments and of personnel transferred to service in the consolidated government.

(c) Where the rights, powers, duties, and obligations of an agency of any of the former governments are divided between two or more agencies of the consolidated government, each of them shall receive the employees which prior to the effective date of this charter were regularly occupied in connections with the functions which are by this charter transferred to such agency. Every employee to whom this section applies shall as soon as practical acquire and retain the same status, rank, job value or position, or one of equal class that he held in the former government except that in cases of conflict between heads of departments and also between personnel of former governments, the civil service board shall determine the organization and rank structure of the new department of the consolidated government, and the rank and relative position to be held by such transferred personnel or department heads.

(d) All other questions and conflicts arising under this section shall be decided or resolved by the civil service board, which shall, except in the determination of rank and relative positions to be held in the consolidated government, not impair or diminish the rights and privileges of employees under any civil service system of the former governments on the effective date of this charter.

(Ord. 84-1307-754, § 16; Laws of Fla., Ch. 92-341, § 1)

**Section 18.05. Method of amendment of charter.**

Subject to the provisions of section 3.01(e) and section 7.103, this charter may be amended only in the following manner:

- (a) An amendment to this charter by referendum may be proposed by ordinance or by a petition signed by qualified voters of Duval County equal in number to at least five (5) percent of the total number of registered voters in the city at the time of the last preceding general consolidated government election; provided, the same referendum to this charter may not be proposed more than one time in any twelve-month period unless any petition subsequent to the first petition shall be signed by qualified voters of Duval County equal in number to at least ten (10) percent of the total number of registered voters in the city at the time of the last preceding general consolidated government election. Petition proceedings to place a referendum on the ballot shall be commenced by any five (5) qualified voters who shall file with the supervisor of elections an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed petition referendum.
- (b) Promptly after the affidavit of the petitioners' committee is filed, the supervisor of elections shall issue the appropriate petition blanks to the petitioners' committee.
- (c) A petition which proposes a referendum to be placed on the ballot shall and must be circulated and executed as provided in this section.
- (d) Any proposed referendum shall be circulated only on a petition form which shall be issued by the supervisor of elections. This petition form may be duplicated for purposes of circulation for signatures but every circulated petition shall conform to the following criteria.
- (e) All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing with the supervisor of elections. Each petition shall contain the full text of the proposed referendum and each page thereof which bears the signatures of registered voters must contain an affidavit executed by the circulator thereof stating that he/she personally circulated the petition, the number of signatures appearing on the page, that all signatures on the page were affixed in his/her presence, that he/she believes them to be the genuine signature of the person's name each purports to be. Each signature shall be executed in ink or indelible pencil and must be followed by the address of the person signing.
- (f) In order to have a petition validated, petitioners' committee shall file the petition with the supervisor of elections.
- (g) Within fifteen (15) normal working days from the date of the receipt of any petition, the supervisor of elections shall validate or invalidate the petition in the following manner. The supervisor of elections shall examine the petition and ascertain whether subsections (a), (b), (c), (d), (e) and (f) [have been followed] with respect to the petition. The supervisor shall attach to the petition a certificate showing the result of such examination. If the supervisor of elections determines that the petition is insufficient, the supervisor of elections shall promptly send a copy of the certificate to the petitioners' committee by registered mail. The certificate shall specify the particulars wherein the petition is defective. The petition may be amended within fifteen (15) normal working days from the date said certificate is received by the petitioners' committee. The supervisor of elections shall, within fifteen (15) normal working days after such amendment, make like examination of the amended petition. If the supervisor again determines that the petition is insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing [of] a new petition to the same effect.
- (h) If the supervisor of elections shall find and determine that subsections (a), (b), (c), (d), (e) and (f) have been followed with respect to any petition, then the supervisor shall validate the

petition. Once the supervisor has validated the petition a public referendum shall be held even if the supervisor has erroneously validated the petition. As a condition to challenging the supervisor's validation, a notice of contest shall be filed with the supervisor within ten (10) days of validation. Unless otherwise scheduled by the Council, the referendum shall be held as a part of and at the same time as the next consolidated government, school board, state or federal election in which all qualified voters of Duval County are entitled to participate; provided, however, that such referendum shall not be held in any election held less than thirty (30) days from the date that the supervisor of elections validates the petition as being sufficient.

(i) Notice of the referendum shall be published at least twice in a newspaper published in and having a general circulation in Duval County, and the first publication shall be made at least thirty (30) days prior to the date of the referendum. Notice of a referendum shall set forth the date of the election and, where charter amendments are proposed, the exact language of the proposed charter amendment as it will appear on the ballot.

(j) The ballot shall comply with the ballot summary requirements in Section 101.161, Florida Statutes, to be prepared by the referendum sponsor, and shall be approved by the Supervisor of Elections, pursuant to the Secretary of State's procedures existing at the time this Charter provision is effective. A legible copy of the complete and exact language of the proposed Charter amendment shall be advertised as required by law and shall be posted at each voting location. A financial impact estimate of any proposed amendment shall be conducted by a committee composed of one representative appointed by the Mayor, one appointed by the City Council President, the General Counsel or his or her designee chosen from the General Counsel's office, the Council Auditor and one member having appropriate fiscal expertise in the subject matter of the proposed amendment and selected by the other members stated above. The committee(s) shall prepare a financial impact estimate to be included on the referendum ballot for each proposed charter amendment pursuant to the procedures contained in Section 100.371, Florida Statutes, existing as of the effective date of this amendment. Each proposed Charter amendment shall be ratified when a majority of the votes cast at the referendum election shall be in favor of ratification and each proposed Charter amendment shall be rejected when a majority of said votes shall be against ratification.

(k) If any proposed charter amendment is ratified by a majority of the electors voting thereon, it shall become effective at the time fixed in the amendment; and if no time is fixed therein, then it shall become effective when the results of the official canvass of such election are announced. No amendment of this charter reducing the salary of any elective officer shall become effective until after the expiration of the current term of the incumbent official elected to such office.

(l) In the event a referendum proposes a charter amendment which is determined by a court of competent jurisdiction to be invalid for any reason, the proposed referendum shall be placed on the ballot and shall be considered a straw ballot.

(Laws of Fla., Ch. 69-1180; Laws of Fla., Ch. 72-572; Ord. 84-1307-754, § 17; Laws of Fla., Ch. 92-341, § 1; Ord. 92-411-1457, § 1; Ord. 2002-1033-E, § 1; Ord. 2006-81-E, § 1)

### **Section 18.06. Intent of charter and separability of provisions.**

The people residing within Duval County declared and determined that by the adoption of the original charter of the consolidated government it was their intent to exercise the constitutional power granted by s. 9 of Article VIII of the Constitution of 1885, as amended, which section was continued by and remains in full force and effect under s. 6 of Article VIII of the present Constitution of the State of Florida, and, in so doing, to consolidate all of the governmental and corporate functions of the County of Duval, the City of Jacksonville, the Duval County Air Improvement Authority, the east Duval County Mosquito Control District, and the northeast Duval County Mosquito Control District (but not the governmental and corporate functions of the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin), so that, in the interest of modern, efficient, and economical government, the same should constitute one governmental entity (but not

including the local governments of the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin). The people further thereby declared that to achieve this objective and to aid in the solution of the public problems of Duval County, it was their purpose and intent that the original charter should continue in full force and effect even if any of its separable provisions or parts should be held unconstitutional or void.

(Laws of Fla., Ch. 78-536, § 12; Ord. 84-1307-754, § 17; Laws of Fla., Ch. 92-341, § 1)

### **Section 18.07. Definitions.**

For all purposes of this charter the following terms shall have the following meanings:

- (a) "Consolidated government" means the City of Jacksonville as established by this charter, as amended from time to time.
- (b) "Executive officer" means the mayor, the chief administrative officer, directors of departments, deputy directors of departments, and chiefs of divisions.
- (c) "Former governments" means the former county government of Duval County, the former municipal government of the City of Jacksonville, the former Duval County Air Improvement Authority, the former east Duval County Mosquito Control District, and the former northeast Duval County Mosquito Control District, and all boards, bodies, officers, and agencies of any of them.
- (d) "Independent agencies" means the Duval County School Board, the the Jacksonville Port Authority, the Jacksonville Transportation Authority, the JEA, the Jacksonville Downtown Development Authority, and the Jacksonville Police and Fire Pension Board of Trustees.

(Laws of Fla., Ch. 70-749; Laws of Fla., Ch. 78-536, § 13; Ord. 84-1307-754, § 20; Laws of Fla., Ch. 90-442, § 1; Laws of Fla., Ch. 90-451, § 1; Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 2001-319, § 2; Laws of Fla., Ch. 2003-341, § 3; Laws of Fla., Ch. 2004-464, § 4; Laws of Fla. Ch. 2004-465, § 4)

### **Section 18.08. Effective date of charter.**

This charter shall become effective on October 1, 1968, except as herein otherwise expressly provided.

(Ord. 84-1307-754, § 16; Laws of Fla., Ch. 92-341, § 1)

### **Section 18.09. Short title.**

This act may be cited as "Charter of the City of Jacksonville."

(Ord. 84-1307-754, § 22; Laws of Fla., Ch. 92-341, § 1)

### **Section 18.10. Ethics education and application of ethics laws.**

Within 90 days after taking office, every elected official within the consolidated government shall complete ethics training as required by Section 602.1001, Jacksonville Ordinance Code. This requirement shall apply to all elected officials within the consolidated government, including, without limitation, the Mayor, all City Council Members, all Duval County School Board Members, the Sheriff, the Supervisor of Elections, the Property Appraiser, the Tax Collector, and the Clerk of the Circuit and County Court. Additionally, all such elected officials shall be included in the definition of the term "officer" in Section 602.201(x), Jacksonville Ordinance Code, and all such elected officials shall comply with all laws applicable to officers in Chapter 602, Jacksonville Ordinance Code.

(Laws of Fla., Ch. 2003-340, § 1)

**Section 18.11. Waiver of payment and performance bonds on construction contracts.**

Notwithstanding anything to the contrary in section 255.05, Florida Statutes, the City of Jacksonville may waive payment and performance bonds on a construction contract for the construction of a public building, for the prosecution and completion of a public work, or for the repair of a public building or public work when the cost of such project is \$500,000 or less and the contract is awarded pursuant to a race-neutral and gender-neutral economic development program for the encouragement of local small businesses that has been adopted by the Council of the City of Jacksonville by resolution or ordinance. For any contract for which a payment or performance bond has been waived pursuant to the authority of this section, the City of Jacksonville shall pay all persons defined in section 713.01, Florida Statutes, who furnish labor, services, or materials for the prosecution of the work provided for in the contract to the same extent and upon the same conditions that a surety on the payment bond under section 255.05, Florida Statutes, would have been obligated to pay such persons if the payment or performance bond had not been waived. The City of Jacksonville shall record notice of this obligation in the manner and location that surety bonds are recorded. The notice shall include the information describing the contract which section 255.05(1), Florida Statutes, requires be stated on the front page of the bond. Section 255.05(9), Florida Statutes, shall apply to any contract on which a performance or payment bond is waived pursuant to this act, and any claim to payment under this section shall be treated as a contract claim pursuant to section 255.05(9), Florida Statutes.

(Laws of Fla., Ch. 2005-323, § 1)

**ARTICLE 19. EMPLOYEE RELATIONS**

Chapter 1. General Provisions

Sec. 19.101. Statement of intent.

Sec. 19.102. Definitions.

Chapter 2. Public Employees Collective Bargaining

Sec. 19.201. Public employer's rights.

Sec. 19.202. Public employee's rights; organization and representation.

Sec. 19.203. Duès; deduction and collection.

Sec. 19.204. Bargaining agent; recognition, investigation.

Sec. 19.205. Bargaining agent; election.

Sec. 19.206. Bargaining agent; certification.

Sec. 19.207. Collective bargaining; approval or rejection.

Sec. 19.208. Advisory arbitration.

Sec. 19.209. Strikes prohibited; penalties.

Sec. 19.210. Other unlawful acts.

**CHAPTER 1. GENERAL PROVISIONS****Section 19.101. Statement of intent.**

(a) It is declared that the public policy of the City of Jacksonville and the purpose of this article is to promote harmonious and cooperative relationships between government and its employees, both collectively and individually, and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. It is the intent of the Legislature that nothing herein shall be construed to either encourage or discourage organization of public employees. These policies are effectuated by:

- (1) Granting to public employees the right of organization and representation.
- (2) Requiring the City of Jacksonville to negotiate and reduce to writing any agreements with bargaining agents duly certified to represent public employees.
- (3) Continuing the prohibition against strikes by public employees.

(b) The 1968 Constitution of the State of Florida makes provision for public employees to bargain collectively, and further provides that public employees are not accorded the right to strike; the protection of the public health, safety, and welfare demands that public employees, including permanent members of any paid police department, not only must not strike but likewise should not engage in any work stoppage or slowdown. This necessary prohibition does not, however, require the denial of such employees of other well recognized rights of labor, such as the right to organize, and the right to bargain collectively concerning wages, rates of pay, hours, and all other terms and conditions of employment. It is hereby declared to be the intent in the passage of this article that public employees, including policemen and firemen, as defined herein, shall have the full rights of collective bargaining in accordance with the provisions of this law; and, further, to prohibit and prevent any work stoppages, strikes, slowdowns, or similar activities on the part of public employees, including policemen and firemen in conjunction, either directly or indirectly, with the collective bargaining process.

(Ord. 71-344-113; Ord. 84-1307-754, § 23; Laws of Fla., Ch. 92-341, § 1)

**Section 19.102. Definitions.**

(a) "Public employer" or "employer" means the Duval County School Board and the City of Jacksonville, including any subdivision or independent agency thereof whose annual budget is adopted by the council of the City of Jacksonville.

(b) "Public employee" or "employee" means any person employed by a public employer, including policemen and firemen as defined herein, except those persons appointed by the mayor or elected by the people, department heads, division chiefs, agency heads, members of boards and commissions, individuals acting as part of the negotiating team for the employer, attorneys for the City of Jacksonville, one immediate personal or individual assistant or aide and one confidential secretary of each of the foregoing, any other employees specifically listed under section 17.06 of the city charter for the City of Jacksonville, and supervisory employees as defined herein.

(c) "Strike" means the concerted failure to report for duty, the concerted absence of employees from their positions, the concerted stoppage of work, the concerted submissions of resignations, picketing, boycotting in line of performance of duty, sanctioning, refusing to cross a picket line, disruptively demonstrating, or the concerted abstinence in whole or in part by any group of employees from the full, faithful, and proper performance of the duties of employment with the public employer for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or

the rights, privileges, or obligations of public employment, or participating in any manner in any course of conduct which adversely affects the services of the public employer. Nothing in this section shall be construed to prevent any such employee from going to the public on his or her own time in order to induce, influence, or condone a change in the terms and conditions of employment or the rights, privileges, or obligations of said employment.

(d) "Policemen" means all permanently classified or full-time law enforcement personnel with power to arrest, employed by the consolidated City of Jacksonville up to and including the rank of sergeant. This definition shall apply to this act only and shall not be construed to alter, change, or amend the term policemen as otherwise used in the statutes of this state.

(e) "Firemen" means all full-time permanently employed classified members of any fire department or firefighting unit of the consolidated City of Jacksonville employed to engage in the extinguishing, prevention, or suppression of fires, up to and including the rank of captain. This definition shall apply to this act only and shall not be construed to alter, change, or amend the term firemen as otherwise used in the statutes of this state.

(f) "Employee organization" or "organization" means any labor organization, union, association, fraternal order, or group, however organized or constituted, which represents or seeks to represent any public employee or group of public employees concerning wages, rates of pay, hours, working conditions, and other terms and conditions of employment except as otherwise provided in this charter.

(g) "Budget submission date" means the date by which, under law or practice, a public employer's budget, or a budget containing proposed expenditures applicable to such public employer, is required to be submitted to the city council, the legislative body, or other similar body of government for action.

(h) "Professional employee" means:

(1) Any employee engaged in work:

(i) Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work.

(ii) Involving the consistent exercise of discretion and judgments in its performance;

(iii) Of such a character that the output produced or the results accomplished cannot be standardized in relation to a given period or time; and

(iv) Requiring advanced knowledge in a field or science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education, and apprenticeship or training in the performance or routine mental or physical processes; or

(2) Any employee who:

(i) Had completed the course or specialized intellectual instruction and study described in subparagraph (1)(iv) herein; and

(ii) Is performing related work under supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (1) herein.

(i) "Collective bargaining" means the performance of the mutual obligations of the public employer and the bargaining agent of the employee organization to meet at reasonable times and places to confer and negotiate in good faith, and to reduce to writing and to execute any written agreement with respect to collective negotiations concerning the wages, rates of pay, hours, working conditions, and all other terms and conditions of employment.

(j) The term "supervisory employee" or "supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, discipline other employees, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature

but requires the use of independent judgment, except such term shall not include any individual who on the effective date of this amendment to chapter 67-1320, Laws of Florida, being the charter of the City of Jacksonville, is holding any elective office of the union and this exception shall be applicable to such individual for so long as such individual is holding such office held on the effective date of this amendment to said charter.

(Ord. 71-344-113; Laws of Fla., Ch. 73-505; Laws of Fla., Ch. 74-507; Ord. 84-1307-754, § 23; Laws of Fla., Ch. 92-341, § 1)

**CHAPTER 2. PUBLIC EMPLOYEES COLLECTIVE BARGAINING****Section 19.201. Public employer's rights.**

It is the right of the public employer to determine the purpose of each of its constituent agencies, set standards of service to be offered to the public, and exercise control and discretion over its organization and operations. It is also the right of the public employer to direct its employees, take disciplinary action for just cause, relieve its employees from duty because of lack of work or for other legitimate reasons, determine whether goods or services shall be made, purchased, or contracted for, and determine the methods, means, and personnel by which the employer's operations are to be conducted. However, the exercise of such rights does not preclude employees or their representatives from conferring or raising questions or issues about the practical consequences that decisions on these matters may have on terms and conditions of employment.

(Ord. 71-344-133; Ord. 84-1307-754, § 23; Laws of Fla., Ch. 92-341, § 1)

**Section 19.202. Public employee's rights; organization and representation.**

(a) Public employees shall have the right to form, join, and participate in, or to refrain from forming, joining, or participating in any employee organization of their own choosing.

(b) Public employees shall have the right to be represented by an employee organization of their own choosing, to negotiate collectively through a certified bargaining agent with their public employer in the determination of the wages, rates of pay, hours, and all other terms and conditions of their employment, and to be represented in the determination of grievances arising thereunder. Public employees shall have the right to refrain from exercising the right to be represented.

(c) Nothing in this article shall be construed to prevent any public employee from presenting, at any time, his own grievances, in person or by legal counsel to his public employer, and having such grievances adjusted without the intervention of the bargaining agent, if the adjustment is not inconsistent with the terms of the collective bargaining agreement when in effect and if the bargaining agent has been given reasonable opportunity to be present at any meeting called for the resolution of such grievance.

(Ord. 71-344-133; Ord. 84-1307-754, § 23; Laws of Fla., Ch. 92-341, § 1)

**Section 19.203. Dues; deduction and collection.**

Any employee organization certified as a bargaining agent shall be eligible upon agreement with the employer to have its periodic dues which are uniformly required for acquisition and retention of membership or uniform assessments, deducted and collected by the public employer from the salaries of those employees who present cards, which may be revoked in writing at any time, authorizing the deduction of such dues or assessments.

(Ord. 71-344-133; Ord. 84-1307-754, § 23; Laws of Fla., Ch. 92-341, § 1)

**Section 19.204. Bargaining agent; recognition, investigation.**

(a) Any employee organization acting on behalf of two or more employees may, upon notification to the mayor, file a petition for recognition as the bargaining agent for the public employees of a proposed bargaining unit. The petition shall contain the signature of 30 percent or more of the public employees

within a proposed bargaining unit who desire to be represented for the purpose of collective bargaining. No unit shall be established which includes both professional and nonprofessional employees unless a majority of each group votes for inclusion in such unit. The petition shall also allege that the employee organization presently certified as the bargaining agent, if there is such, is no longer the choice of a majority of the public employees of the bargaining unit as their bargaining agent. Any employee, employer, or employee organization having sufficient reason to believe any of the employee signatures were obtained by collusion, coercion, intimidation, or misrepresentation to the employee, or are otherwise invalid, shall be given a reasonable opportunity to verify and challenge the signatures appearing on the petition.

(b) The mayor or his designated representative shall investigate the petition to determine its sufficiency and whether a controversy or question concerning representation exists.

(c) Where a petition is filed pursuant to the provision of subsection (a), and the mayor or his designated representative finds after an investigation of the allegations of the petition that a question concerning representation exists, he shall not later than the sixtieth day following the filing of the petition:

(1) Define the proposed bargaining unit and determine which public employees shall be qualified and entitled to vote at any election held by the employee organizations concerned.

(2) In defining a proposed bargaining unit, the mayor or the mayor's designated representative shall establish the broadest unit practicable in which employees have an identifiable community of interest in order to ensure that the representative of public employees is not fractionalized. In determining whether a unit is appropriate for the purposes of collective bargaining, the extent of organization shall not be considered.

(3) Order an election by secret ballot, to be conducted by the American Arbitration Association or the city supervisors of elections, the cost of which shall be borne as agreed upon by the employer and the proposed bargaining agent.

(Ord. 71-344-133; Ord. 84-1307-754, § 23; Laws of Fla., Ch. 92-341, § 1)

### **Section 19.205. Bargaining agent; election.**

(a) Where an election for certification has been ordered pursuant to the preceding section of this article, the election ballot shall contain the name of the petitioning employee organization and name or names of any other employee organization showing proof of at least 10 percent representation of the public employees within the defined bargaining unit. The ballot shall also contain a statement that may be marked by any public employee voting that he does not desire to be represented by any of the named employee organizations.

(b) Where the names of two or more employee organizations are on the election ballot and no organization receives a majority of the valid ballot cast by the public employees in the bargaining unit, a runoff election shall be held.

(c) The runoff election ballot shall contain the two choices from the original ballot which received the largest number of votes.

(Ord. 71-344-133; Ord. 84-1307-754, § 23; Laws of Fla., Ch. 92-341, § 1)

### **Section 19.206. Bargaining agent; certification.**

(a) The employee organizations concerned shall not certify the bargaining agent of a bargaining unit unless such bargaining agent receives a majority of the total number of valid ballots cast by the public employees in a bargaining unit, provided at least 30 percent of the employees in the bargaining unit have votes.

(b) The presidents of the employee organizations listed on the election ballot and the mayor or his designated representatives shall affix their signatures to the results of the election and such signatures shall constitute certification of such employee organization as the bargaining agent for the bargaining unit.

(c) Any bargaining agent so certified shall:

(1) Represent all the public employees within the bargaining unit, whether or not any such public employee is a member of said organization, for the purposes of collective bargaining of all wages, rates of pay, hours, working conditions, and all other terms and conditions of aforesaid employment and the resolution of grievances arising thereunder.

(2) Represent the unit as provided in this chapter until loss of certification.

(d) (1) Once a bargaining agent is certified, no petition to decertify shall be entertained if it is filed within 1 year of certification or less than 9 months prior to termination of any existing collective bargaining agreement.

(2) Where the majority of the employees vote to not certify a bargaining agent, a petition to certify shall not be entertained if it is filed within 1 year of such election.

(e) No question concerning representation shall be raised by any public employee, group of public employees, employee organization, or public employer within 1 year after a certification of the bargaining agent.

(f) Decisions of the mayor or his designated representative relating to the certification or decertification of the bargaining agent as the representative of employees in a bargaining unit shall be subject to judicial review.

(g) Nothing in this article shall be construed to prohibit the waiving of elections for the purpose of consent certification where no controversy exists between the employee organization and the public employer.

(Ord. 71-344-133; Ord. 84-1307-754, § 23; Laws of Fla., Ch. 92-341, § 1)

### **Section 19.207. Collective bargaining; approval or rejection.**

(a) Whenever the bargaining agent of a bargaining unit has been certified pursuant to the provisions of this article, such bargaining agent and the appropriate representatives of the public employer shall bargain collectively in the determination of the terms and conditions of employment of the public employees within the bargaining unit, except pension rights or benefits and the following subjects and matters of the civil service system of the city shall not be the subject of any collective bargaining agreement:

(1) The uniform job classification plan.

(2) Job specifications for positions.

(3) Examinations, the method of giving same, the content of same, and the weight to be given the part or parts thereof.

(4) Promotions including qualifications therefor and certification thereof.

(5) Certification of personnel for employment and promotion.

(6) The right of the civil service board to review the discharge, suspension, or reduction in pay of any employee and the right of such board to reinstate and return such employee to his former status, and to exercise the rights and authorities as set forth in section 17.07.

The public employer, or its representatives, and the bargaining agent, or its representatives, shall meet at reasonable times and places and confer in good faith, but such obligation does not compel either party to

agree to a proposal or require the making of a concession. Any agreement reached by the negotiators shall be reduced to writing and such written collective bargaining agreement shall be signed by the negotiators for the public employer and the bargaining agent, and shall become final and binding upon the employer when the same shall have been approved by the mayor and the council and in the event such employees in the bargaining unit are employed by or under the control and under the supervision of an independent agency, approved by such independent agency.

(b) The provisions of any law or ordinance establishing a civil service system for public employees or the rules or regulations adopted pursuant thereto, except those pertaining to:

- (1) The uniform job classification plan;
- (2) Job specifications for positions;
- (3) Examinations, the method of giving same, the content of same, and the weight to be given the part or parts thereof;
- (4) Promotions including qualifications therefor and certification thereof;
- (5) Certification of personnel for employment and promotion;
- (6) The right of the civil service board to review the discharge, suspension, or reduction in pay of any employee and the right of such board to reinstate and return such employee to his former status, and to exercise the rights and authorities as set forth in section 17.07 of this charter;

shall not apply to the extent that they are in conflict with the terms and provisions of any collective bargaining agreement that has been duly negotiated and properly ratified regardless of any legal requirement for uniformity. The provisions of any law or ordinance or any rules or regulations adopted pursuant thereto shall continue in effect until the contract containing such conflicting terms and provisions has been properly ratified.

(c) The provisions of any law or ordinance establishing a civil service system for public employees, or the rules or regulations adopted pursuant thereto, shall not be amended or otherwise altered to increase rights or benefits as to any matter that is made the subject of collective bargaining negotiations by any employee organization as to the employees in the unit represented by said employee organization until the end of the next budget year or the termination date of any collective bargaining agreement that might be negotiated with said employee organization, whichever occurs later, regardless of any legal requirement for uniformity.

(d) Whenever the bargaining agent of a bargaining unit has been certified pursuant to the provisions of this chapter, such bargaining unit and the representatives of the City of Jacksonville consolidated government shall bargain collectively in the determination of the wages, rates of pay, hours, and all other terms and conditions of employment of the public employees within the bargaining unit. The public employer, or its representative, and the bargaining agent, or its representative, shall meet at reasonable times and places and confer in good faith within 10 days of receipt of written notice by either party. Any agreement reached by the negotiators shall be reduced to writing and such written collective bargaining agreement shall be signed by the negotiators for the public employer and the bargaining agent.

(e) Any collective bargaining agreement shall not provide for a term of existence of more than 3 years.

(f) In his annual request to the city council the public employer shall include such amounts as shall be sufficient to fund the provisions of the collective bargaining agreement. If less than the required amount is appropriated, the collective bargaining agreement shall be returned to the public employer and the bargaining unit for further negotiations within the framework of the amount of the funds so appropriated.

(Ord. 71-344-133; Ord. 84-1307-754, § 23; Laws of Fla., Ch. 92-341, § 1)

### **Section 19.208. Advisory arbitration.**

(a) UNRESOLVED ISSUES SUBMITTED TO ADVISORY ARBITRATION.--In the event the

bargaining agent and the employer, within 30 days from the date of their first meeting, are unable to reach an agreement on a contract, any and all unresolved issues shall be submitted to advisory arbitration.

(b) **ARBITRATION BOARD COMPOSITION.**--Within 5 days from the expiration of the 30-day period referred to in subsection (a), the bargaining agent and the employer shall each select and name one arbitrator and shall immediately thereafter notify each other in writing of the name and address of the person so selected. The two arbitrators selected and named shall, within 10 days from and after the expiration of the 5-day period, agree upon and select a third arbitrator, who shall be chairman. If, on the expiration of the period allowed therefor, the arbitrators are unable to agree upon the selection of a third arbitrator, the American Arbitration Association shall submit, upon request of either the bargaining agent or the employer, the names of five arbitrators. The employer and the bargaining agent shall alternatively select one name from the list until one name remains, and the remaining arbitrator shall be the chairman of the arbitration board.

(c) **HEARINGS.**--The arbitration board shall, acting through its chairman, call a hearing to be held within 10 days after the date of the appointment of the chairman and shall, acting through its chairman, give at least 7 days' notice in writing to each of the other two arbitrators, the bargaining agent and the employer of the time and place of such hearing. The hearing shall be informal and the rules of evidence prevailing in judicial proceedings shall not be observed. Any and all documentary evidence and other data deemed relevant by the arbitrators may be received in evidence. The arbitrators shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of books, records, and other evidence relative or pertinent to the issues presented to them for determination. The hearings concluded by the arbitrators shall be concluded within 20 days of the time of commencement and within 10 days after the conclusion of the hearings, the arbitrators shall make written findings and a written recommendation upon the issues presented, a copy of which shall be mailed or otherwise delivered to the bargaining agent or its designated representative and to the employer. A majority decision of the arbitrators shall be advisory only as to both parties. In its annual budget request to the city council the employer shall include such amounts as shall be sufficient to fund the provisions of the collective bargaining agreement. If less than the requested amount is appropriated, the collective bargaining agreement shall be returned to the employer and the bargaining agent for further negotiations within the framework of the amount of the funds so appropriated. The parties may agree in writing to an extension as to any of the above time periods. Upon written resolution adopted by the city council the time periods prescribed by this section may be modified to conform to the budget submission procedures.

(d) **FACTORS TO BE CONSIDERED BY THE ARBITRATION BOARD.**--The arbitrators shall conduct the hearings and render their decisions upon the basis of a prompt, peaceful, and just settlement of wage, hour, and/or working conditions dispute between the bargaining agent and the employer. The factors, among others, to be given weight by the arbitrators in arriving at a decision for public employees, except policemen and firemen, shall include:

- (1) Interest and welfare of the public.
- (2) Comparison of wage rates, benefits, or hourly conditions of employment of similar skilled crafts or classifications in the general area or in comparable cities.
- (3) Comparison of peculiarities of employment in regard to other trades or professions, specifically, physical, educational and mental qualifications, and/or job training and skills.
- (4) The interest and welfare of the public and the financial ability of the unit of government to meet those costs. The factors, among others, to be given weight by the arbitrators in arriving at a decision for policemen or firemen shall include:
  - (i) Comparison of wage rates or hourly conditions of employment of the employing authority in question with prevailing wage rates or hourly conditions of employment of other skilled or professional employees in the local operating area involved.
  - (ii) Comparison of wage rates or hourly conditions of employment of the employing

authority in question with wage rates or hourly conditions of employment maintained for the same or similar work of employees exhibiting like or similar skills under the same or similar working conditions in the local operating area involved.

(iii) Comparison of wage rates or hourly conditions of employment of the employing authority in question with wages rates or hourly conditions of employment of comparable employing authorities in municipalities, metropolitan governments, state, or any agencies or departments.

(iv) Interest and welfare of the public.

(v) Comparison of peculiarities of employment in regard to other trades or professions, specifically:

1. Hazards of employment.
2. Physical qualifications.
3. Educational qualifications.
4. Mental qualifications.
5. Job training and skills.

(vi) The interest and welfare of the public and the financial ability of the unit of government to meet those costs.

(vii) The bargaining agent shall provide for the expenses of its arbitrator, and the employer shall provide for the expenses of its arbitrator. The bargaining agent and the employer shall share equally the expense of the remaining arbitrator and any other costs or expenses incurred in arbitration, including stenographic and clerical expenses.

(Ord. 71-344-133; Ord. 84-1307-754, § 23; Laws of Fla., Ch. 92-341, § 1)

### **Section 19.209. Strikes prohibited; penalties.**

(a) Strikes by public employees are expressly prohibited. No employee organization shall cause, encourage, or condone a strike.

(b) The courts having jurisdiction of the parties are vested with the authority to hear and determine all actions alleging violations of this act.

(c) If a public employee, a group of employees, an employee organization, or any officer, agent, or representative of any employee organization, engages in a strike in violation of subsection (a), the public employer whose employees are involved or whose employees may be affected by the strike, may file suit to enjoin the strike in the court having proper jurisdiction and proper venue of such actions. If the plaintiff makes a prima facie showing that a strike violation of subsection (a) is in progress or that there is a clear, real, and present danger that such a strike is about to commence, the court shall issue a temporary injunction enjoining the strike. Upon final hearing, the court shall either make the injunction permanent or dissolve it.

(d) If an injunction issued pursuant to this section to enjoin a strike is not promptly complied with, on the application of the plaintiff, the court may immediately initiate contempt proceedings against those who are in violation. Any employee organization which is found to be in contempt of court for violating any injunction against a strike shall be fined not less than \$5,000 nor more than \$20,000 for each calendar day, or part of a calendar day, that the violation is in progress. Each officer, agent, or representative of an employee organization or any public employee who is found to be in contempt of court for violating an injunction against a strike shall be fined not less than \$50 nor more than \$100 for each calendar day, or part of a calendar day, that the violation is in progress.

(e) A public employer shall have the right to discharge or otherwise discipline any or all public

employees who violate subsection (a). The only question that may be raised in any proceeding or grievance, judicial or otherwise, contesting such action is whether subsection (a) was violated by the employee to be discharged.

(Ord. 71-344-133; Ord. 84-1307-754, § 23; Laws of Fla., Ch. 92-341, § 1)

**Section 19.210. Other unlawful acts.**

(a) Employee organizations, their members, agents, representatives, or any person acting on their behalf are hereby prohibited from:

- (1) Distributing literature in areas where public employees work.
- (2) Soliciting or advocating support of an employee organization's activities from high school or grade school students during classroom time.

(b) The courts having jurisdiction may enforce the provisions of this section by injunction and contempt proceedings, if necessary. A public employee who is convicted of a violation of any provision of this section may be discharged or otherwise disciplined by his public employer, notwithstanding further provisions of law and notwithstanding the provisions of any collective bargaining agreement.

(Ord. 71-344-133; Ord. 84-1307-754, § 23; Laws of Fla., Ch. 92-341, § 1)

**ARTICLE 21. JEA**Sec. 21.01. JEA created and continued.Sec. 21.02. Definitions.Sec. 21.03. Composition; compensation; officers; meetings.Sec. 21.04. Powers.Sec. 21.05. Construction.Sec. 21.06. Bonds and revenue certificates eligible for legal investments.Sec. 21.07. Fiscal and budgetary functions.Sec. 21.08. Employees.Sec. 21.09. Awards of contracts.Sec. 21.10. Execution of instruments; examination of claims; funding through revenue bonds or revenue certificates.Sec. 21.11. Legislative authority of council.Sec. 21.12. Severability.**Section 21.01. JEA created and continued.**

There is hereby created and established a body politic and corporate to be known as JEA, which is authorized to own, manage and operate a utilities system within and without the City of Jacksonville. JEA is created for the express purpose of acquiring, constructing, operating, financing and otherwise having plenary authority with respect to electric, water, sewer, natural gas and such other utility systems as may be under its control now or in the future. Such utilities may be owned, operated or managed by JEA separately or in such combined or consolidated manner as JEA may determine and JEA may use such name or names in the conduct of its business in connection therewith as it may determine. It is the specific purpose of this article 21 to repose in JEA all powers with respect to electric, water, sewer, natural gas and such other utilities which are now, in the future could be, or could have been but for this article, exercised by the City of Jacksonville. JEA created and established by this article is the same Jacksonville Electric Authority previously created and established by chapter 67-1569, Laws of Florida, as amended, (including as added to Chapter 67-1320, Laws of Florida by Chapter 78-538, Laws of Florida and, as amended and readopted by Chapters 80-515, and 92-341, Laws of Florida) and, except as otherwise provided or authorized by this article, JEA shall continue to function under this article the same as it previously functioned under chapter 67-1569, Laws of Florida, as amended (including as added to Chapter 67-1320, Laws of Florida by Chapter 78-538, Laws of Florida and, as amended and readopted by Chapters 80-515 and 92-341, Laws of Florida).

(Laws of Fla., Ch. 78-538, § 1; Laws of Fla., Ch. 80-515, § 1; Ord. 84-1307-754, § 25; Laws of Fla., Ch. 92-341, § 1; Ord. 93-82-1385, § 1; Ord. 97-12-E, § 2; Ord. 98-253-E, § 1)

**Section 21.02. Definitions.**

In the interpretation of this article, unless the context otherwise requires:

- (a) The term "utilities systems" means the electric utility system and the water and sewer utility system now operated by JEA which shall include, except where inconsistent with Chapter 80-513, Laws of Florida, as amended, or where the context otherwise requires, any "system" or "project" authorized pursuant to the provisions of Chapter 80-513, Laws of Florida, as amended and any natural gas utility system to be operated in the future by JEA together with any other additional utility systems as may be hereafter designated as a part of the utilities systems operated by JEA as provided in section 21.04(w) herein.
- (b) The term "member" means a member of JEA.
- (c) The term "managing director" means the managing director of JEA.
- (d) The term "utility system" shall mean any of the separate utility systems operated by JEA such as its electric utility system, its water utility system, its wastewater utility system or its natural gas utility system.

(e) The terms "sewer utility system" and "wastewater utility system" shall each have the same meaning as the other and these terms shall be interpreted as meaning the same.

(Laws of Fla., Ch. 78-538, § 1; Laws of Fla., Ch. 80-515, § 1; Ord. 84-1307-754, § 25; Laws of Fla., Ch. 92-341, § 1; Ord. 93-82-1385, § 1; Ord. 97-12-E, § 2; Ord. 98-253-E, § 1)

### **Section 21.03. Composition; compensation; officers; meetings.**

(a) The governing body of JEA shall consist of 7 members, appointed by the mayor, subject to confirmation by the council, for a term of 4 years or until such member's successor has been appointed and has qualified. Each member of JEA shall have been a resident and elector of the city for at least 6 consecutive months prior to such member's appointment. No member of JEA shall hold any other public office or position. If at any time during a member's tenure on JEA, such member shall cease to possess the qualifications required for membership on JEA, such member shall cease to be a member and a vacancy shall exist on JEA. Any vacancy on JEA, however created, shall be filled for the unexpired term in the same manner as the position was originally filled, and the person filling the vacancy shall have and retain all the qualifications prescribed for membership on JEA. Any member appointed to JEA for 2 consecutive full terms shall not be eligible for the succeeding term. The members may be removed by the mayor at any time with or without cause, but a removal must be approved by a two-thirds vote of the council.

(b) The members of JEA shall not be entitled to compensation, pension, or other retirement benefits on account of service on JEA, but members and employees shall be entitled to payment of reasonable expenses as provided by the council. Members of JEA shall be subject to the provisions of s. 286.012, Florida Statutes, relating to voting at meetings of JEA, and to the provisions of ss. 112.311 through 112.3175, inclusive, Florida Statutes, as from time to time amended, relating to financial disclosure and conflicts of interest.

(c) JEA shall elect a chairperson, vice-chairperson and secretary and may elect one or more assistant secretaries, each of whom shall serve for one year or until such officer's successor is chosen. JEA shall hold regular meetings at least monthly at such times and places as it may designate and may hold more frequent regular meetings. Special meetings may be held upon the call of the chairperson or any 3 members of JEA. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member of JEA shall have one vote. JEA may adopt bylaws and make rules and regulations not inconsistent with this article or general law.

(Laws of Fla., Ch. 75-538, § 1; Laws of Fla., Ch. 80-515, § 1; Ord. 83-693-582, § 1; Ord. 84-1307-754, § 25; Laws of Fla., Ch. 92-341, § 1; Ord. 93-82-1385, § 1; Ord. 98-253-E, § 1)

### **Section 21.04. Powers.**

JEA shall have the following powers, in addition to powers otherwise conferred:

(a) To construct, own, acquire, establish, improve, extend, enlarge, reconstruct, reequip, maintain, repair, finance, manage, operate and promote the utilities system.

(b) To acquire for the use of the utilities system by grant, purchase, gift, devise, condemnation by eminent domain proceedings, exchange, lease or in any other manner, all property, real or personal, or any estate or interest therein, including without limitation, property used:

(1) In connection with the generation, transmission and distribution of electric power and energy,

(2) In connection with the collection, storage, treatment, processing, disposal, transmission and distribution of water and wastewater including, but not limited to, raw water, potable water, non-potable water, chilled water and reused water; however, JEA

shall have no power or authority for the function of stormwater runoff and drainage management.

(3) In connection with the production, procurement, extraction, manufacture, transmission, transportation, distribution, and storage of natural gas.

(4) In connection with the production of steam, the mining, extraction, development, production, manufacture, procurement, transportation, handling, storage, processing or reprocessing of fuel of any kind, to likewise acquire any facility or rights with respect to the supply of water, any rights with respect to minerals, including but not limited to coal, petroleum coke, natural gas and oil and bio-mass facilities for the processing of by-products derived from the operation of the utilities system, solid waste disposal and environmental protection facilities, communication and computer facilities, and any other property, equipment, facilities or property rights whatsoever determined by JEA to be necessary or convenient in connection with the operation, promotion, financing, construction, management, improvement, extension, enlargement, reconstruction, re-equipment, maintenance, repair, decommissioning or disposal of the utilities system or any part thereof, and to sell, lease or otherwise transfer, with or without consideration, any such property when in JEA's discretion it is no longer needed or useful, or such sale, lease or transfer otherwise is in the best interest of JEA, all upon such terms and conditions as JEA shall by resolution fix and determine.

The right of eminent domain conferred herein shall be exercised by JEA in the manner provided by law. If JEA leases any real property to another agency, firm, corporation, or individual, it shall cause said lease or leases to be recorded with the clerk of the circuit court as a matter of public record. JEA shall not sell real property for less than the appraised value as recorded by the property appraiser for Duval County, unless approved by the council. If there is no recorded appraised value, then JEA shall request the property appraiser for Duval County to provide an appraisal prior to the sale of the real property.

(c) To furnish electricity, water, sanitary sewer service, natural gas and other utility services as authorized herein to any person or entity, public or private, within or without the city and for said purposes shall have the right to construct and maintain electric lines, pipelines, water and sewer mains, natural gas lines and related facilities in and along all public highways and streets within or without the city.

(d) To sell power and energy, water, sanitary sewer service, natural gas and other utility services as authorized herein at wholesale and retail and/or to provide transmission or other services of any kind to any person or entity, public or private, within or without the State of Florida, directly by JEA, indirectly through other entities and jointly through associations with other utilities or entities engaged in these activities.

(e) To enter into contracts with any person or entity, public or private, deemed necessary or desirable by JEA in connection with carrying out its powers and duties.

(f) To fix, pledge to establish or establish, levy, regulate, impose and collect rates, assessments, fees and charges for the use or benefit of the utilities system and to alter and amend same from time to time, which rates, assessments, fees and charges shall result in JEA receiving or possessing an amount which, together with accumulated balances from prior years available therefore is not less than is required to operate and maintain a self-liquidating or self-sustaining utilities system. When establishing or altering rates, assessments, fees or charges for retail service, JEA shall first give notice of and hold a public hearing in the City of Jacksonville. The notice shall be published not less than one (1) week in advance in at least one (1) newspaper of general circulation in the city. Said notice shall be at least one-fourth page in size, inviting the public to be present and heard. JEA shall have the power to impose sanctions to enforce compliance with any rule or regulation which JEA may adopt in the management and operation of, or the sale or use of any utility service provided by JEA from the utilities system including, without limitation, electricity, water, sewer and natural gas services. The city and other

public bodies shall be required to pay for any utility services provided by JEA upon the same basis as other users.

(g) To sue and be sued, implead and be impleaded, complain and defend in all courts, to adopt and use a corporate seal, to apply for, hold and own patents and copyrights, to sell or license patents, copyrights, patented or copyrighted materials to other public or private entities. Prices or fees for such sales or licensing may be based upon market considerations. JEA may designate how proceeds from such sales or licensing shall be used. Prices or fees for the sale of copyrighted data processing software, as defined in section 119.083, Florida Statutes, shall be established pursuant to section 119.083, Florida Statutes.

(h) To make or cause to be made such surveys, investigations, studies, borings, maps, drawings and estimates of cost and revenues as it may deem necessary, and to prepare and adopt a comprehensive plan or plans for the location, relocation, construction, improvement, revision and development of the utilities system.

(i) (1) To issue revenue bonds or revenue certificates of JEA for the purpose of financing or refinancing the utilities system, including without limitation the financing of any one or more enlargements, expansions, developments, replacements, acquisitions or modernization of the utilities system, any expenses of the utilities system, any reserves deemed necessary or desirable by JEA and any other purpose not otherwise prohibited by law, and retiring any bond, note or revenue certificate issued under this article, or any bond, note or revenue certificate issued by or on behalf of the city to finance the water and sewer utilities previously owned or operated by the city, and for any combination of one or more such purposes in any single issue of revenue bonds or revenue certificates. At the discretion of JEA, such bonds or revenue certificates may be issued for any one or more of the several utility systems of JEA (or any combination thereof).

(2) The bonds or revenue certificates of each issue shall be authorized by resolution of JEA, which resolution shall contain such provisions relating to the protection and security of the holders of the bonds or revenue certificates, including their rights and remedies, and the rights, powers, privileges, duties and obligations of JEA with respect to the same. Such resolution may also contain provisions providing for the pledge of all or any part of the revenues of the utilities system, to which may, at JEA's discretion, be limited to the revenues of one or more of the several utility systems, to secure the payment of the bonds or revenue certificates of any issue and may provide for the pledge of other funds and accounts of JEA. Such resolution also shall determine the timing and manner of sale, which may be public or private; maturities; rate or rates of interest, which may be fixed or may vary at such time or times as provided or in accordance with a specified formula or method of determination (subject to any legal limitations on interest, as established by s. 215.84, Florida Statutes, or according to said section as it may from time to time be amended); and other terms and conditions of the bonds or revenue certificates, provided that JEA may delegate to the chairperson, managing director or other officer or employee of JEA designated by JEA the power to determine any such terms or conditions. However, the amounts and maturities of such bonds or revenue certificates and the interest rate or rates of such bonds or revenue certificates shall be within the limits prescribed by JEA and its resolution delegating to the chairperson, managing director or such other officer or employee of JEA the power to authorize the issuance and sale of such bonds or revenue certificates, and, in the case of the total aggregate amount of bonds or revenue certificates issued by JEA, within the limits prescribed by ordinance of the council. In case any officer whose signature or facsimile of whose signature shall appear on any bonds or revenue certificates shall cease to be such officer before the delivery of such bonds or revenue certificates, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. All bonds and revenue certificates issued under the provisions of this article shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments

law of the state. The issuance of such bonds and revenue certificates shall not be subject to any limitations or conditions contained in any other law.

(3) Bonds or revenue certificates and refunding bonds or refunding revenue certificates issued pursuant to this article if sold by bid shall be sold to the bidder whose bid produces the lowest true interest cost to JEA. JEA may restrict the bidders in any sale by pre-qualification or otherwise and may reserve the right to reject any or all bids. Prior to any sale by bid of bonds or revenue certificates JEA shall cause notice to be given in such manner and at such time as JEA shall determine. Said notice shall specify such matters relating to the bonds or revenue certificates offered for sale as JEA shall determine and shall state the manner in which bids shall be given. JEA may reserve the right to waive any informalities or irregularities if JEA determines that such actions are in its best interest. In no event shall said bonds or revenue certificates be sold at a net interest cost to JEA in excess of the legal limit, as established by s. 215.84, Florida Statutes, or according to said section as it may from time to time be amended.

(4) In no event shall general obligation bonds be issued hereunder.

(5) Bonds or revenue certificates may be issued by resolution of JEA, subject only to the approval by ordinance of the council of the aggregate principal amount of such bonds or revenue certificates.

(j) To borrow money and to issue notes for any purpose or purposes for which bonds or revenue certificates may be issued under the provisions of this article, in accordance with the provisions of this article relating to the issuance of bonds or revenue certificates, and to refund the same and to issue notes in anticipation of the receipt of the proceeds of the sale of any such bonds or revenue certificates.

(k) To borrow money from the city, for any period not to exceed one year, to provide JEA with working capital to meet routine or emergency cash requirements and to maintain adequate inventories, at such interest rates and upon such conditions concerning the method of borrowing, the time and manner of payment and the maximum amount that may be on loan at any time, as are determined by ordinance of the council; to lend money from one of its utilities operations to another of its utilities operations for such period, at such interest rates and upon such other conditions concerning the method of borrowing, the time and manner of payment and the maximum amount that may be on loan at any time, all as determined by JEA; and to borrow money from lending institutions, including borrowing as part of a commercial paper or other short-term note financing program which may include provision for payment upon demand by the purchaser or purchasers, as authorized by resolution of JEA. When authorized by resolution of JEA, such notes, including renewals, may be sold by officers of JEA at public or private sale and delivered by such officers to the purchaser or purchasers thereof within the limitations and restrictions contained in such resolution. Such loans between utility systems and such borrowings from lending institutions, or between one or more of the utility systems, including borrowing as part of a commercial paper or other short-term note financing program, will not require the approval of the council.

(l) To enter into contracts determined by JEA to be necessary or desirable for the prudent management of JEA's funds, debt or fuels, and any and all other commodities used for the several utility systems including, without limitation, interest rate swaps, option contracts, futures contracts, contracts for the future delivery or price management of power, energy, natural gas or other related commodities, hedging contracts, other risk management techniques, securities lending agreements and forward purchase contracts.

(m) To invest money of JEA not required for immediate use, including proceeds from the sale of any bonds, revenue certificates or notes, in such obligations, securities, and other investments as JEA shall deem prudent, subject to any agreement with bondholders, revenue certificate holders or note holders.

(n) To enter into joint project agreements as provided by part II of chapter 361, Florida

Statutes, for the purpose of implementing a project, as such term is defined in Part II of Chapter 361, Florida Statutes. A copy of all such joint project agreements shall be filed with the council and the mayor at least thirty days prior to the effective date of the agreement. Anything in this provision to the contrary notwithstanding, (i) any joint project agreement that involves a transfer of any function or operation that comprises more than ten percent of the total of the utilities system by sale, lease or otherwise to any other utility, public or private, or (ii) any joint project agreement that involves the issuance of debt not previously authorized by s. 21.04(i)(2), shall require prior approval of the council.

(o) To enter into agreements with one or more other electric utilities, public or private, and related contracts with respect to joint electric power projects as provided in section 2 of chapter 80-513, Laws of Florida, as amended. The provisions of said chapter 80-513 shall govern and control JEA in all respects in the carrying out of a joint electric power project authorized thereunder notwithstanding any provision of the charter or of the Ordinance Code of the City of Jacksonville which may be in conflict therewith.

(p) To transfer, sell, finance, lease or otherwise provide services or products, or by-products, developed or used by JEA incident to the exercise of the powers conferred by this article, including but not limited to, energy performance contracting, water, sewer and natural gas (and any other utility service hereafter provided by JEA) contracting, power marketing services, the testing and maintenance of customer-owned facilities such as transformers, capacitors, lighting, HVAC systems, water cooling and heating systems, energy management systems, etc.; the temporary leasing of JEA facilities such as oil storage tanks; the supply of steam or other thermal energy; the provision of specially conditioned power on the premises of customers and the provision of services or products to build, transfer, lease, finance, operate or sell cogeneration facilities, small power production facilities, specially conditioned power, energy conservation, energy efficiency and dispersed generation to other electric utilities both within and without the state or to any wholesale or retail customers of JEA, upon such terms and conditions as JEA shall by resolution fix and determine; and to transfer, sell, finance, lease or otherwise provide services, products or by-products developed or used by JEA incident to the exercise of the powers conferred by this article, in the delivery of water, wastewater and natural gas services, including but not limited to the financing, testing, maintenance and operation of customer owned facilities used in water, wastewater and natural gas functions; provided, however, that JEA will not enter into any activity pursuant to this section in addition to those activities listed herein without first providing written notice of such activities to the council auditor no less than 30 days before the commencement of such activity. Nothing in this article shall authorize or be construed to authorize JEA to transfer any function or operation which comprises more than ten percent of the total of the utilities system by sale, lease or otherwise to any other utility, public or private without approval of the council. So long as there are outstanding any of the city's "Capital Project Revenue Bonds" as originally authorized pursuant to Ordinance 97-1054-E, the council may approve only such transfer which does not materially adversely affect future receipts of JEA contributions as defined therein.

(q) (1) To voluntarily collect from customers and ratepayers the sum of one dollar (\$1.00) or more per month to be deposited into an elderly and/or handicapped or low income customer emergency trust fund administered by JEA. The proceeds of such trust fund may be expended periodically by JEA for the purpose of providing financial assistance to elderly and/or handicapped or otherwise needy low income residents living within the service area of JEA for the payment of their utilities needs. The method of administration of such trust fund, including the collection and distribution thereof, shall be as provided by ordinance of the council.

(2) Upon the unanimous approval of the Board, and a two-thirds vote of the City Council, to collect the sum of one dollar (\$1.00) or more per month in voluntary contributions from customers and ratepayers, for a charitable, scholastic, or public service community giving program. - Contributions from any such program shall be passed through to an appropriate non-profit entity for administration and distribution and shall not be administered by JEA. No additional programs shall be initiated except by

future discontinuation of the program authorized in this item (2). The results of such giving program shall be reported annually each July 1st to the Council.

(r) To jointly or separately plan, finance, operate, use, share costs of, sponsor, publicize or otherwise participate in projects, systems, programs or measures to promote or implement electric and natural gas energy, electrotechnologies, water, wastewater and natural gas conservation and efficiency, power conditioning and load management, including, but not limited to, energy, water and wastewater conservation, energy efficiency and conditioning or load reducing or load shaping modifications to the maintenance and operating procedures and facilities of a building or facility or in the installation therein; energy, water and wastewater conserving and energy efficiency modifications to windows and doors, pipes, pumps and motors; caulking and weatherstripping; insulation; automatic energy control systems; load management systems; hot water systems; replacements or modifications of lighting fixtures; and energy recovery and recycling systems; and research and development relating thereto within or without the state.

(s) To delegate any act authorized pursuant to this article to any officer, employee or agent of JEA as it may deem necessary or desirable for the prudent management of JEA.

(t) To do all acts and deeds necessary, convenient or desirable, incidental to the exercise and performance of the powers and duties granted to JEA in this article.

(u) Express authority is given JEA to enter into any contracts, leases or other agreements with other governmental bodies (either local, state or federal) for the purpose of carrying out any of the provisions, powers or purposes of this article. JEA is expressly prohibited from appropriating or expending any of its funds for payments, contributions or transfer to any non-profit organization or any other group, association or entity other than those whose primary purpose directly involves the electric, water, wastewater and natural gas utility, (or any other utility which may, in the future, be operated by JEA) industries, or electric energy, water, wastewater and natural gas (or any other utility which may, in the future, be operated by JEA) related matters.

(v) If JEA determines that it is necessary or appropriate for it to provide, operate or maintain any other utility system or function other than electric, water wastewater and natural gas, JEA shall by resolution identify such additional utility system or systems or function or functions and indicate its desire to provide such utility service or services or function or functions to the council. Upon the adoption and approval of this resolution by JEA and the council, voting as separate entities, JEA, with respect to the specified system or systems, shall be vested with all powers set forth herein or in general law that would, but for the provisions of this article, apply to such specified utility system or systems.

(w) To exercise all powers granted to the city with regard to sewage collection and disposal and to water supply pursuant to chapters 170 and 180, Florida Statutes, including the issuance of bonds or notes in anticipation thereof payable from special assessments under said chapter 170, Florida Statutes.

(x) To coordinate carefully with the Department of Public Works of the City of Jacksonville and the Jacksonville Transportation Authority the planning and execution of engineering and construction projects involving underground work and streets and highways to seek to minimize the total cost of such projects and to reduce disruption to the citizens of the city to the maximum extent possible.

(y) To expend JEA funds up to one and one-half (1.5) percent of the prior year's gross revenues to promote the efficient use of JEA's services through public education including exhibits, conferences, displays, tours and other events customary to the utilities industry and also to publicize, advertise and promote the objects of this article and to promote the objectives of JEA in the manner set forth by resolution of JEA. Accordingly, JEA may expend its funds to make known to the users, potential users and public in general the advantages, facilities, resources, products, attractions and attributes of the services provided by JEA and to further create a favorable climate of opinion concerning the activities and projects authorized and

indicated by this article. JEA may also, to the extent permitted by the laws of the State of Florida, expend funds in cooperative efforts to and with other agencies, both public and private, in accomplishing the purposes enumerated and indicated by this article; and in furtherance thereof. JEA may also authorize expenditures for any and all of the purposes herein enumerated, including but not limited to, meals, hospitality and entertainment of persons in the interest of promoting and engendering good will toward the activities and projects herein authorized. Whenever an expenditure of funds for any of the foregoing purposes is made by a member or employee of JEA, JEA may reimburse such member or employee therefor, but only after such expenditures have been duly authorized by JEA or its managing director if so delegated to do so. JEA will provide a list of proposed promotional expenditures each year to the council auditors.

(z) To allocate costs between the electric, water, sewer, natural gas and any other utility system operated now or in the future by JEA on a cost accounted basis.

(aa) To assist the City of Jacksonville and any of its departments and independent agencies in the development of joint financing programs for the purpose of financing capital improvement programs for the City of Jacksonville and any of its departments and independent agencies.

(bb) To enter into such interlocal agreements authorized by, and to become a member of such separate legal entity or entities created pursuant to chapter 163, Florida Statutes, as JEA shall determine by resolution are necessary or desirable to accomplish the purposes enumerated and indicated by this article; and, to the extent permitted by the laws of the State of Florida, to enter into such joint ventures, partnerships, joint ownership arrangements, or other similar arrangements with other persons or entities, public or private, as JEA shall determine by resolution are necessary or desirable to accomplish the purposes enumerated and indicated by this article.

(cc) To allocate and allot the sums appropriated by the council in JEA's annual budget for more specific purposes and to transfer from time to time during the fiscal year, without further council approval, appropriated funds including capital outlay funds from one of the purposes for which funds are appropriated to another of such purposes, if, in the discretion of JEA, such transfer is necessary to carry out all of the purposes for which funds were appropriated, subject to applicable law; provided however, nothing in this section shall authorize JEA to transfer appropriated funds from its operating budget to its capital outlay budget or vice versa, without prior approval of the council. This includes the financing of power conditioning and energy conservation equipment for both residential and nonresidential customers providing that the receivables at any point in time will not exceed ten (10) percent of the prior year's utilities system's revenues. A written summary of all budget transfers shall be provided to the council auditor at the end of each quarter.

(dd) To the extent permitted by the laws of the State of Florida, to have ownership and membership in separate organization entities, including but not limited to corporations, to conduct utility related activities and functions. A copy of all such ownership agreements shall be filed with the council and the mayor at least thirty (30) days prior to the effective date of the agreement.

(ee) (1) To shut off and discontinue the supplying of services of one utility system, to any and all users of the utilities system, for the nonpayment, when due, of the rates, assessments, fees or charges, for facilities or services of that particular utility system, or for facilities or services of any other utility system.

(2) To deny any application for services of one utility system, to any and all users or potential users of the utilities system for the nonpayment, when due, of rates, assessments, fees or charges for facilities or services of that particular utility system, or for facilities or services of any other utility system.

(Laws of Fla., Ch. 78-538, § 1; Laws of Fla., Ch. 80-515, § 1; Laws of Fla., Ch. 82-312, § 15; Ord. 84-1307-754, § 25; Ord. 86-164-454, § 1; Ord. 86-1458-879, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 93-82-1385, § 1;

Ord. 94-1268-757, § 1; Ord. 97-12-E, § 2; Ord. 98-253-E, § 1; Ord. 2005-1032, § 1)

### **Section 21.05. Construction.**

The powers of JEA shall be construed liberally in favor of JEA. No listing of powers included in this article is intended to be exclusive or restrictive and the specific mention of, or failure to mention, particular powers in this article shall not be construed as limiting in any way the general powers of JEA as stated in Section 21.04. It is the intent of this article to grant to JEA full power and right to exercise all authority necessary for the effective operation and conduct of JEA. It is further intended that JEA should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which JEA is created. The fact that this article specifically states that JEA possesses a certain power does not mean that JEA must exercise such power unless this article specifically so requires. JEA's power to levy special assessments shall not be deemed to be the power to levy taxes.

(Ord. 93-82-1385, § 1; Ord. 97-12-E, § 2; Ord. 98-253-E, § 1)

### **Section 21.06. Bonds and revenue certificates eligible for legal investments.**

Notwithstanding any provisions of any other law or laws to the contrary, all revenue bonds and revenue certificates including refunding bonds and refunding revenue certificates, issued pursuant to this article shall constitute legal investments for savings banks, trust companies, executors, administrators, trustees, guardians, and other fiduciaries, and for any board, body, agency or instrumentality of the State of Florida, or of any county, municipality, or other political subdivision of the State of Florida; and shall be eligible as security for deposits of state, county, municipal and other public funds.

(Laws of Fla., Ch. 78-538, § 1; Laws of Fla., Ch. 80-515, § 1; Ord. 84-1307-754, § 25; Ord. 93-82-1385, § 1)

**Editor's note:** Former § 21.06, relative to transfer of property by the city, was deleted by § 1 of Ord. 93-82-1385, and former § 21.05 was subsequently renumbered as s. 21.06. The provisions of former § 21.06 derived from Laws of Fla., Ch. 78-538, § 1; Laws of Fla., Ch. 80-515, § 1; Ord. 84-1307-754, § 25 and Laws of Fla., Ch. 92-341, § 1.

### **Section 21.07. Fiscal and budgetary functions.**

JEA shall have fiscal and budgetary functions, subject to the limitations herein expressed:

- (a) The fiscal year of JEA shall commence on October 1 of each year and end on the following September 30.
- (b) JEA shall prepare and submit its budget for the ensuing year to the city on or before July 1 of each year, setting forth its estimated gross revenues and other available funds, and estimated requirements for operations and maintenance expenses, capital outlay, debt service, and depreciation and reserve account. The council and the mayor shall approve or disapprove such budget in the manner provided in article 14 for budgets of independent agencies.
- (c) As consideration for the use by JEA of the public rights-of-way used by it in connection with its electric distribution system and its water and sewer distribution and collection system, there shall be assessed upon JEA in each fiscal year, for the uses and purposes of the city, from the revenues of the electric system and the water and sewer system operated by JEA available after the payment of all costs and expenses incurred by JEA in connection with the operation of such electric system and water and sewer system (including, without limitation, all costs of operation and maintenance, debt service on all obligations issued by JEA in connection with such electric system and water and sewer system and required reserves therefor and the annual deposit to the depreciation and reserve account required pursuant to section 21.07(g)),

an amount as provided herein. Effective October 1, 2003, JEA shall pay the city an assessment for the electric system, calculated by multiplying 9.84346% by the sum of JEA's base rate electric revenues and fuel rate electric revenues during the twelve-month period ending on April 30 of the fiscal year immediately preceding the fiscal year for which such assessment is applicable. No electric system assessment shall be paid on franchise fees, state utility taxes, fuel related interchange sales, investment income and other revenues. In addition, JEA shall pay the City an assessment for the water and sewer system, calculated by multiplying 9.84346% by the sum of JEA's water rate revenues and sewer rate revenues during the twelve-month period ending on April 30 of the fiscal year immediately preceding the fiscal year for which such assessment is applicable. No water and sewer system assessment shall be paid on franchise fees, state utility taxes, investment income and other revenues. The combined assessment for the electric system and the water and sewer system shall not exceed the sum of (i) the amount calculated by multiplying 5.513 mills by the gross kilowatt-hours delivered by JEA to retail users of electricity in JEA's service area and to wholesale customers under firm contracts having an original term of more than one year (other than sales of energy to Florida Power and Light Company from JEA's St. Johns River Power Park System) during the twelve-month period ending on April 30 of the fiscal year immediately preceding the fiscal year for which such assessment is applicable plus (ii) the amount calculated by multiplying 2.149 mills by the number of cubic feet of potable water and cubic feet of sewer service, excluding reclaimed water service, provided to consumers during the twelve-month period ending on April 30 of the fiscal year immediately preceding the fiscal year for which such assessment is applicable. Notwithstanding the foregoing not-to-exceed amount for the combined assessment, JEA shall pay the city each fiscal year, from fiscal year 2004-2005 through fiscal year 2007-2008, an additional amount, if necessary, to ensure a minimum annual increase of \$2,750,000, using the fiscal year 2003-2004 combined assessment of \$83,187,538 as the base year.

(d) The assessment calculations for the electric system and the water and sewer system shall be in effect until September 30, 2008, when the council may reconsider the assessment calculations. The council may reconsider the assessment calculations every fifth year thereafter. The council may change the assessment calculations by ordinance within the provisions of this section 21.07. Should the council not reconsider the assessment calculations, the assessments shall be calculated using the existing formulas. If either federal or state laws are enacted or regulatory actions are taken that adversely impact JEA's financial position for the electric utility system or the water and sewer utility system, the council shall promptly consider enacting such changes to this section 21.07 as may be negotiated by JEA and the council to mitigate such adverse impact.

(e) The council shall have the power to appropriate annually a portion of the available revenues of each utility system (other than the electric, water and sewer systems) operated by JEA for the uses and purposes of the city. This appropriation shall be based on a formula to be agreed upon by JEA and the council.

(f) JEA shall pay over to the city (i) the amounts assessed upon JEA pursuant to section 21.07 (c) and (ii) such portions of the funds actually appropriated by the council pursuant to section 21.07(e) at such time as the council may request, but not in advance of collection. Although the calculation for (i) the amounts assessed upon JEA pursuant to section 21.07(c) and (ii) the annual transfer of available revenue from JEA to the city pursuant to section 21.07(e) is based upon formulas that are applied specifically to the respective utility systems operated by JEA, JEA, in its sole discretion, may utilize any of its revenues regardless of source to satisfy its total annual obligation to the city mandated by said sections 21.07(c) and (e).

(g) JEA shall be required to set aside each year in a depreciation and reserve account established for each utility system it operates, an amount equal to not less than 10 percent of its annual net revenues for the previous year attributable to each such system. For such purpose, "annual net revenue" shall mean annual gross revenues derived by JEA from the operation of such system reduced by expenses for operation and maintenance allocable to such system and debt service allocable to such system. Funds set aside in each such depreciation and reserve

account shall be used exclusively for enlargements, extensions, improvements and replacements of capital assets of the utility system for which such account was established or to pay or provide for the payment of JEA's bonds, notes or revenue certificates relating specifically to such system; provided, however, that if JEA by resolution determines that it is in the best interests of JEA to use all or any portion of the funds set aside in the depreciation and reserve account established with respect to a particular utility system for the purposes of another utility system, then such funds may be so applied.

(h) JEA shall not be required to utilize the personnel, motorpool, purchasing, communication or information systems services of the city. By mutual agreement of JEA and the city such services may be provided from one party to the other but only on a cost-accounted basis. JEA shall be required to use the legal services of the city on a cost-accounted basis except in those cases when the chief legal officer of the city determines that the city legal staff cannot or should not provide legal services in the required legal area. JEA shall appropriate the funds necessary to meet the obligations for outside legal services as determined by the chief legal officer of the city. Such chief legal officer shall consult with JEA before he or she selects outside counsel.

(i) Unless otherwise determined by JEA, all revenues and service charges receivable by JEA as payment for the sale of utilities services shall be collected and received by the tax collector. The tax collector shall deposit to the account of or otherwise turn over to JEA such funds at such times and in such manner as JEA may from time to time designate by resolution. JEA may provide for the collection of such revenues and service charges directly by JEA, provided that the council auditor shall be notified in writing of any proposed change from the current collection process utilizing the Tax Collector and that such change shall not take place until the next fiscal year after such notice is given.

(j) JEA shall employ and fix the compensation of the managing director, who shall manage the affairs of the utilities system under the supervision of JEA. The entire working time of such managing director shall be devoted to the performance of the duties of such office and the managing director shall have no outside employment or business. The managing director shall be a graduate of an accredited college or university, or have at least ten years' managerial experience in a consumer-oriented industry or comparable enterprise. JEA may appoint and fix the compensation of 48 staff assistants to the managing director, to serve at the pleasure of JEA. JEA shall employ and fix the compensation of the department heads, deputy directors of departments, division chiefs and assistant division chiefs of the utilities system. JEA may adopt position titles different from those recited herein, consistent with utility industry practice. The managing director, department heads, deputy directors of departments, staff assistants, division chiefs and assistant division chiefs shall not be included within the civil service system of the city. JEA may employ such certified public accountants, consultants and other employees for special purposes, not within the civil service system, as it may require, and fix and pay their compensation. Whenever used in this s. 21.07(i), "compensation" shall mean both salary and benefits, exclusive of city pension benefits. All personnel appointed by JEA pursuant to this s. 21.07(i) shall participate in the City of Jacksonville pension plan in the same manner as other employees of JEA who participate in such plan. However JEA shall have the option to establish an employee deferred compensation program separate from the city's employee deferred compensation program.

(k) JEA is authorized to pay over to other local governmental units outside the city annually a portion of available revenues derived from operations in such local governmental units' territories, for the uses and purposes of such local governmental units, an amount not to exceed that which would be calculated using the procedures in Sections 21.07(c) and (e), but only to the extent that JEA is able to, and does, include in the rates imposed only upon the customers in such local governmental units' territories the total amounts in respect of such payments.

(Laws of Fla., Ch. 78-538, § 1; Laws of Fla., Ch. 80-515, § 1; Ord. 81-921-490, § 1; Ord. 84-1307-754, § 25; Ord. 89-1001-632, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 93-82-1385, § 1; Ord. 97-12-E, § 2; Ord. 98-253-E, § 1; Ord. 2003-1320-E, § 1)

**Section 21.08. Employees.**

All employees of the utilities system shall be employees of JEA and shall be subject to articles 16 and 17 unless otherwise provided by the council, which shall be and continue to be the legislative body as provided in section 447.203(10), Florida Statutes. JEA shall be fully responsible for the administration and operation of all utility services as set out in this article and in order to meet its administrative and operational responsibilities, JEA shall have full and independent authority to hire, transfer, promote, discipline, terminate and evaluate employees engaged to provide any and all of the utilities services for which it is responsible and accordingly, consistent with the provisions of article 17, JEA may establish employment policies relating to hiring, promotion, discipline and termination, and other terms and conditions of employment, and enter into negotiations with employee organizations with respect to wages, hours and terms and conditions of employment and take such other employment related action as needed to assure effective and efficient administration and operation of the utilities system. In order to effectively implement the foregoing, JEA shall perform all functions with regard to its own employees that prior to the effective date of the consolidation and expansion of its utility function, were performed by the Personnel Division of the Department of Administration and Finance of the city. JEA, at its expense, shall provide accidental death benefits for all employees engaged in hazardous duty as determined by JEA, in the amount of \$50,000 payable to the beneficiary named by the employee, or as otherwise provided, in the event said employee dies as a result of an accident occurring to any employee in the course of his/her employment. Nothing contained in this section 21.08 shall be construed to supersede or repeal any provision of section 12 of Chapter 80-513, Laws of Florida, as amended.

(Laws of Fla., Ch. 78-538, § 1; Laws of Fla., Ch. 80-515, § 1; Ord. 84-1307-754, § 25; Ord. 87-203-345, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 97-12-E, § 2; Ord. 98-253-E, § 1)

**Section 21.09. Awards of contracts.**

(a) JEA shall not be subject to the provisions of Chapter 126, Ordinance Code of the City of Jacksonville, as the same may be amended from time to time, however, JEA in entering into any contracts relating to the construction, reconstruction, repair, operation or maintenance of the utilities system or the purchase of supplies, equipment, machinery and materials for the utilities system or the contracting or otherwise purchasing for any advisory, professional or any other services may establish such rules, regulations or procedures as it may deem desirable or necessary in connection therewith. In the absence of such specific authority, rules, regulations or procedures, JEA shall follow the provisions of Chapter 126 of the Ordinance Code of the City of Jacksonville, as the same may be amended from time to time. JEA shall have the right to reject any and all bids, in whole or in part, in the best interests of JEA. Nothing in this chapter shall be construed to limit the power of JEA to construct, repair, or improve the utilities system, or any part thereof, or any addition, betterment or extension thereto, directly by the officers, agents, and employees of JEA, or otherwise by contract. JEA is authorized to implement and to take all actions necessary to administer a purchasing and procurement program directed to Minority Business Enterprises including, but not limited to, prime contractors, subcontractors, consultants, subconsultants, and suppliers. Any such Minority Business Enterprise program shall be implemented by JEA to remedy discrimination or the present effects of past discrimination, if any, suffered by Minority Business Enterprises in the business community in the area served by JEA. For purposes of this chapter, the term "Minority Business Enterprise" shall be defined by JEA and shall include, at a minimum, those business entities that are legitimately owned, operated and controlled by persons who have been shown to have been discriminated against or who suffer from the present effects of past discriminations, if any, in the business community in the area served by JEA. Such program shall be used to redress and remedy discrimination or the present effects of past discrimination, if any, as may be determined by JEA, and which are shown to have been suffered by Minority Business Enterprises, in the business community in the area served by JEA.

(b) No member of JEA or officer or employee thereof shall either directly or indirectly be a party to, or be in any manner interested in, any contract or agreement with JEA for any matter, cause or thing

whatsoever in which such member shall have a financial interest or by reason whereof any liability or indebtedness shall in any way be created against JEA. If any contract or agreement shall be made in violation of the provisions of this section the same shall be null and void and no action shall be maintained thereon against JEA.

(Laws of Fla., Ch. 78-538, § 1; Laws of Fla., Ch. 80-515, § 1; Ord. 80-113-169, § 1; Ord. 81-921-490, § 2; Ord. 84-1307-754, § 25; Ord. 84-229-307, § 1; Ord. 86-1475-875, § 1; Ord. 88-989-705, § 1; Ord. 91-678-447, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 93-82-1385, § 1; Ord. 97-12-E, § 2; Ord. 98-253-E, § 1)

#### **Section 21.10. Execution of instruments; examination of claims; funding through revenue bonds or revenue certificates.**

All instruments in writing necessary to be signed by JEA shall be executed by the chairperson and secretary or assistant secretary, or by such officer, agent or employee of JEA as it may by resolution designate. JEA shall provide for the examination of all payrolls, bills, and other claims and demands against JEA to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable, and that JEA has funds on hand to make payment. Funds on hand to make payment shall be deemed to have been provided when revenue bonds or revenue certificates of JEA (or notes issued in anticipation thereof) to finance the acquisition and construction of plants and facilities for the production and/or transmission of electricity, the production and transmission of water, the transmission and treatment of wastewater and the transmission of natural gas, costing in excess of \$10,000,000.00 have been duly authorized as provided in this article whereupon JEA may enter into instruments in writing for the acquisition and construction of such plants and facilities and may sell such revenue bonds or revenue certificates (or notes issued in anticipation thereof) in the manner provided in this article in installments to provide funds as obligations of JEA under such instruments in writing become due.

(Laws of Fla., Ch. 78-538, § 1; Laws of Fla., Ch. 80-515, § 1; Ord. 84-1307-754, § 25; Laws of Fla., Ch. 92-341, § 1; Ord. 93-82-1385, § 1; Ord. 97-12-E, § 2; Ord. 98-253-E, § 1)

#### **Section 21.11. Legislative authority of council.**

Notwithstanding any provision of this charter to the contrary, the council may repeal or amend any portion of this article, by two-thirds vote of the membership of the council. A public hearing on the adoption of the ordinance shall be advertised in substantially the same manner as the council is required to advertise its intention pursuant to s. 200.065, Florida Statutes, and held not earlier than 30 days after the introduction of the ordinance into the council. The council shall take final action on the ordinance only after the expiration of 60 days after the advertised public hearing, and no ordinance shall be enacted except by a two-thirds vote of the entire council. If the mayor disapproves the ordinance, the council may enact it notwithstanding such disapproval only by a four-fifths vote of the entire council.

(Laws of Fla., Ch. 78-538, § 1; Laws of Fla., Ch. 80-515, § 1; Ord. 84-1307-754, § 25; Laws of Fla., Ch. 92-341, § 1)

#### **Section 21.12. Severability.**

If any provisions of this article or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

(Ord. 93-82-1385, § 1)

**ARTICLE 22. JACKSONVILLE POLICE AND FIRE PENSION BOARD OF TRUSTEES**

Sec. 22.01. Creation.

Sec. 22.02. Membership.

Sec. 22.03. Definitions.

Sec. 22.04. General powers.

Sec. 22.05. Liability of the board.

Sec. 22.06. Named fiduciaries.

Sec. 22.07. Amendatory power.

Sec. 22.08. Applicability of state law.

Sec. 22.09. Rights of former city employees preserved.

Sec. 22.10. Declaration of purposes.

Sec. 22.11. Jacksonville Police and Fire Pension Board continuity.

**Section 22.01. Creation.**

There is hereby created and established a body politic and corporate to be known as the Jacksonville Police and Fire Pension Board of Trustees, which is hereby authorized to exercise its jurisdiction, powers, and duties within the territorial limits of Duval County.

(Laws of Fla., Ch. 90-442, § 2; Laws of Fla., Ch. 92-341, § 1)

**Section 22.02. Membership.**

(a) The membership of the Jacksonville Police and Fire Pension Board of Trustees shall consist of five members, of whom two shall be legal residents of the City of Jacksonville appointed by the city council; one shall be a police officer elected by a majority vote of the police officers who are members of the pension fund, one shall be a firefighter elected by a majority of the firefighters who are members of the pension fund, and the last shall be chosen by a majority of the previous four members. The fifth member's name shall be submitted to the City Council, which shall, as a ministerial act, appoint such person as the fifth member of the board. Effective for all new appointments after July 1, 2005, each resident member shall serve as a trustee for a period of 4 years, unless sooner replaced by the City Council at whose pleasure he or she shall serve, and may succeed himself or herself as a trustee. Effective for all elections after July 1, 2005, the police officer and firefighter members shall serve as trustees for a period of 4 years, unless they shall sooner leave the employment of the city as a police officer or firefighter, whereupon the class of employees whose elected representative has left office shall elect a successor to fill the unexpired term of office as provided for in this section. Each employee member may succeed himself or herself in office. Effective for all new appointments after July 1, 2005, the fifth member shall serve a term of 4 years and may succeed himself or herself in office. Members shall continue to serve until their respective successors are appointed, elected, or selected.

(b) The board shall elect a chairman and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings, and hearings of the board. Board members shall not receive any compensation as such, but may receive expenses and per diem as provided by law. Three members of the board shall constitute a quorum, but at least three members of the board must approve any action to be taken by the board. Each member of the board shall have one vote. The board shall meet at such times and places designated by it, but shall hold regular meetings at least quarterly. Special meetings may be called by the chairman or any three members of the board.

(c) The treasurer of the city shall be the treasurer of the fund.

(d) The provisions of chapters 175 and 185, Florida Statutes, the provisions of s. 286.012, Florida Statutes, and the provisions of ss. 112.311--112.3175 and chapter 112, part VII, Florida Statutes, and as the same may be amended in the future, shall apply to each member of the board. The board shall have the authority to invest and reinvest the assets of the plan without regard to any limitation in

chapters 175 and 185, Florida Statutes, and shall be bound by the provisions of chapter 112, part VII, Florida Statutes, and the applicable provisions of s. 215.47, Florida Statutes. Prior to the adoption of any change in asset allocation or the introduction of a new asset class, the board shall give written notice of the meeting at which the proposed change shall be considered to the City Council Finance Committee.

(Laws of Fla., Ch. 90-442, § 2; Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 2005-330, § 1)

### **Section 22.03. Definitions.**

As used in this article, the following words and terms shall have the following meanings, unless the context otherwise requires:

- (a) "Board" or "board of trustees" means the body politic and corporate created by this article.
- (b) "County" means the County of Duval.
- (c) "City" means the City of Jacksonville.
- (d) "Pension plan" or "pension fund" refers to the Jacksonville Police and Fire Pension Fund as created by chapter 18615, Laws of Florida, 1937.
- (e) The "council" means the council of the City of Jacksonville.
- (f) Words importing the singular number include the plural number in each case and vice versa, and words importing persons include firms and corporations.
- (g) Words indicating the masculine mean both the masculine and feminine.

(Laws of Fla., Ch. 90-442, § 2)

### **Section 22.04. General powers.**

The board shall have the power to:

- (a) Be the sole entity responsible for administering the Jacksonville Police and Fire Pension Fund.
- (b) Invest and reinvest the assets of pension fund in:
  - (1) Any lawful investment as provided in applicable provisions of s. 215.47, Florida Statutes, provided the investment is permitted in the written investment policy adopted by the board as provided in chapter 112, part VII, Florida Statutes.
  - (2) Notwithstanding anything to the contrary in the applicable provisions of s. 215.47, Florida Statutes, investments in fixed real estates assets shall not exceed 10 percent of the assets of the plan, at cost.
  - (3) Investment plan.
    - (i) In making investments for the plan, the board shall make no investment after June 30, 1996, which is not in conformance with the plan's investment plan. The investment plan must include, among other items: the investment objectives; permitted types of securities in which the board may not invest; the criteria to measure annual investment performance; and any other applicable criteria established by the board.
    - (ii) The investment plan shall be developed by the plan administrator and shall be approved by the board. Upon adoption by the board, the investment plan and any amendments shall be promptly filed with the Division of Retirement, and the

plan's sponsor and plan actuary.

(iii) The effective date of the investment plan shall be the 31st calendar day following the filing date with the plan sponsor. Investments permitted by the investment plan shall not be made prior to the effective date of the investment plan.

(iv) The investment plan may be amended at any time subject to paragraphs (ii) and (iii).

(v) For each illiquid investment (an investment for which a generally recognized market is not available or for which there is no consistent or generally accepted pricing mechanism) the investment plan shall: include the criteria set forth in s. 215.47(6), Florida Statutes; require a statement as to the additional expected yield anticipated to compensate the plan for the additional risk of such investment which additional yield is not available from an investment for which there is a generally recognized market; require the board to verify the determination of the fair market value for each such investment as of each date as of which an actuarial valuation is prepared and that the determination complies with all applicable state and federal requirements; and require the board to disclose to the Division of Retirement and the plan's sponsor each such investment as of each date as of which an actuarial valuation is prepared for which the fair market value is not provided.

(vi) Immediately prior to the date as of which each actuarial valuation is prepared, the board shall determine the total expected annual rate of return for the plan's assets for the year beginning with the date as of which the actuarial valuation is prepared, for each of the next several years and for the long-term thereafter. This determination shall be promptly filed with the Division of Retirement, and the plan's sponsor and plan actuary.

- (c) Sue and be sued, implead and be impleaded, and complain and defend in all courts.
- (d) Enter into contracts, leases, or other transactions.
- (e) Employ and fix the compensation of an administrator and any consultants, attorneys, actuaries, accountants, and other employees or contractors as the board may require.
- (f) Delegate to one or more of its agents or employees such of its powers as it may deem necessary to carry out the purposes of this article, subject always to the supervision and control of the board.
- (g) Determine all facts with regard to any participant's age, normal retirement date, disability, amount of compensation, length of service and credited service, and date of initial coverage under the pension plan, and, by application of the facts so determined and any other facts deemed material, determine a participant's amount of benefit.
- (h) Make rules and regulations for the administration of the pension plan which are not inconsistent with the terms and provisions of law.
- (i) Construe all terms, provisions, conditions, and limitations of the pension plan; and its construction thereof, made in good faith, shall be final and conclusive upon the interested parties.
- (j) Correct any defect or supply any omission or reconcile any inconsistency that may appear in the pension fund and make any equitable adjustments for any mistakes or errors made in the administration of the pension.
- (k) Determine all questions relating to the administration of the pension fund in order to promote the uniform administration of the pension fund and to effectuate its purposes and provisions.

(l) Authorize and direct the payment from the pension fund of all expenses and fees incurred in the administration of the pension fund.

(m) Require such information as may be necessary for the proper operation of the system from any participant, beneficiary, or officer, department head, or other person or persons in authority, as the case may be, of any employer.

(n) Cause a general investigation to be made by a competent actuary and at least once every 3 years or as required by law thereafter of the retirement, disability, separation, mortality, interest, and employee earning rates; recommended, as a result of such investigation, the tables to be adopted for all required actuarial calculations; cause an annual determination to be made by a competent actuary of the liabilities and reserves of the pension plan and the annual determination of the amount of the contributions required by the city; and maintain the funds of the pension plan on a sound actuarial basis. A copy of this actuarial study shall be furnished to the city council by the board immediately upon its receipt.

(o) Cause an audit of the affairs of the pension plan to be made annually by an independent certified public accountant, and submit a copy thereof to all interested parties as soon as possible after the end of the fiscal year.

(p) Issue subpoenas to compel the attendance of witnesses and the production of books, papers, and records pertinent to any investigation or hearing concerning any application for membership or benefits, and to administer oaths to witnesses.

The foregoing list of expressed powers is not intended to be either complete or exclusive, and the board shall, in addition, have all such powers as it may reasonably determine to be necessary or appropriate to the performance of its duties under the retirement system. Any decision or judgment of the board in good faith on any questions arising hereunder in connection with the exercise of its powers shall be final, binding, and conclusive upon all parties concerned.

(Laws of Fla., Ch. 90-442, § 2; Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 94-466, § 1; Laws of Fla., Ch. 96-528, § 1; Laws of Fla., Ch. 2005-330, § 1)

### **Section 22.05. Liability of the board.**

(a) Each member of the board shall discharge his duties solely in the interest of the participants and beneficiaries of the Jacksonville Police and Fire Pension Fund for the exclusive purpose of providing benefits to participants and their beneficiaries and defraying reasonable expenses of administering the plan and shall exercise such care and diligence as is necessary to accomplish this purpose according to the provisions of s. 112.656, Florida Statutes.

(b) No board member shall be personally liable upon or with respect to any agreement, act, transaction, or omission executed, committed, or suffered to be committed by himself as a member of the board or by any other board member or agent, representative, or employee of the board. Moreover, the board and any member or agent thereof shall be fully protected when relying upon the advice of any attorney employed by the board insofar as legal matters are concerned, any accountant employed by the board insofar as accounting matters are concerned, any actuary employed by the board insofar as actuarial matters are concerned, and any investment manager employed by the board insofar as investment matters are concerned.

(c) The board shall have the power to purchase liability insurance to cover errors and omissions, provided such insurance shall be with recourse.

(d) The board may, in its discretion, provide life and/or accidental death and disability insurance to the trustees and employees of the board to ensure against risks incurred while in the service of the pension fund.

(Laws of Fla., Ch. 90-442, § 2; Laws of Fla., Ch. 92-341, § 1)

**Section 22.06. Named fiduciaries.**

The named fiduciaries with respect to the City of Jacksonville Police and Fire Pension Fund are the plan administrator, and any officer, trustee, and custodian, and any counsel, accountant, and actuary of the retirement system or plan who is employed on a full time basis, or any other person or entity who is a fiduciary according to law shall be included as fiduciaries of such system or plan.

(Laws of Fla., Ch. 90-442, § 2; Laws of Fla., Ch. 92-341, § 1)

**Section 22.07. Amendatory power.**

(a) The board of trustees shall have the sole and exclusive responsibility of administering the pension plan, but nothing herein shall empower the board to amend the provisions of the pension plan without the approval of the Jacksonville City Council.

(b) No legislation shall be adopted by the Jacksonville City Council altering the terms of the pension fund without said legislation having first been referred to the board for its consideration and comment. The board may, as it deems necessary, recommend legislative changes and pass those recommendations on to the Jacksonville City Council for their consideration as ordinances.

(c) The benefit plan administered by the board shall be as established by ordinance or charter provision, or by special act or general law of the Legislature, which shall be incorporated in this article by reference.

(Laws of Fla., Ch. 90-442, § 2; Laws of Fla., Ch. 92-341, § 1)

**Section 22.08. Applicability of state law.**

Except as otherwise provided herein, the board shall be bound in its actions by the applicable provisions of:

- (a) Chapter 185, Florida Statutes, as amended.
- (b) Chapter 175, Florida Statutes, as amended.
- (c) Section 14, Article X of the State Constitution.
- (d) Chapter 112, part VII, Florida Statutes, as amended.
- (e) Section 215.47, Florida Statutes, as amended.

(Laws of Fla., Ch. 90-442, § 2; Laws of Fla., Ch. 92-341, § 1; Laws of Fla., Ch. 2005-330, § 1)

**Section 22.09. Rights of former city employees preserved.**

(a) Any person in the classified civil service of the City of Jacksonville who is appointed to a position in the employ of the board shall be deemed an unclassified employee while in the service of the board and shall serve at the pleasure of the board.

(b) Any such person shall, however, retain his civil service status and be entitled to return to the same civil service classification, rights, status, and job value as held at the time of such appointment.

(c) Any person employed by the board shall be subject to such terms and conditions as shall be set by the board.

(Laws of Fla., Ch. 90-442, § 2; Laws of Fla., Ch. 92-341, § 1)

**Section 22.10. Declaration of purposes.**

The board created by this article and the purposes for which it is intended to serve are hereby found to be for a public purpose. The board shall be considered a governmental unit responsible for the management of an irrevocable trust as that term is used in s. 112.66(8), Florida Statutes.

(Laws of Fla., Ch. 90-442, § 2; Laws of Fla., Ch. 92-341, § 1)

**Section 22.11. Jacksonville Police and Fire Pension Board continuity.**

All provisions of law in conflict with this article are repealed, except to the extent necessary to give effect to employee rights and benefits preserved as provided in this article. The Jacksonville Police and Fire Pension Board shall continue as an independent agency under the Charter of the City of Jacksonville, without any break in its continuity solely because of the adoption of this article. The members of the board in office on the effective date of this article shall continue in office for the remainder of their respective terms and until their successors shall be appointed as provided in this article.

(Laws of Fla., Ch. 92-341, § 1)

**ARTICLE 23. OFFSITE COMMERCIAL BILLBOARD BAN**

Sec. 23.01. Findings, intent and purpose.

Sec. 23.02. Definition of offsite commercial billboard.

Sec. 23.03. Prohibition on further offsite commercial billboard construction and erection.

Sec. 23.04. Removal of certain offsite commercial billboards on or before June 1, 1992.

Sec. 23.05. Prohibition on future commercial use of offsite noncommercial billboards.

Sec. 23.06. Enforcement and penalties.

Sec. 23.07. Council's power and right to legislate.

Sec. 23.08. Removal by December 1, 1993.

Sec. 23.09. Removal by July 30, 1997.

**Section 23.01. Findings, intent and purpose.**

The construction, erection, location, and use of offsite commercial billboards affects the public safety and public welfare of the people of the city. The construction and erection of further offsite commercial billboards at any location within the city and the continued location of offsite commercial billboards on property other than along any portion of the interstate highway system and the federal-aid primary highway system will:

- (a) Further degrade the aesthetic attractiveness of the natural and manmade attributes of the community, thereby undermining the economic value of tourism and the permanent economic growth that is necessary for the promotion and preservation of the public welfare; and
- (b) Have a further detrimental effect on traffic safety.

(Referendum of 5-26-87; Ord. 91-756-352, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 93-174-1054, § 1)

**Section 23.02. Definition of offsite commercial billboard.**

The term "offsite commercial billboard" as used in this article shall mean any sign, display or device permanently affixed to the ground or permanently affixed to a building which advertises or otherwise identifies a commercial use, commercial establishment, commercial product, commercial activity or commercial service that is not sold, produced, manufactured, located provided or furnished on the property on which the sign is located and which is more than 25 square feet in size; except that the term "offsite commercial billboard" shall not include (i) any sign, display or device erected by a governmental body or governmental agency, (ii) any residential subdivision sign, (iii) any sign erected pursuant to a transfer of sign rights ordinance which provides that sign rights may be transferred from one property to another as long the sign rights for each property are reduced by 300 square feet, or (iv) any sign erected pursuant to a naming right or sponsorship agreement entered into by the City of a publicly owned sports or entertainment venue, or an athletic team which is a tenant thereof under rights assigned to such team pursuant to a written agreement with the City.

(Referendum of 5-26-87; Ord. 91-756-352, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 93-174-1054, § 1; Ord. 93-976-436, § 2; Ord. 2005-1380-E, § 2)

**Section 23.03. Prohibition on further offsite commercial billboard construction and erection.**

After June 1, 1987, no person shall construct or erect an offsite commercial billboard within the city at any location, including along any portion of the interstate highway system or federal-aid primary highway system.

(Referendum of 5-26-87; Ord. 91-756-352, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 93-174-1054, § 1)

**Section 23.04. Removal of certain offsite commercial billboards on or before June 1, 1992.**

Except for offsite commercial billboards located along any portion of the "interstate highway system" or the "federal-aid primary highway system" as defined in chapter 479, Florida Statutes (1985), all offsite commercial billboards shall be removed on or before June 1, 1992 by the owner of the billboard and the owner of the property on which the billboard is affixed or attached.

(Referendum of 5-26-87; Ord. 91-756-352, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 93-174-1054, § 1)

**Section 23.05. Prohibition on future commercial use of offsite noncommercial billboards.**

Any offsite noncommercial billboard constructed or erected within the city subsequent to June 1, 1987 shall not thereafter be converted into, or used as, an offsite commercial billboard.

(Referendum of 5-26-87; Ord. 91-756-352, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 93-174-1054, § 1)

**Section 23.06. Enforcement and penalties.**

(a) The city or any taxpayer or resident of the city may bring a civil action to enforce and compel compliance with the provisions of this article against anyone who erects or constructs an offsite commercial billboard in violation of section 23.03, or against anyone who fails to remove an offsite commercial billboard in violation of the provisions of section 23.04, or against anyone who violates the provisions of section 23.05. If successful, the person bringing the action shall be entitled to recover from the violator the costs and attorneys' fees expended in compelling compliance with the provisions of this article.

(b) In connection with any offsite commercial billboard which is erected or constructed in violation of the provisions of section 23.03, each person responsible for erecting or constructing such offsite commercial billboard shall pay the city a penalty of five hundred dollars per day until the offsite commercial billboard is removed.

(c) In connection with any offsite commercial billboard which is not removed as required by section 23.04, each person responsible for said removal shall pay the city a penalty of five hundred dollars per day for each day until the offsite billboard is removed.

(d) In connection with any offsite noncommercial billboard which is converted into an off-site commercial billboard in violation of section 23.05, the owner thereof shall pay to the city a penalty of five hundred dollars per day for each day said billboard is used in violation of section 23.05.

(Referendum of 5-26-87; Ord. 91-756-352, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 93-174-1054, § 1)

**Section 23.07. Council's power and right to legislate.**

This article shall not affect the council's powers and right to legislate with respect to (i) an owner's obligation to maintain in good condition any offsite commercial billboard already constructed and erected as of June 1, 1987, or (ii) any sign that does not fall within the definition of "offsite commercial billboard" as defined in section 23.02, or (iii) any legislation which would require removal of any offsite commercial billboard from along any portion of the interstate highway system or the federal-aid primary highway system, or (iv) additional enforcement provisions or additional penalties to enforce the provisions of this article, or (v) any settlement of litigation commenced prior to January 1, 1995, to enforce or interpret this article.

(Referendum of 5-26-87; Ord. 91-756-352, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 93-174-1054, § 1; Laws of Fla., Ch. 95-530, § 1)

**Section 23.08. Removal by December 1, 1993.**

(a) Any offsite commercial billboard not located along any portion of the "interstate highway system" or the "federal-aid primary highway system" as defined in Chapter 479, Florida Statutes (1985) which for any reason has not been removed prior to December 1, 1993, shall be removed no later than December 1, 1993. The owner of the billboard and the owner of the land on which the billboard is located shall be jointly and severally responsible for compliance with this section.

(b) Nothing contained herein shall limit the obligation of billboard owners and land owners to comply with the provisions of section 23.04 of this article. This section 23.08 shall be deemed to be supplemental to the provisions of section 23.04.

(c) In lieu of the provisions of section 23.06 of this article, in connection with any offsite commercial billboard which is not removed as required by subsection 23.08(a), each person responsible for said removal shall pay the city a civil penalty for each day said billboard is still in place.

(d) The civil penalty to be paid by any responsible party pursuant to section 23.08(c) shall be the gross revenues received per day for said offsite commercial billboard except that such civil penalty shall not be less than one hundred dollars per day per offsite commercial billboard nor greater than five hundred dollars per day per offsite commercial billboard.

(e) This section may be enforced in the same manner as other sections of this article pursuant to section 23.06.

(Ord. 93-174-1054, § 1)

**Section 23.09. Removal by July 30, 1997.**

(a) Any offsite commercial billboard not located along any portion of the "interstate highway system" or the "federal-aid primary highway system" as defined in Chapter 479, Florida Statutes (1985) which for any reason has not been removed prior to July 30, 1997, shall be removed no later than July 30, 1997. The owner of the billboard and the owner of the land on which the billboard is located shall be jointly and severally responsible for compliance with this section.

(b) Nothing contained herein shall limit the obligation of billboard owners and land owners to comply with the provisions of sections 23.04 and 23.08 of this article. This section 23.09 shall be deemed to be supplemental to the provisions of sections 23.04 and 23.08.

(c) In lieu of the provisions of section 23.06 of this article, in connection with any offsite commercial billboard which is not removed as required by subsection 23.09(a), each person responsible for said removal shall pay the city a civil penalty for each day said billboard is still in place.

(d) The civil penalty to be paid by any responsible party pursuant to section 23.09(c) shall be the gross revenues received per day for said offsite commercial billboard except that such civil penalty shall not be less than one hundred dollars per day per offsite commercial billboard nor greater than five hundred dollars per day per offsite commercial billboard.

(e) This section may be enforced in the same manner as other sections of this article pursuant to section 23.06.

(Ord. 93-174-1054, § 1)

**ARTICLE 24. THE JACKSONVILLE ECONOMIC DEVELOPMENT COMMISSION**

Sec. 24.01. Commission created.

Sec. 24.02. Definitions.

Sec. 24.03. Commission membership.

Sec. 24.04. Individual ex officio advisors to the commission.

Sec. 24.05. Technical support advisors to the commission.

Sec. 24.06. Executive director.

Sec. 24.07. Scope of authority.

Sec. 24.08. Transfer of functions and personnel.

Sec. 24.09. Transition period.

Sec. 24.10. Fiscal and budgetary functions.

Sec. 24.11. Execution of instruments; examination of claims.

Sec. 24.12. Utilization of central services.

Sec. 24.13. Committees.

**Section 24.01. Commission created.**

There is created and established an autonomous body within the office of the mayor which shall be known as the Jacksonville Economic Development Commission. The commission is designated as the sole community redevelopment agency for the city according to part III, chapter 163, Florida Statutes. The commission shall serve as the city's only countywide industrial development authority with authority over all economic development functions within the City of Jacksonville.

(Laws of Fla., Ch. 97-339, § 2)

**Section 24.02. Definitions.**

As used in this article:

- (1) "Commission" means the Jacksonville Economic Development Commission.
- (2) "City" and "City of Jacksonville" mean the City of Jacksonville created pursuant to s. 9 of Art. VIII of the 1885 Constitution of the State of Florida.
- (3) "Council" means the council of the City of Jacksonville.
- (4) "Downtown committee" means the permanent committee within the commission assigned to focus on the revitalization and redevelopment of the Jacksonville Downtown Area.
- (5) "Jacksonville Downtown Area" means the Downtown Overlay Zone area, as defined in the Jacksonville Zoning Code, as it may be amended from time to time.
- (6) "Mayor" means the mayor of the City of Jacksonville.
- (7) "Executive Director" means the executive director of the commission.
- (8) "Code" means the Ordinance Code of the City of Jacksonville.

(Laws of Fla., Ch. 97-339, § 2; Laws of Fla., Ch. 2006-321, § 1)

**Section 24.03. Commission membership.**

The membership of the commission is established at nine members who shall be residents of the City of Jacksonville and who shall be appointed by the mayor and confirmed by the Council. The mayor shall appoint a chairman who shall serve until such time as another chairman may be appointed by the mayor. At least three members of the commission shall reside, work, or own property in the Jacksonville Downtown Area.

Each member of the commission shall serve a term of two years or until a successor is appointed. No member appointed to the commission for three consecutive full terms shall be eligible for appointment to a next succeeding term. The members shall serve as commissioners of the community redevelopment agency under part III, chapter 163, Florida Statutes, and they shall also serve as members of the industrial development authority under part III, chapter 159, Florida Statutes. All business of the commission shall be conducted at meetings wherein at least four members of the commission are present and voting.

(Laws of Fla., Ch. 97-339, § 2; Laws of Fla., Ch. 2006-321, § 1)

#### **Section 24.04. Individual ex officio advisors to the commission.**

The following individual ex officio advisors are named to assist the commission in an advisory or fact-finding role as may be requested individually or collectively of them by the commission so as to effectuate the centralized economic development goals of the commission. No ex officio advisor shall serve simultaneously as both an ex officio advisor and as an appointed member of the commission. These individual ex officio advisors shall be:

- (1) The president of the Council of the City of Jacksonville or his or her designee.
- (2) The Managing Director/Chief Executive Officer of the JEA.
- (3) The Managing Director of the Jacksonville Transportation Authority.
- (4) The President/Chief Executive Officer of the Jacksonville Port Authority.
- (5) The President/Chief Executive Officer of the Jacksonville Aviation Authority.
- (6) The Executive Director of the Jacksonville Housing Commission.
- (7) The Chairman of the Duval County State Legislative Delegation or his or her designee, who shall be a member of the delegation.
- (8) The Chairman of the NAACP or his or her designee.
- (9) The Chairman of the Urban League or his or her designee.

(Laws of Fla., Ch. 97-339, § 2; Laws of Fla., Ch. 99-443, § 1; Laws of Fla., Ch. 2001-319, § 3; Laws of Fla., Ch. No. 2003-341, § 4; Laws of Fla., Ch. 2004-464, § 4; Laws of Fla. Ch. 2004-465, § 4; Laws of Fla., Ch. 2006-321, § 1)

#### **Section 24.05. Technical support advisors to the commission.**

The following individual technical support advisors are named to assist the commission in such technical support roles as may be requested individually or collectively of them by the commission so as to effectuate the centralized economic development goals of the commission. These individual technical support advisors shall be the directors or the board members, as appropriate, of the following entities:

- (1) The Planning and Development Department of the city.
- (2) The Jacksonville Film Commission.
- (3) Sister cities.
- (4) International relations and marketing development commission.
- (5) Jacksonville Sports and Entertainment Board.
- (6) Jacksonville Enterprise Zone Development Agency.
- (7) Northwest Jacksonville Economic Development Fund Advisory Committee.

- (8) Overall Economic Development Plan Committee.
- (9) Jacksonville Economic Development Company.
- (10) Enterprise North Florida Corporation.
- (11) City departments as appropriate.
- (12) Jacksonville International Airport Community Redevelopment Area Board.
- (13) Tourist Development Council.
- (14) Convention and Visitor Bureau.
- (15) The Superintendent of Duval County Public Schools.
- (16) The President of the University of North Florida.
- (17) The President of Florida Community College, Jacksonville.

(Laws of Fla., Ch. 97-339, § 2; Laws of Fla., Ch. 2006-321, § 1)

#### **Section 24.06. Executive director.**

The chief operating officer of the commission shall be its executive director, who shall be appointed by the mayor after consultation with the commission. The executive director shall be responsible for managing the affairs of the commission subject to its supervision and shall serve at the pleasure of the mayor. The executive director shall also serve as an administrative aide to the mayor. The executive director will employ the personnel to administer and operate the commission in accordance with applicable law, available appropriations and employee authorizations. The executive director shall have such other duties and responsibilities as required by the commission. The executive director's salary shall be set by the mayor after consultation with the commission.

(Laws of Fla., Ch. 97-339, § 2; Laws of Fla., Ch. 2006-321, § 1)

#### **Section 24.07. Scope of authority.**

The commission shall operate with all the powers and authority of a community redevelopment agency under part III, chapter 163, Florida Statutes, and as an industrial development authority under part III, chapter 159, Florida Statutes, and is authorized to function throughout all of the territorial limits of the City of Jacksonville, Florida, as its only community redevelopment agency and only industrial development authority. As the city's sole community redevelopment agency, the commission shall be successor to and hereafter exercise all authority, power and responsibility which has heretofore been vested by resolution or ordinance of the council in either the Jacksonville Downtown Development Authority or the Jacksonville International Airport Community Redevelopment Authority. While it is intended that the commission shall have city-wide authority as both the city's industrial development authority and community redevelopment agency, the commission must secure council approval consistent with those powers and duties specifically retained by the council in Section 30.705 of the code and as required by part III of chapter 159 and part III of chapter 163, Florida Statutes.

(Laws of Fla., Ch. 97-339, § 2)

#### **Section 24.08. Transfer of functions and personnel.**

On July 1, 1997, the powers, duties, functions, liabilities, property and personnel of certain entities shall be transferred to and become the responsibility of the Jacksonville Economic Development Commission. Any ordinance or law, the provisions of which conflict with the transfer authorized and mandated in this act are

repealed to the extent of such conflict. Those entities whose powers, duties, functions, liabilities, property and personnel shall be transferred to the commission are:

- (1) The Jacksonville Downtown Development Authority.
- (2) The Jacksonville Sports Development Authority created under chapter 89-509, Laws of Florida.
- (3) The Economic Development Division of the Planning and Development Department as set forth in the Jacksonville City Code, including, but not limited to, chapter 30, part 7, including all boards and commissions concerned with economic development which are staffed by the division.
- (4) Any existing authority, functions or personnel held by the Jacksonville International Airport Community Redevelopment Authority.
- (5) Any existing authority, functions or personnel held by the Cecil Field Development Commission, including any personnel under the authority of the mayor who are similarly assigned.
- (6) On July 1, 1997, all of the employees of the organizations listed above, both appointed and within the classified civil service of the city, shall be transferred to the commission and shall become appointed employees of the commission. These employees shall not retain any civil service status that they may have had prior to becoming an employee of the commission unless any civil service employee who is to be transferred elects to retain his or her civil service status and in such case he or she shall serve as an employee of the commission with no loss in civil service status or benefits that he or she may have accrued prior to transfer.

(Laws of Fla., Ch. 97-339, § 2; Laws of Fla., Ch. 2006-321, § 1)

#### **Section 24.09. Transition period.**

The ninety (90) calendar days immediately following the effective date of this act or as soon thereafter as is practicable, shall be a period of transition during which the operations and function of all of the city's economic development efforts shall be transitioned to the commission. During this period the city shall exercise all due diligence to effectuate this process of transition and shall assign the manpower and provide the resources necessary to accomplish this objective.

(Laws of Fla., Ch. 97-339, § 2)

#### **Section 24.10. Fiscal and budgetary functions.**

The commission shall have fiscal and budgetary functions subject to the following limitations:

- (1) The fiscal year of the commission shall commence on October 1 of each year and end on the following September 30.
- (2) The commission shall prepare and submit its proposed budget for the ensuing year to the mayor setting forth its estimated gross revenues and estimated requirements for operations and maintenance expenses, debt service and depreciation. The commission's budget shall be included within the annual budget of the general government and shall be submitted in accordance with Section 106.204 of the Ordinance Code as it exists or may be from time to time amended.
- (3) All revenues generated from Tax Increment Funds shall be used only for the purposes for which such funds are raised. There shall be a full and separate annual accounting for each such Tax Increment Fund which shall be reserved for economic initiatives with no charges for the city's full cost allocation plan (indirect costs).

(Laws of Fla., Ch. 97-339, § 2)

#### **Section 24.11. Execution of instruments; examination of claims.**

All instruments in writing necessary to be signed by the commission shall be executed by the chairman and secretary or by such officer, agent, or employee of the commission as it may by resolution designate. The commission shall provide for the examination of all payrolls, bills, and other claims and demands against the commission to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable and that the commission has funds on hand to makepayment.

(Laws of Fla., Ch. 97-339, § 2)

#### **Section 24.12. Utilization of central services.**

Except as the council may provide, the commission shall utilize the central services of the city and shall pay for them on a cost-accounted basis. The commission may utilize such other services of the city as may be mutually agreed upon from time to time and may pay for them on a fair and reasonable basis. The commission shall purchase all supplies, contractual services, capital improvements and professional services in compliance with the same ordinances and regulations which apply to the city when makingsuch purchases. The commission shall be required to use the legal services of the city, except in those cases when the chief legal officer of the city determines that the legal staff cannot provide legal services in the required legal area.

(Laws of Fla., Ch. 97-339, § 2)

#### **Section 24.13. Committees.**

(1) The chair of the commission may appoint special or standing committees to advise the commission on policy or strategic planning matters. The chair of the commission shall appoint a chair of each committee, and each committee chair shall be a member of the commission. The chair of the commission shall appoint all special or standing committee members upon recommendation from the chair of each committee. Such advisory committee members may consist of commission members or noncommission members. All committeemembers shall serve at the will of the chair of the commission for terms not to exceed 4 years as specified by the chair.

(2) Central to the mission of the commission is the revitalization and development of a healthy and vibrant Jacksonville Downtown Area. There is hereby created the downtown committee of the commission, which shall be a permanent committee of the commission. The downtown committee shall function as an advisory body to the commission to undertake factfinding on downtown issues and provide advice to the commission on issues of importance to the Jacksonville Downtown Area. The downtown committee shall have and perform such other duties and responsibilities as the commission may assign to it from time to time. The commission shall be responsible for and shall provide to the downtown committee all resources necessary for the committee to effectively achieve its duties and responsibilities. Such resources shall include staff assigned to work on downtown redevelopment matters by the executive director of the commission. The chair of the commission shall appoint a chair of the downtown committee, and such committee chairshall be a commission member who resides, works, or owns property in the Jacksonville Downtown Area.

(Laws of Fla., Ch. 2006-321, § 1)

## ARTICLE 25. MINIMUM STANDARDS FOR TREE PROTECTION, CONSERVATION AND MITIGATION DURING DEVELOPMENT

Section 25.01. Findings, intent and purpose.

Section 25.02. Definitions.

Section 25.03. Tree protection and conservation; mitigation for loss or destruction of protected trees during development.

Section 25.04. Tree protection and related expenses trust fund.

Section 25.05. Enforcement.

Section 25.06. Single-family, mobile home and City drainage exemptions.

Section 25.07. Protection of Private Property Rights.

Section 25.08. Severability; savings clause.

Section 25.09. No repeal or modification of any existing ordinance.

Section 25.10. Protection of property rights of single-family dwellings and mobile homes.

### Section 25.01. Findings, intent and purpose.

The loss of mature and maturing tree species during the clearing of land for development has an adverse effect on the environment. Many communities throughout the United States require tree protection and conservation during development, and reasonable mitigation for the loss of trees as a consequence of development. The presence of trees aids in energy conservation by cooling the atmosphere, reduces air pollution by removing particulates such as dust and pollen, increases oxygen production, slows surface water runoff, reduces soil erosion, provides food, nesting sites and protection for wildlife, enhances scenic beauty, and provides other environmental benefits. The minimum standards set forth in this article for tree protection, conservation and mitigation during development are desirable environmental goals that will advance the quality of life for Duval County and its residents. Furthermore, these minimum standards should be balanced with the rights of owners of single-family residential and mobile homes to remove and/or replace trees on their property without restriction and such property rights should be protected. The intent and purpose of this article, consistent with the foregoing findings, is to establish the standards set forth in this article as minimum standards for Duval County so as to promote the health, safety and welfare of the current and future residents of Duval County.

(Referendum of 11-7-00)

### Section 25.02. Definitions.

The following definitions apply to words or phrases in this article.

a. *Protected Tree; exceptions for certain species.* The term "protected tree" shall mean a tree with a circumference at breast height of three feet or more, and any tree with a smaller circumference that is utilized by a developer as a tree conservation credit or that is planted by a developer to meet mitigation requirements. However, a protected tree shall not include (a) any species of pine, other than the Long Leaf Pine ( *Pinus palustris* ), (b) any species of palm, other than the Cabbage Palm ( *Sabal palmetto* ), or (c) any tree currently identified as an invasive species, terrestrial weed or noxious weed by the Florida Department of Environmental Protection or the St. Johns River Water Management District.

b. *Development Site; exceptions for land in bona-fide agricultural use, cemeteries, existing single-family residential lots and land within a City drainage easement or City drainage right-of-way.* The term "development site" as used in this article shall mean any land area which is being cleared for any horizontal or vertical improvements or construction. However, the term "development site" shall not include (a) any land area that is being used for bona fide agricultural purposes, (b) cemeteries, (c) any lot on which either a single-family dwelling or mobile home is located that meets the exemption criteria described in Section 25.06 of this article, or (d) any land area located within a City drainage easement or City drainage right-of-

way that meets the exemption criteria described in Section 25.06 of this article.

c. *Developer*. The term "developer" shall mean any individual, corporation, partnership, joint venture, agency, estate, trust, business trust, syndicate, authority or other entity, including any public agency, authority or entity, that clears land in whole or in part for purposes of development.

d. *Breast Height*. For purposes of measurement, the term "breast height" shall mean the measurement of a tree's trunk four and one-half feet above ground level.

e. *DBH*. The term "dbh" shall mean the measurement of a tree trunk's diameter in inches at breast height. For trees with less than four and one-half feet of clear trunk, diameter shall be of the largest leader measured four and one-half feet above ground level. For multi-trunk trees it shall be the sum of the individual trunks measured four and one-half feet above ground level.

f. *Caliper*. The term "caliper" shall mean the measurement of a tree trunk's diameter in inches at a height six inches above the ground for trees up to and including four inches in caliper, and at a height 12 inches above the ground for trees exceeding four inches in caliper.

g. *Mitigation Tree (Replacement Tree)*. The terms "mitigation tree" and "replacement tree" shall mean a Live Oak ( *Quercus virginiana* ), Red Maple ( *Acer rubrum* ), Sycamore ( *Platanus occidentalis* ), Loblolly Bay ( *Gordonia lasianthus* ), Bald Cypress ( *Taxodium distichum* ), Swamp Chestnut Oak ( *Quercus michauxii* ), Tulip Poplar ( *Liriodendron tulipifera* ), Pecan ( *Carya illinoensis* ), Sweet Gum ( *Liquidambar styraciflua* ), Pignut Hickory ( *Carya glabra* ), Shumard Oak ( *Quercus shumardii* ), Catalpa ( *Catalpa bignonioides* ), Southern Magnolia ( *Magnolia grandiflora* ), Red Cedar ( *Juniperus silicicola* ), Leyland Cypress ( *Cupressocyparis leylandii* ), River Birch ( *Betula nigra* ), as well as any indigenous tree that reaches a height at maturity of at least 45 feet and a spread at maturity of at least 30 feet.

h. *Preserve Area*. The term "Preserve Area" shall mean any vegetative area required to be preserved under the jurisdiction of the Florida Department of Environmental Protection, the St. Johns River Water Management District, or the United States Army Corps of Engineers.

i. *Tree conservation credits*. The term "tree conservation credits" shall mean the aggregate number of dbh-inches for those trees between 2-inch dbh and 12-inch dbh that are preserved on the development site and are identified for preservation by the developer on a registered tree survey; however, notwithstanding the foregoing, there shall be no tree conservation credits for (a) any species of pine, other than the Long Leaf Pine ( *Pinus palustris* ), (b) any tree identified as an invasive species, terrestrial weed or noxious weed by the Florida Department of Environmental Protection or the St. Johns River Water Management District, or (c) any tree located in a Preserve Area. If any such tree or trees do not survive for a period of three years after the end of the development activities, the developer shall replace the same or shall pay a monetary contribution to the City of Jacksonville's Tree Protection and Related Expenses Trust Fund in the manner described in Section 25.03(c)(ii) of this article.

j. *Bona fide agricultural purposes*. The term "bona fide agricultural purposes" shall mean the use of land for bona fide agricultural purposes as described in Section 193.461, Florida Statutes, provided the land is classified for assessment purposes by the property appraiser as "agricultural" pursuant to Chapter 193, Florida Statutes.

(Referendum of 11-7-00; Ord. 2002-857-E, § 1)

### **Section 25.03. Tree protection and conservation; mitigation for loss or destruction of protected trees during development.**

During the clearing of land for development purposes, protected trees shall be conserved on the development site wherever and whenever reasonably possible. To the extent that protected trees are lost or

destroyed as a result of the clearing of a development site, the developer shall mitigate for their loss or destruction by the planting of replacement trees as follows:

(a) The total caliper-inches of replacement trees required to be planted shall equal (i) the total number of dbh-inches of protected Live Oaks (*Quercus virginiana*) lost or destroyed on the development site, plus (ii) one-third of the total number of dbh-inches of other protected trees lost or destroyed on the development site, less (iii) the total dbh-inches for the tree conservation credits for those trees preserved on the site that qualify for tree conservation credits as defined in this article.

(b) The required amount of replacement trees shall be planted, established and nurtured on the development site to the extent determined practicable by the developer, provided that such trees shall be at least two caliper-inches and shall be planted no closer than ten feet to any other tree.

(c) To the extent that the developer is unable to, or fails to, plant the required number of replacement trees on the development site, the developer shall complete the mitigation requirements.

(i) by planting, establishing and nurturing the balance of the required amount of replacement trees at some other site in Duval County, sometimes referred to as off-site mitigation, provided that such trees shall be at least two-caliper inches and shall be planted no closer than ten feet to any other tree, and/or

(ii) by paying a monetary contribution to the City of Jacksonville's Tree Protection and Related Expenses Trust Fund for the total caliper-inches of required replacement trees that are not planted on the development site or at some other site in Duval County. For each caliper-inch, the contribution amount shall equal the lesser of (x) eighty-five dollars or (y) one-half of the median wholesale price, published by North Florida nurseries located within Duval, St. Johns, Clay, Baker and Nassau Counties, for a container grown two-inch caliper Live Oak calculated as of October 1 of the prior calendar year. The contribution amount shall be recalculated annually by the City of Jacksonville's Landscape Architect at or before the beginning of each calendar year.

(Referendum of 11-7-00)

#### **Section 25.04. Tree protection and related expenses trust fund.**

All monetary contributions paid to the City of Jacksonville's Tree Protection and Related Expenses Trust Fund pursuant to section 25.03(c)(ii) of this article shall be used exclusively for the planting or replanting of mitigation trees, and for their maintenance, along the public rights-of-way and on public lands within Duval County, Florida, so as to mitigate for the loss or destruction of protected trees during development.

(Referendum of 11-7-00)

#### **Section 25.05. Enforcement.**

The City of Jacksonville and any governing body of an urban service district may bring a civil action to enforce and compel compliance with the provisions of this article. In addition, any taxpayer or resident of the consolidated City of Jacksonville may bring a civil action to enforce or compel compliance with the provisions of this article. Any person or entity bringing an action to enforce the provisions of this article shall be entitled to recover reasonable attorneys' fees if such person or entity is the prevailing party.

(Referendum of 11-7-00)

**Sec. 25.06. Single-family, mobile home and City drainage exemptions.**

This Article shall not apply to any individual lot on which either a single-family dwelling or a mobile home is located, provided (a) the lot is not capable of further subdivision under applicable law and (b) the single-family dwelling or mobile home is (i) occupied and used for residential purposes, or (ii) capable of occupancy in compliance with applicable law. This article shall not apply to any land area located within a City drainage easement, a City drainage right-of-way, and/or a City access way right-of-way (excluding road rights-of-way, or road easements requiring drainage) where trees must be removed, as reasonably necessary, to provide access to, or maintenance and/or construction of, the City's drainage ditches and drainage-related facilities.

(Referendum of 11-7-00; Ord. 2002-857-E, § 1)

**Section 25.07. Protection of Private Property Rights.**

This article shall not apply to any property or person to the extent that its application would constitute an unconstitutional taking of private property in violation of the Florida Constitution or the United States Constitution.

(Referendum of 11-7-00)

**Section 25.08. Severability; savings clause.**

The provisions of this article are severable. If any section, subsection, sentence, clause, phrase or portion of this article is held invalid or unconstitutional, in whole or in part and as to any person or persons or state of fact or facts, by any court of competent jurisdiction, then the remainder of this article shall remain in full force and effect to the maximum extent possible.

(Referendum of 11-7-00)

**Section 25.09. No repeal or modification of any existing ordinance.**

This article shall not be deemed or construed to repeal, modify or otherwise affect any existing ordinance.

(Referendum of 11-7-00)

**Section 25.10. Protection of property rights of single-family dwellings and mobile homes.**

No owner of any single-family dwelling or mobile home that is exempt under Section 25.06 of this article shall be limited in any way in connection with the removal of any tree that is located on such property. The owners of such single-family dwellings and mobile homes shall be free from the tree protection, conservation and mitigation provisions set forth in this article.

(Referendum of 11-7-00)

**ARTICLE 26. WATER AND SEWER EXPANSION AUTHORITY**

Section 26.01. Water and Sewer Expansion Authority created.

Section 26.02. Composition; compensation; officers; meetings.

Section 26.03. Powers and limits of authority.

Section 26.04. Fiscal and budgetary functions.

Section 26.05. Construction.

Section 26.06. Execution of instruments; examination of claims.

Section 26.07. Severability.

**Section 26.01. Water and Sewer Expansion Authority created.**

There is hereby created and established a body politic and corporate to be known as the Water and Sewer Expansion Authority (the "Agency"), authorized under the City of Jacksonville Charter to coordinate with the City, JEA, the Department of Public Works and other agencies and/or entities for the express purpose of acquiring, constructing, operating, financing and otherwise having authority only with respect to the voluntary expansion of water and sewer infrastructure into existing areas of development within JEA's Duval County water and sewer service territory. Areas of existing development are defined as areas with vertical structures and improvements. Such utilities may be owned, operated or managed by the Agency separately or in such manner, combined, consolidated, or otherwise, as the Agency may determine. With respect to the limited purpose of water and sewer expansion described herein, the Agency shall exercise those powers conveyed upon JEA by the City pursuant to Article 21 of the City of Jacksonville Charter addressing the water and sewer utility services only. The Agency shall function as a clearing-house and/or single point of contact for the implementation of voluntary water and sewer expansion and activities related thereto, whereby property owners within existing developed neighborhoods of JEA's Duval County service territory may voluntarily request and signify their desire for water and/or sewer infrastructure expansion, by signing a letter of intent to make payment of the sewer tap charge, sewer capacity fee and capital costs of infrastructure installation and water and sewer rates to be established by the Agency, the water pollution control charge, water meter tap fee and water capital recovery fee, sewer capacity recovery fee and all other applicable capital costs, the payment of which will be over time up to but no more than 30 years, through monthly billings, commencing upon connection. The Agency shall draw from JEA and other City agencies for expertise in areas such as engineering, construction, financing, communications, operations and maintenance and billing, in an effort to create efficiencies, minimize staff and maximize financial economies of scale. It is the intent of this legislation to authorize the Agency in its discretion to consider financing any and all associated costs for such voluntary hook up to water and sewer lines.

(Ord. 2003-586-E, § 2)

**Section 26.02. Composition; compensation; officers; meetings.**

The structure of the Agency shall be comprised of a seven-member board (the "Board"), to be appointed by the Mayor and confirmed by the Council within 120 calendar days after enactment hereof, for a term of four years or until such member's successor has been appointed and confirmed; provided that the members first appointed shall be appointed for staggered terms to lend continuity to the membership of the board, with three of the initial members being appointed for four years, with two of the initial members being appointed for three years and with two of the initial members being appointed for two years. Each member shall have been a resident of the City for at least six consecutive months prior to such member's appointment. If, at any time during a member's tenure, such member shall cease to possess the qualifications required for board membership, such member shall cease to be a member and a vacancy shall exist, which vacancy, as with any vacancy on the Board, no matter how created, shall be filled, for the unexpired term, in the same manner as the position was originally filled, and the person filling the vacancy shall have and retain all the qualifications prescribed for Board membership. Any member appointed for two consecutive full terms shall not be eligible for the succeeding term. The mayor may remove members from the Board at any time, with or

without cause; however, such removals must be approved by a two-thirds vote of the council. The members shall not be entitled to compensation, pension, or other retirement benefits on account of their Board service; however, members shall be entitled to payment of reasonable expenses as provided by the council. Members shall be subject to the provisions of § 286.012, Florida Statutes, as from time to time amended, relating to voting at meetings, and to the provisions of §§ 112.311 through 112.3175, inclusive, Florida Statutes, as from time to time amended, relating to financial disclosure and conflicts of interest. The Board shall elect a chairperson, vice-chairperson and secretary, and may elect one or more assistant secretaries, each of whom shall serve for one year or until such officer's successor is chosen. The Board shall hold regular meetings at least monthly at such times and places that the Board shall designate. The Board may hold more frequent regular meetings. Special meetings may be held upon the call of the chairperson or any three members. A majority of the membership shall constitute a quorum for the purpose of meeting and transacting business. Each member shall have one vote. The Board may adopt bylaws and make rules and regulations not inconsistent with this article or general law. Except as the City Council may provide, the Agency shall utilize the central services of the City and JEA, for engineering, construction and operations and maintenance, and shall pay for them on a cost-accounted basis. The Agency may utilize such other services of the City and JEA as may be mutually agreed upon from time to time, and will pay for said services on a fair and reasonable basis. The Agency shall purchase all supplies, contractual services, capital improvements and professional services in compliance with the same ordinances and regulations, which apply to JEA when making such purchases. The Agency shall award contracts pursuant to the JEA Procurement Code, and, in doing so, may use existing State of Florida, City, JEA and other City agency vendor contracts. The Agency shall be required to use the legal services of the City, except in those cases when the General Counsel for the City determines that the legal staff cannot provide legal services in the required legal area. The Agency shall employ a limited number of individuals in positions, as authorized by the City Council from time to time. The City and JEA shall be authorized to provide assistance to the Agency board as needed. Any employees of the City or its agencies, both appointed and within the classified civil service of the City, that may be selected to be transferred to the Agency, shall become appointed employees. Employees transferred to the Agency shall not retain any civil service status that they may have had prior to becoming an employee of the Agency, however they will retain civil service reversion rights. New employees hired by the Agency shall be appointed and shall have the same benefits available to JEA employees including pension, health insurance, etc. where available.

(Ord. 2003-586-E, § 2)

### **Section 26.03. Powers and limits of authority.**

The Agency shall have the following powers, in addition to powers otherwise conferred:

- (A) It is the intent of this legislation that no new rights will be created for any current or future water and sewer utility to provide service within JEA's service territory.
- (B) The Agency shall coordinate and arrange the engineering, construction and financing of water and sewer utility lines in existing areas of development within JEA's Duval County water and sewer service territory, where such public utility lines are not currently available. The Agency will not address infrastructure needs in other utility service territories and will only address infrastructure needs in existing neighborhoods on wells and/or septic tanks.
- (C) The Agency may:
  - 1. Contract with the City, JEA or other entities to perform the planning, engineering, construction, operation, maintenance, financing, billing and collection of the utility assets and to pay a fee for these services;
  - 2. Coordinate with the City, JEA, Jacksonville Transportation Authority ("JTA"), Jacksonville Economic Development Commission ("JEDC"), and other City agencies to minimize the total cost of water and sewer expansion projects and to reduce disruption to citizens;
  - 3. Solicit and receive various sources of loan and grant funds and utilize such funds in

the pursuit of its function as it may determine to reduce the costs to the Agency's customers;

4. Issue various forms of debt subject to City council authorization for the purpose of financing or refinancing capital expenditures of the Agency;
5. Own, acquire, establish, improve, extend, enlarge, lease, assign, reconstruct, repair, operate, maintain, and promote the assets of this distribution and collection system;
6. Obtain wholesale water and sewer services only from JEA and charge and collect fees for the distribution of water and collection of wastewater services from customers;
7. Acquire assets and easements by grant, purchase, gift, condemnation, exchange or lease for use by the Agency;
8. Enter into contracts in order to carry out its various functions;
9. Enter into financial management contracts, such as, but not limited to, interest rate swaps, forward supply agreements, security lending agreements or other risk management techniques;
10. Invest Agency money not required for immediate use or to contract with the City, JEA or another entity to invest said funds;
11. Shut off or discontinue services to Agency customers as necessary for nonpayment;
12. Set nonuniform rates for Agency customers, based on operating and maintenance costs, cost of funds, capital costs, and other factors as the Agency may determine;
13. Establish mechanisms to assist low-income customers. The Agency's board shall use its best endeavors to create policies and procedures relative to qualifying low-income individuals;
14. Request the City Council to return to the Agency some or all of the City public service tax and/or the JEA City contribution from Agency water and sewer sales for the purposes of reducing the cost for qualifying low-income customers; and
15. Establish policies and procedures for administrative and other operations of the Agency to include but not limited to perfection of security interests in such financial arrangements, real estate disclosures, seller's disclosures, and other related matters as appropriate.

(Ord. 2003-586-E, § 2)

#### **Section 26.04. Fiscal and budgetary functions.**

The Agency's fiscal year shall begin on October 1st of each year and shall end on the following September 30th. The Agency will be subject to annual audit, and must prepare and submit its budget for the ensuing year by July 1 to the City Council for review and approval. For the Agency's initial budget submittal, the JEA and City are directed to evaluate and fund the start-up costs for the Agency's first year. The Agency may also:

- (A) establish a depreciation and reserve account;
- (B) utilize internal services of the City or JEA; and
- (C) utilize the billing and receivable services of JEA to bill, collect and remit the appropriate fees and charges from the customer. Collection of the Agency's tax-based revenues will be through the Tax Collector's Office; however, the Agency shall have the option to utilize JEA or outside services to perform this function.

(Ord. 2003-586-E, § 2)

### **Section 26.05. Construction.**

The powers of the Agency shall be construed liberally in favor of the Agency. Unless otherwise expressly limited or restricted herein, no listing of powers included in this article is intended to be exclusive or restrictive and the specific mention of, or failure to mention, particular powers in this article shall not be construed as limiting in any way the powers of the Agency as stated in Section 26.03. It is the intent of this article to grant to the Agency full power and right to exercise all authority necessary for the effective operation and conduct of water and sewer infrastructure expansion. It is further intended that the Agency should have all implied powers necessary or incidental to carrying out the expressed powers and the expressed purposes for which the Agency is created. The fact that this article specifically states that the Agency possesses a certain power does not mean that the Agency must exercise such power unless specifically required herein.

(Ord. 2003-586-E, § 2)

### **Section 26.06. Execution of instruments; examination of claims.**

All instruments in writing necessary to be signed by the Agency shall be executed by the chairman and secretary or by such officer, agent, or employee of the Agency as it may by resolution designate. The Agency shall provide for the examination of all payrolls, bills, and other claims and demands against the Agency to determine before the same are paid that they are duly authorized, in proper form, correctly computed, legally due and payable and that the Agency has properly appropriated funds on hand to make payment.

(Ord. 2003-586-E, § 2)

### **Section 26.07. Severability.**

If any provisions of this article or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

(Ord. 2003-586-E, § 2)

**APPENDIX 1. COUNCIL DISTRICTS**

## JACKSONVILLE CITY COUNCIL DISTRICTS

## 2000 CENSUS REAPPORTIONMENT

## DISTRICT 1

Begin at the southwesterly corner of the district at the intersection of Arlington Expressway and Bert Road; thence easterly on the Arlington Expressway to Atlantic Boulevard; thence easterly on Atlantic Boulevard to Lee Road; thence northerly on Lee Road to Lone Star Road; thence easterly on Lone Star Road to St. Johns Bluff Road; thence northerly on St. Johns Bluff Road to Fort Caroline Road; thence northeasterly on Fort Caroline Road to Harbour Cove Drive; thence easterly on Harbour Cove Drive to Monument Road; thence southerly on Monument Road to McCormick Road; thence easterly on McCormick Road to Mount Pleasant Road; thence easterly on Mount Pleasant Road into Mount Pleasant Creek; thence northerly through Mount Pleasant Creek into Chicopit Bay; thence westerly through Chicopit Bay along a line southerly of Great Marsh Island into the main shipping channel of the St. Johns River; thence westerly along the main shipping channel of the St. Johns River, southerly of Blount Island through Dames Point, north of Quarantine Island (also known as Bartram Island) to a point southerly of Drummond Point; thence westerly along the main shipping channel of the St. Johns River, and thence southerly around Reddie Point to the intersection with the westerly prolongation of Boys Home Road; thence easterly along said westerly prolongation thereof to Boys Home Road; thence easterly on Boys Home Road to University Boulevard; thence northerly on University Boulevard to Fort Caroline Road; thence easterly on Fort Caroline Road to Cesery Road; thence southerly on Cesery Road to Merrill Road; thence easterly on Merrill Road to Rogero Road; thence southerly on Rogero Road to Lone Star Road; thence easterly on Lone Star Road to Bert Road; thence southeasterly on Bert Road to Lillian Road; thence northeasterly on Lillian Road to Chapeau Road; thence southeasterly on Chapeau Road to Blackard Road; thence southwesterly on Blackard Road to Bert Road; thence southeasterly on Bert Road to the Arlington Expressway and the point of beginning.

## DISTRICT 2

Begin at the southwesterly corner of the district at the intersection of Southside Boulevard and Beach Boulevard; thence easterly on Beach Boulevard to St. Johns Bluff Road; thence northerly on St. Johns Bluff Road to Alden Road; thence easterly on Alden Road to Kernan Boulevard; thence northerly on Kernan Boulevard to Atlantic Boulevard; thence easterly on Atlantic Boulevard to Girvin Road; thence northerly on Girvin Road to Mount Pleasant Road; thence westerly on Mount Pleasant Road to its intersection with McCormick Road; thence westerly on McCormick Road to Monument Road; thence northerly on Monument Road to Harbour Cove Drive South; thence westerly on Harbour Cove Drive South to Fort Caroline Road; thence southerly on Fort Caroline Road to St. Johns Bluff Road; thence southerly on St. Johns Bluff Road to Lone Star Road; thence westerly on Lone Star Road to Lee Road; thence southerly Lee Road to Atlantic Boulevard; thence westerly on Atlantic Boulevard to the Arlington Expressway; thence westerly on the Arlington Expressway and on the Matthews Bridge, westerly of Exchange Island to the St. Johns River; thence southerly along the main shipping channel of St. Johns River to the Isaiah D. Hart Bridge; thence easterly on the Isaiah D. Hart Bridge to Highland Avenue; thence easterly on Highland Avenue to Atlantic Boulevard; thence easterly on Atlantic Boulevard to Arlington Road; thence southerly on Arlington Road into Silversmith Creek; thence easterly through Silversmith Creek to Century 21 Boulevard; thence southerly on Century 21 Boulevard to Century Point Drive North; thence easterly on Century Point Drive North to Century Point Drive East; thence southerly on Century Point Drive East to Century Point Drive South; thence westerly on Century Point Drive South to Century 21 Boulevard; thence southerly on Century 21 Boulevard to Gemini Road; thence southeasterly on Gemini Road to Duskin Drive; thence southerly on Duskin Drive to Ivey Road; thence easterly on Ivey Road to Southside Boulevard; thence southerly on Southside Boulevard to Beach Boulevard and the point of beginning.

## DISTRICT 3

Begin at the southeasterly section of the district at the intersection of San Pablo Road and J. Turner Butler Boulevard; thence easterly on J. Turner Butler Boulevard into the Intracoastal Waterway; thence northerly through the Intracoastal Waterway into the main shipping channel of the St. Johns River, northerly of Great Marsh Island; thence westerly and southerly along the main shipping channel of the St. Johns River around Great Marsh Island into Chicopit Bay; thence easterly through Chicopit Bay into Mount Pleasant Creek; thence southerly through Mount Pleasant Creek to Mount Pleasant Road; thence easterly on Mount Pleasant Road to Girvin Road; thence southerly on Girvin Road to Atlantic Boulevard; thence westerly on Atlantic Boulevard to Kernan Boulevard; thence southerly on Kernan Boulevard to Alden Road; thence westerly on Alden Road to St. Johns Bluff Road; thence southerly on St. Johns Bluff Road, southerly of University of North Florida Drive, to the southwesterly corner Census Block Number 1031, Census Tract Number 144.04, as defined by the 2000 U.S. Census Bureau Topologically Integrated Geographically Encoded and Referenced (TIGER) File; thence easterly along the southerly line of Census Blocks 1031 and 1037, of said Census Tract 144.04, to Ryals Swamp; thence southerly through Ryals Swamp to J. Turner Butler Boulevard; thence easterly on J. Turner Butler Boulevard to San Pablo Road and the point of beginning.

## DISTRICT 4

Begin at the southwesterly corner of the district at the intersection of Florida East Coast Railroad and Baymeadows Road; thence easterly on Baymeadows Road to Baymeadows Circle West; thence northerly on Baymeadows Circle West to Linkside Drive; thence northerly on Linkside Drive to Baymeadows Circle West; thence northerly on Baymeadows Circle West to Las Canas Court; thence northerly on Las Canas Court to Baymeadows Circle West; thence northerly and thence easterly on Baymeadows Circle West to Southbrook Drive; thence easterly on Southbrook Drive to Southside Boulevard; thence northerly on Southside Boulevard to J. Turner Butler Boulevard; thence easterly on J. Turner Butler Boulevard to Ryals Swamp; thence northerly through Ryals Swamp to the southeasterly corner of Census Block 1031, Census Tract Number 144.04, as defined by the 2000 U.S. Census Bureau Topologically Integrated Geographically Encoded and Referenced (TIGER) File; thence westerly along the southerly line of said Census Blocks 1031, and 1037, of said Census Tract number 144.04, to St. Johns Bluff Road; thence northerly on St. Johns Bluff Road to Beach Boulevard; thence westerly on Beach Boulevard to Southside Boulevard; thence northerly on Southside Boulevard to Ivey Road; thence westerly on Ivey Road to Duskin Drive; thence northerly on Duskin Drive Gemini Road; thence northwesterly on Gemini road to Century 21 Boulevard; thence northerly on Century 21 Boulevard to Century Point Drive South; thence easterly on Century Point Drive South to Century Point Drive East; thence northerly on Century Point Drive East to Century Point Drive North; thence westerly on Century Point Drive North to Century 21 Boulevard; thence northerly on Century 21 Boulevard to Silversmith Creek; thence westerly through Silversmith Creek to Arlington Road; thence northerly on Arlington Road to Atlantic Boulevard; thence westerly on Atlantic Boulevard to Highland Avenue; thence northwesterly on Highland Avenue to the Isaiah Hart Bridge; thence northerly on the Hart Bridge into the main shipping channel of the St. Johns River; thence westerly along the main shipping channel of the St. Johns River to the intersection of the northerly shoreline of the St. Johns River and Hogan Creek; thence westerly along said northerly shoreline to Liberty Street; thence northerly on Liberty Street to Beaver Street; thence westerly on Beaver Street to Broad Street; thence southerly on Broad Street to the Acosta Bridge; thence southeasterly on the Acosta Bridge into the main shipping channel of the St. Johns River; thence easterly along said main shipping channel of the St. Johns River to the Main Street Bridge; thence southerly on the Main Street Bridge to Prudential Drive; thence easterly on Prudential Drive to Hendricks Avenue; thence southerly on Hendricks Avenue to Interstate 95 (I-95); thence southerly on I-95 to southerly prolongation of Merrill Avenue; thence northerly along said southerly prolongation thereof to its intersection with Woodale Street; thence easterly on Woodale Street to Flesher Avenue; thence northerly on Flesher Avenue to Atlantic Boulevard; thence southeasterly on Atlantic Boulevard to White Avenue; thence southerly on White Avenue to San Diego Road; thence easterly on San Diego Road to Springmont Street; thence southerly on Springmont Street to the intersection of I-95 and Woodmont Avenue; thence westerly on Woodmont Avenue to Rockmont Street; thence southerly on Rockmont into Craig Creek; thence westerly through Craig Creek to the Florida East Coast Railroad; thence southeasterly on the Florida Coast Railroad to Baymeadows Road and the point of beginning.

## DISTRICT 5

Begin at the southerly section of the district at the intersection of St. Augustine Road and Philips Highway; thence northerly on Philips Highway to Southside Boulevard; thence northerly on Southside Boulevard to Deer Creek Club Road; thence easterly on Deer Creek Club Road to the easterly line of Census Block Number 1019, Census Tract Number 144.07, as defined by the 2000 U.S. Census Bureau Topologically Integrated Geographically Encoded and Referenced (TIGER) File, in the Timberlin Parc Subdivision; thence northerly along said easterly Line of Census Block Number 1019 to Belle Rive Boulevard; thence westerly on Belle Rive Boulevard to Southside Boulevard; thence northerly on Southside Boulevard to Old Baymeadows Road; thence westerly on Old Baymeadows Road to Baymeadows Road; thence westerly on Baymeadows Road to the CSX Transportation Railroad; thence northerly along CSX Railroad to its intersection with the northerly prolongation with Julien Avenue; thence southerly along said northerly prolongation thereof to its intersection with Rochelle Avenue; thence southeasterly on Rochelle Avenue to Hackett Avenue; thence southerly on Hackett Avenue to the end of Hackett Avenue, being the southerly line of Census Block Number 1002, Census Tract 163 as defined in said TIGER File; thence easterly on said southerly line of Census Block 1002 to its intersection with Kelly Street; thence southerly on Kelly Street to Southern Avenue; thence easterly on Southern Avenue to Victor Street; thence southerly on Victor Street to Larsen Road; thence westerly on Larsen Road to Clairmont Street; thence northerly on Clairmont Street to Ocie Street; thence westerly on Ocie Street to Lamont Street; thence southerly on Lamont Street to Jernigan Road; thence westerly on Jernigan Road to St. Augustine Road; thence northerly on St. Augustine Road to Caljon Road; thence westerly on Caljon Road to Towhee Lane; thence northerly on Towhee Lane to Orlando Terrace; thence westerly on Orlando Terrace to Orlando Circle West; thence northerly on Orlando Circle West to Orlando Circle South; thence westerly on Orlando Circle South to Hendricks Avenue; thence northerly on Hendricks Avenue to Emerson Street; thence easterly on Emerson Street to St. Augustine Road; thence northerly on St. Augustine Road to CSX Transportation Railroad; thence northerly on CSX Transportation Railroad to the intersection with the southwesterly prolongation of Olevia Street; thence northeasterly along said prolongation thereof to its intersection with Perry Place; thence northerly on Perry Place to Landon Avenue; thence westerly on Landon Avenue to the CSX Transportation Railroad; thence northerly on the CSX Transportation Railroad to Nira Street; thence westerly on Nira Street to San Marco Boulevard; thence northerly on San Marco Boulevard to Interstate 95 (I-95); thence northerly on I-95 to the Fuller Warren Bridge; thence northerly on the Fuller Warren Bridge into the main shipping channel of the St. Johns River; thence southerly along the main shipping channel of the St. Johns River to the westerly prolongation of Goodby's Creek; thence easterly along said westerly prolongation thereof into Goodby's Creek; thence easterly through Goodby's Creek to San Jose Boulevard; thence southerly on San Jose Boulevard to Sunbeam Road; thence easterly on Sunbeam Road to Melvina Road; thence southerly on Melvina Road to Castlebay Drive; thence southeasterly on Castlebay Drive to Bayou Bluff Drive; thence southerly on Bayou Bluff Drive to Laurelwood Drive; thence westerly on Laurelwood Drive to Old St. Augustine Road; thence southerly on Old St. Augustine Road to Hood Road; thence easterly on Hood Road to its intersection with Shad Road; thence from Shad Road, southerly on Hood Road to Losco Road; thence westerly on Losco Road to Landing Estates Drive; thence southerly on Landing Estates Drive, and its southerly prolongation to Interstate 295 (I-295); thence westerly on I-295 to the northwesterly prolongation of Joliet Falls Lane; thence southeasterly on said northwesterly prolongation to the northwesterly end of Joliet Falls Lane; thence southeasterly on Joliet Falls Lane to Derby Forest Drive; thence easterly, and thence southerly on Derby Forest Drive to Greenland Road; thence easterly on Greenland Road to I-95; thence southerly on I-95 to Old St. Augustine Road; thence easterly on Old St. Augustine Road to Philips Highway and the point of beginning.

## DISTRICT 6

Beginning at the intersection of Old St. Augustine Road and Philips Highway; thence southeasterly on Philips Highway to an intersection with the south line of Duval County, Florida; thence westerly along the south line of Duval County to a point; thence north along the southwesterly line of Duval County into Durbin Creek; thence westerly along the southerly line of Duval County and Durbin Creek into Julington Creek; thence westerly through Julington Creek along the southerly line of Duval County, Florida into the St. Johns River; thence northerly along the main shipping channel of the St. Johns River to the westerly prolongation of

Goodby's Creek; thence easterly along said westerly prolongation thereof into Goodby's Creek; thence easterly through Goodby's Creek to San Jose Boulevard; thence southerly on San Jose Boulevard to Sunbeam Road; thence easterly on Sunbeam Road to Melvina Road; thence southerly on Melvina Road to Castlebay Drive; thence southeasterly on Castlebay Drive to Bayou Bluff Drive; thence southerly on Bayou Bluff Drive to Laurelwood Drive; thence westerly on Laurelwood Drive to Old St. Augustine Road; thence southerly on Old St. Augustine Road to Hood Road; thence easterly on Hood Road to its intersection with Shad Road; thence from Shad Road, southerly on Hood Road to Losco Road; thence westerly on Losco Road to Landing Estates Drive; thence southerly on Landing Estates Drive, and its southerly prolongation to Interstate 295 (I-295); thence westerly on I-295 to the northwesterly prolongation of Joliet Falls Lane; thence southeasterly on said northwesterly prolongation to the northwesterly end of Joliet Falls Lane; thence southeasterly on Joliet Falls Lane to Derby Forest Drive; thence easterly, and thence southerly on Derby Forest Drive to Greenland Road; thence easterly on Greenland Road to I-95; thence southerly on I-95 to Old St. Augustine Road; thence easterly on Old St. Augustine Road to Philips Highway and the point of beginning.

#### DISTRICT 7

Begin at the northerly section of the district at the intersection of Interstate 95 (I-95) with State Road 9A; thence easterly on State Road 9A to Main Street; thence southerly on Main Street to Busch Drive; thence easterly and thence southerly on Busch Drive to Heckscher Drive; thence easterly on Heckscher Drive to Drummond Point at the mouth of the Broward River; thence southerly from Drummond Point into the main shipping channel of the St. Johns River; thence southerly through the main shipping channel of the St. Johns River to the westerly prolongation of Boys Home Road; thence easterly on said westerly prolongation thereof to Boys Home Road; thence easterly on Boys Home Road to University Boulevard; thence northerly on University Boulevard to Fort Caroline Road; thence easterly on Fort Caroline Road to Cesery Road; thence southerly on Cesery Road to Merrill Road; thence easterly on Merrill Road to Rogero Road; thence southerly on Rogero Road to its intersection with Arlington Road; thence southeasterly on Arlington Road to Lone Star Road; thence easterly on Lone Star Road to Bert Road; thence southeasterly on Bert Road to Lillian Road; thence northeasterly on Lillian Road to Chapeau Road; thence southeasterly on Chapeau Road to Blackard Road; thence southwesterly on Blackard Road to Bert Road; thence southeasterly on Bert Road to the Arlington Expressway; thence westerly on Arlington Expressway to the Matthews Bridge; thence southerly from the Matthews Bridge, and thence westerly along the main shipping channel of the St. Johns River, to the intersection of Hogan Creek and the northerly shoreline of said St. Johns River; thence westerly along the northerly shoreline of the St. Johns River to Liberty Street; thence northerly on Liberty Street to Beaver Street; thence westerly on Beaver Street to Broad Street; thence northerly on Broad Street to State Street; thence westerly on State Street to I-95; thence northerly on I-95 to the CSX Transportation Railroad; thence easterly along the CSX Transportation Railroad to Main Street; thence northerly on Main Street to Clark Road; thence westerly on Clark Road to I-95; thence northerly I-95 to Dunn Avenue; thence westerly on Dunn Avenue to Duval Road; thence northerly on Duval Road to Interstate 295 (I-295); thence easterly on I-295 to its intersection with I-95 and State Road 9A, and the point of beginning.

#### DISTRICT 8

Begin at the southerly section of the district at the intersection of Interstate 95 (I-95) and the easterly prolongation of 6th Street; thence westerly along said easterly prolongation thereof to its intersection with Johnson Street; thence westerly on 6th Street to Grunthal Street; thence northerly on Grunthal Street to 12th Street; thence westerly on 12th Street to Fairfax Street; thence northerly on Fairfax Street to the Martin Luther King, Jr. Expressway (20th Street); thence westerly on the Martin Luther King, Jr. Expressway to Canal Street; thence northerly on Canal Street to 33rd Street; thence westerly on 33rd Street to Alameda Street; thence northerly on Alameda Street to its intersection with Avenue B; thence continue northerly on Avenue B to Moncrief Road; thence westerly on Moncrief Road to Owen Avenue; thence northeasterly on Owen Avenue to McMillan Avenue; thence northwesterly on McMillan Avenue to Winton Drive; thence northeasterly on Winton Drive to Ribault Scenic Drive; thence northwesterly on Ribault Scenic Drive into the Ribault River; thence easterly through the Ribault River to the southerly prolongation of Ribault Avenue; thence northerly along said southerly prolongation thereof to its intersection with southerly end of Ribault Avenue; thence northerly on Ribault Avenue to Soutel Drive; thence westerly on Soutel Drive to Gibson Avenue; thence northerly on Gibson

Avenue to Trout River Boulevard; thence westerly on Trout River Boulevard to Nine Mile Creek; thence westerly through Nine Mile Creek to the CSX Transportation Railroad; thence southeasterly on the CSX Transportation Railroad to Moncrief Road West; thence westerly on Moncrief Road West to Interstate 295 (I-295); thence southerly on I-295 to Pritchard Road; thence westerly on Pritchard Road to Bulls Bay Highway; thence southerly on Bulls Bay Highway to Old Plank Road; thence westerly on Old Plank Road to Hanna Road; thence from Hannah Road, northerly to the southwesterly corner of Census Block 9041, of Census Tract 106, as defined in the 2000 U.S. Census Bureau Topologically Integrated Geographically Encoded and Referenced (TIGER) File; thence northerly along the westerly line of said Census Block Number 9041 to an intersection with Chaffee Road and Pritchard Road; thence northerly on Chaffee Road to Cisco Drive; thence continue northerly on Cisco Drive to Cisco Gardens Drive; thence northerly on Cisco Gardens Drive to Cisco Gardens Road North; thence westerly on Cisco Gardens Road North to Trout River; thence northerly and thence easterly along Trout River to the CSX Transportation Railroad; thence southeasterly along the CSX Transportation Railroad to Garden Street; thence northerly on Garden Street to its most northwesterly point; thence easterly on Garden Street to Iowa Avenue; thence northwesterly on Iowa Avenue to Palmetto Avenue; thence northeasterly on Palmetto Avenue to Ogalla Avenue; thence southeasterly on Ogalla Avenue to Trout River Boulevard; thence easterly on Trout River Boulevard to Moncrief-Dinsmore Road; thence northwesterly on Moncrief-Dinsmore Road to Barth Road; thence northeasterly on Barth Road to New Kings Road; thence northwesterly on New Kings Road to Dunn Avenue; thence easterly on Dunn Avenue to Braddock Road; thence northerly on Braddock Road to Braddock Home Road; thence northwesterly and thence northeasterly on Braddock Home Road to Lem Turner Road; thence southerly on Lem Turner Road to I-295; thence southerly on I-295 to Dunn Avenue; thence easterly on Dunn Avenue to I-95; thence southerly on I-95 to Clark Road; thence easterly on Clark Road to Main Street; thence southerly on Main Street across the Trout River to the CSX Transportation Railroad; thence westerly on the CSX Transportation Railroad to I-95; thence southerly on I-95 to the easterly prolongation of 6th Street and the point of beginning.

#### DISTRICT 9

Begin at the southwesterly section of the district at the intersection of San Juan and Lane Avenues; thence northerly on Lane Avenue to 12th Street; thence easterly on 12th Street to the CSX Transportation Railroad; thence easterly on the CSX Transportation Railroad across Old Kings Road to a point; thence southeasterly on the CSX Transportation Railroad to Old Kings Road; thence southeasterly on Old Kings Road to the CSX Transportation Railroad; thence easterly on the CSX Transportation Railroad to New Kings Road; thence northwesterly on New Kings Road to the CSX Transportation Railroad; thence easterly on the CSX Transportation Road to Vernon Road; thence southerly on Vernon Road to 30th Street; thence easterly on 30th Street to Canal Street; thence southerly on Canal Street to Martin Luther King, Jr. Expressway (20th Street); thence easterly on the Martin Luther King, Jr. Expressway to Fairfax Street; thence southerly on Fairfax Street to 12th Street; thence easterly on 12th Street to Grunthal Street; thence southerly on Grunthal Street to 6th Street; thence easterly on 6th Street to its intersection with Johnson Street; thence easterly along the easterly prolongation of said 6th Street to Interstate 95 (I-95); thence southerly on I-95 to Old Kings Road; thence easterly on Old Kings Road to Broad Street; thence southerly on Broad Street to the Acosta Bridge; thence southeasterly on the Acosta Bridge to the main shipping channel of the St. Johns River; thence easterly from the Acosta Bridge, along the main shipping channel of St. Johns River, to Main Street; thence southerly on Main Street to Prudential Drive; thence easterly on Prudential Drive to Hendricks Avenue; thence southerly on Hendricks Avenue to I-95; thence southerly on I-95 to the southerly prolongation of Merrill Avenue; thence northerly along said southerly prolongation thereof to its intersection with Woodale Street; thence easterly on Woodale Street to Flesher Avenue; thence northerly on Flesher Avenue to Atlantic Boulevard; thence southeasterly on Atlantic Boulevard to White Avenue; thence southerly on White Avenue to San Diego Road; thence easterly on San Diego Road to Springmont Street; thence southerly on Springmont Street to the intersection of I-95 and Woodmont Avenue; thence westerly on Woodmont Avenue to Rockmont Street; thence southerly on Rockmont Street into Craig Creek; thence westerly through Craig Creek to the CSX Transportation Railroad; thence southerly on the CSX Transportation Railroad to its intersection with the northerly prolongation of Julien Avenue; thence southerly along said northerly prolongation thereof to its intersection with Rochelle Avenue; thence southeasterly on Rochelle Avenue to Hackett Avenue; thence southerly on Hackett Avenue to the end of Hackett Avenue, being the southerly line of Census Block Number 1002, Census Tract Number 163, as defined in the 2000 U.S. Census Bureau Topologically Integrated

Geographically Encoded and Referenced (TIGER) File; thence easterly on the southerly line of said Census Block Number 1002 to its intersection with Kelly Street; thence southerly on Kelly Street to Southern Avenue; thence easterly on Southern Avenue to Victor Street; thence southerly on Victor Street to Larsen Road; thence westerly on Larsen Road to Clairmont Street; thence northerly on Clairmont Street to Ocie Street; thence westerly on Ocie Street to Lamont Street; thence southerly on Lamont Street to Jernigan Road; thence westerly on Jernigan Road to St. Augustine Road; thence northerly on St. Augustine Road to Caljon Road; thence westerly on Caljon Road to Towhee Lane; thence northerly on Towhee Lane to Orlando Terrace; thence westerly on Orlando Terrace to Orlando Circle West; thence northerly on Orlando Circle West to Orlando Circle South; thence westerly on Orlando Circle South to Hendricks Avenue; thence northerly on Hendricks Avenue to Emerson Street; thence easterly on Emerson Street to St. Augustine Road; thence northerly on St. Augustine Road to the CSX Transportation Railroad; thence northerly on CSX Transportation Railroad to the intersection with the southwesterly prolongation of Olevia Street; thence northeasterly along said prolongation thereof to its intersection with Perry Place; thence northerly on Perry Place to Landon Avenue; thence westerly on Landon Avenue to CSX Transportation Railroad; thence northerly on CSX Transportation Railroad to Nira Street; thence westerly on Nira Street to San Marco Boulevard; thence northerly on San Marco Boulevard to Interstate 95; thence northerly on Interstate 95 to the Fuller Warren Bridge; thence northerly on the Fuller Warren Bridge, across the St. Johns River, to College Street; thence southwesterly on College Street to Margaret Street; thence southerly on Margaret Street to College Street; thence westerly on College Street to Roosevelt Boulevard; thence southwesterly on Roosevelt Boulevard to Post Street; thence westerly on Post Street to Edgewood Avenue; thence northwesterly on Edgewood Avenue to Hamilton Street; thence southerly on Hamilton Street to Royal Avenue; thence westerly on Royal Avenue to Murray Drive; thence southerly on Murray Drive to Park Street; thence easterly on Park Street to the CSX Transportation Railroad; thence southerly along the CSX Transportation Railroad to Lakeshore Boulevard; thence westerly on Lakeshore Boulevard to Blanding Boulevard; thence southwesterly on Blanding Boulevard into the Cedar River; thence northerly along the Cedar River to San Juan Avenue; thence westerly on San Juan Avenue to Lane Avenue and the point of beginning.

#### DISTRICT 10

Begin at the southerly section of the district at the intersection of Interstate 295 (I-295) and 103rd Street; thence westerly on 103rd Street to California Avenue; thence northerly on California Avenue to McGlothlin Street; thence easterly on McGlothlin Street to the westerly line Census Block Number 3015, Census Tract Number 127.01, as defined in the 2000 U.S. Census Bureau Topologically Integrated Geographically Encoded and Referenced (TIGER) File; thence northerly on the westerly line of said Census Block Number 3015 to the intersection of Fouraker and Old Middleburg Roads; thence northerly on Fouraker Road to Patou Drive South; thence easterly on Patou Drive South to Patou Drive East; thence northerly on Patou Drive East to Lemans Drive; thence easterly from Lemans Drive into Willis Branch; thence northeasterly through Willis Branch to Herlong Road; thence easterly on Herlong Road to Old Middleburg Road; thence northeasterly on Old Middleburg Road to Willis Branch; thence northeasterly through Willis Branch to the southwesterly end of Hanson Court; thence northerly on Hanson Court to Hanson Drive South; thence easterly on Hanson Drive South to Hanson Drive North; thence westerly on Hanson Drive North to Hanson Drive; thence northerly on Hanson Drive to Old Middleburg Road; thence northerly on Old Middleburg Road into Willis Branch; thence southeasterly through Willis Branch to Delaware Court; thence northerly on Delaware Court to Seneca Avenue; thence easterly on Seneca Avenue to Bakersfield Drive; thence southeasterly on Bakersfield Drive to Montrose Avenue East; thence northerly on Montrose Avenue East to Montrose Avenue North; thence westerly on Montrose Avenue North to Navaho Avenue; thence northerly on Navaho Avenue to Sallie Avenue; thence easterly on Sallie Avenue to Cherokee Avenue (now closed); thence northeasterly on Cherokee Avenue to Manotak Avenue; thence northwesterly on Manotak Avenue to Winnebago Avenue; thence northeasterly on Winnebago Avenue into the Cedar River; thence northerly through the Cedar River to Normandy Boulevard; thence southwesterly on Normandy Boulevard to Memorial Park Road; thence northerly on Memorial Park Road to Westgate Drive; thence northerly on Westgate Drive to Ramona Boulevard; thence westerly on Ramona Boulevard to Permento Avenue; thence northerly on Permento Avenue to Interstate 10 (I-10); thence westerly on I-10 to Cahoon Road; thence northerly on Cahoon Road to Devoe Street; thence westerly on Devoe Street to Jackson Avenue; thence northerly on Jackson Avenue to Old Plank Road; thence westerly on Old Plank Road to Bulls Bay Highway; thence northerly on Bulls Bay Highway to Pritchard Road;

thence easterly on Pritchard Road to Interstate 295 (I-295); thence northerly on I-295 to Moncrief Road West; thence easterly on Moncrief Road West to the CSX Transportation Road; thence northerly on CSX Transportation Road into Nine Mile Creek; thence easterly through Nine Mile Creek to Trout River Boulevard; thence easterly on Trout River Boulevard to Gibson Avenue; thence southerly on Gibson Avenue to Soutel Drive; thence easterly on Soutel Drive to Ribault Avenue; thence southerly on Ribault Avenue into the Ribault River; thence westerly through the Ribault River to Ribault Scenic Drive; thence southeasterly on Ribault Scenic Drive to Winton Drive; thence southwesterly on Winton Drive to McMillan Avenue; thence southeasterly on McMillan Avenue to Owen Avenue; thence southwesterly on Owen Avenue to Moncrief Road; thence easterly on Moncrief Road to Avenue B; thence southerly on Avenue B to 33rd Street; thence easterly on 33rd Street to Canal Street; thence southerly on Canal Street to 30th Street; thence westerly on 30th Street to Vernon Road; thence northwesterly on Vernon Road to the CSX Transportation Railroad; thence westerly along the CSX Transportation Railroad to New Kings Road; thence southeasterly on New Kings Road to the CSX Transportation Railroad; thence westerly on the CSX Transportation Railroad to Old Kings Road; thence westerly on Old Kings Road to the CSX Transportation Railroad; thence westerly on the CSX Transportation Railroad to 12th Street; thence westerly on 12th Street to Lane Avenue; thence southerly on Lane Avenue to San Juan Avenue; thence easterly on San Juan Avenue into the Cedar River; thence easterly through the Cedar River to Blanding Boulevard; thence southwesterly on Blanding Boulevard to Wesconnett Boulevard; thence southerly on Wesconnett Boulevard to 103rd Street; thence westerly on 103rd Street to I-295 and the point of beginning.

#### DISTRICT 11

Begin at the southwest corner of Duval County, Florida (being the northwest corner of Clay County, and also being a point on the easterly line of Baker County, Florida); thence northerly along the westerly line of Duval County to its northwesterly corner; thence northeasterly along the northerly line of Duval County, Florida into Nassau Sound; thence easterly through Nassau Sound to the easterly line of Duval County, Florida as it borders the Atlantic Ocean; thence southerly along the easterly line of Duval, County Florida, easterly of Little Talbot Island, across the main shipping channel of the St. Johns River to the easterly line of Mayport, Florida; thence southerly along the easterly line of Mayport, Florida to southerly line of Katherine Abbey Hanna Park; thence westerly along the southerly line of Katherine Abbey Hanna Park, being the northerly municipal boundary of Atlantic Beach, Florida to Old Sherry Drive; thence southerly and thence westerly along the northerly line of Atlantic Beach, Florida to Mayport Road; thence southerly on Mayport Road to the southeast corner of Fairway Villas Subdivision, as shown and recorded in Plat Book 39, Page 22 of the public records of Duval County, Florida; thence easterly along the southerly line of said Fairways Villas Subdivision to the westerly line of Selva Marina Country Club as described in Official Records Volume 652 Page 452, of the public records of Duval County, Florida; thence northerly along said westerly line of Selva Marina Country Club to its northwesterly corner; thence easterly along the northerly line of Selva Marina Country Club to its northeasterly corner; thence southerly along the easterly line of Selva Marina Country Club to its intersection with the easterly prolongation of Church Road; thence westerly along said easterly prolongation thereof to its intersection with Church Road; thence westerly on Church Road, to its intersection with Main Street and Dutton Drive; thence westerly on Dutton Drive to its intersection with Featherwood Drive, being the southeasterly corner of Census Block Number 1001, Census Tract Number 139.01, as by defined the 2000 U.S. Census Bureau Topologically Integrated Geographically Encoded and Referenced (TIGER) File; thence westerly along the southerly line of said Census Block Number 1001 into the Intracoastal Waterway; thence northerly through the Intracoastal Waterway into the main shipping channel of the St. Johns River; thence westerly along said main shipping channel of St. Johns River, southerly of Blount Island and northerly of Quarantine Island to Heckscher Drive at Drummond Point; thence westerly on Heckscher Drive to Busch Drive; thence northerly and thence westerly on Busch Drive to Main Street; thence northerly on Main Street to Interstate 295 (I-295); thence westerly on I-295 to Duval Road; thence southerly on Duval Road to Dunn Avenue; thence westerly on Dunn Avenue to I-295; thence northerly on I-295 to Lem Turner Road; thence northerly on Lem Turner to Braddock Home Road; thence southwesterly and thence southeasterly on Braddock Home Road to Braddock Road; thence southerly on Braddock Road to Dunn Avenue; thence westerly on Dunn Avenue to New Kings Road; southeasterly on New Kings Road to Barth Road; thence southwesterly on Barth Road to Moncrief-Dinsmore Road; thence southeasterly on Moncrief-Dinsmore Road to Trout River Boulevard; thence westerly on Trout River Boulevard to Ogalla Avenue; thence northwesterly on Ogalla Avenue to Palmetto Street; thence

southwesterly on Palmetto Street to Iowa Avenue; thence southeasterly on Iowa Avenue to Garden Street; thence westerly on Garden Street to its most northwesterly point; thence southerly on Garden Street to the CSX Transportation Railroad; thence northwesterly on CSX Transportation Railroad into Trout River; thence westerly, and thence southerly along the Trout River to Cisco Gardens Road North; thence easterly on Cisco Gardens Road North to Cisco Gardens Drive; thence southerly on Cisco Gardens Drive to Cisco Drive; thence southerly on Cisco Drive to Chaffee Road; thence continue southerly on Chaffee Road to its intersection with Pritchard Road, being the northwesterly corner of Census Block 9041, of Census Tract 106, as defined by the 2000 U.S. Census Bureau TIGER File; thence southerly along said westerly line of said Census Block Number 9041 to Hannah Road; thence southerly on Hannah Road to the Seaboard Coastline Railroad; thence westerly on the Seaboard Coastline Railroad to Halsema Road; thence southerly on Halsema Road to Interstate 10 (I-10); thence westerly on I-10 to the northwesterly corner of Census Block Number 9000, Census Tract Number 136, as defined in said 2000 U.S. Census Bureau TIGER File; thence southerly along said westerly line of said Census Block Number 9000 to Normandy Boulevard; thence northeasterly on Normandy Boulevard to Nathan Hale Road; thence easterly and thence northerly on Nathan Hale Road to Normandy Boulevard; thence northeasterly on Normandy Boulevard to 103rd Street; thence easterly on 103rd Street to the northeastern corner of Census Block Number 9002, Census Tract Number 136, as defined in said 2000 U.S. Census Bureau TIGER File; thence southerly along the easterly line of said Census Block Number 9002 to Sandler Road; thence easterly on Sandler Road to Old Middleburg Road; thence southerly on Old Middleburg Road into Mile Branch; thence easterly through Mile Branch into McGirts Creek; thence southeasterly through McGirts Creek to Collins Road; thence westerly on Collins Road to Shindler Drive; thence northerly on Shindler Drive to Falcon Trace Drive South; thence westerly on Falcon Trace Drive South to Falcon Trace Drive West; thence northerly on Falcon Trace Drive West to Petrell Drive; thence continue northerly on Petrell Drive to Taylor Field Road; thence westerly on Taylor Field Road to Exline Road; thence northerly on Exline Road to Hipps Road; thence westerly on Hipps Road to Old Middleburg Road; thence southerly on Old Middleburg Road to the south line of Duval County, Florida; thence westerly along the south line of Duval County, Florida to its southwest corner and the point of beginning.

#### DISTRICT 12

Begin at the northerly section of the district at the intersection of Interstate 10 (I-10) and Halsema Road; thence northerly on Halsema Road to the Seaboard Coastline Railroad; thence easterly on the Seaboard Coastline Railroad to Hanna Road; thence southerly on Hanna Road to Old Plank Road; thence easterly on Old Plank Road to Jackson Avenue; thence southerly on Jackson Avenue to Devoe Street; thence easterly on Devoe Street to Cahoon Road; thence southerly on Cahoon Road to I-10; thence easterly on I-10 to Permento Avenue; thence southerly on Permento Avenue to Ramona Boulevard; thence easterly on Ramona Boulevard to Westgate Drive; thence southerly on Westgate Drive to Memorial Park Road; thence southerly on Memorial Park Road to Normandy Boulevard; thence northeasterly on Normandy Boulevard into the Cedar River; thence southerly through the Cedar River to Winnebago Avenue; thence southwesterly on Winnebago Avenue to Manotak Avenue; thence southeasterly on Manotak Avenue to Cherokee Avenue (now closed); thence southwesterly on Cherokee Avenue to Sallie Avenue; thence northwesterly on Sallie Avenue to Navaho Avenue; thence southerly on Navaho Avenue to Montrose Avenue North; thence easterly on Montrose Avenue North to Montrose Avenue East; thence southerly on Montrose Avenue East to Bakersfield Drive; thence westerly on Bakersfield Drive to Seneca Avenue; thence westerly on Seneca Avenue to Delaware Court; thence southwesterly on Delaware Court into Willis Branch; thence westerly through Willis Branch to Old Middleburg Road; thence southerly on Old Middleburg Road to Hanson Drive; thence southeasterly on Hanson Drive to Hanson Drive North; thence easterly on Hanson Drive North to Hanson Drive South; thence westerly on Hanson Drive South to Hanson Court; thence southwesterly on Hanson Court into Willis Branch; thence westerly through Willis Branch to Old Middleburg Road; thence southerly on Old Middleburg Road to Herlong Road; thence westerly on Herlong Road into Willis Branch; thence southwesterly through Willis Branch to Lemans Drive; thence westerly on Lemans Drive to Patou Drive East; thence southerly on Patou Drive East to Patou Drive South; thence westerly on Patou Drive South to Fouraker Road; thence southerly on Fouraker Road to its intersection with Old Middleburg Road, being the northwesterly corner of Census Block Number 3015, Census Tract Number 127.01, as defined by the 2000 U.S. Census Bureau Topologically Integrated Geographically Encoded and Referenced (TIGER) File; thence southerly along the westerly line of said Census Block Number 3015 to McGlothlin Street; thence westerly on McGlothlin Street to California

Avenue; thence southerly on California Avenue to 103rd Street; thence easterly on 103rd Street to Wesconnett Boulevard; thence northerly on Wesconnett Boulevard to Blanding Boulevard; thence northerly on Blanding Boulevard into the Cedar River; thence southerly through the Cedar River into Fishing Creek; thence southerly through Fishing Creek to Timuquana Road; thence easterly on Timuquana Road to Seaboard Avenue; thence southerly on Seaboard Avenue 118th Street; thence westerly on 118th Street to Blanding Boulevard; thence southerly on Blanding Boulevard to Duclay Road; thence westerly on Duclay Road to Plantation Club Drive; thence southerly on Plantation Club Drive to Lake Plantation Drive; thence southerly on Lake Plantation Drive to Plantation Club Drive; thence southerly on Plantation Club Drive to Plantation Bay Drive; thence southerly on Plantation Bay Drive to Collins Road; thence westerly on Collins Road into McGirts Creek; thence northerly through McGirts Creek into Mile Branch; thence westerly through Mile Branch to Old Middleburg Road; thence northerly on Old Middleburg Road to Sandler Road; thence westerly on Sandler Road to the easterly line of Census Block Number 9002, Census Tract Number 136 as defined in said 2000 U.S. Census Bureau TIGER File; thence northerly along the easterly line of said Census Block Number 9002 to 103rd Street; thence westerly on 103rd Street to Normandy Boulevard; thence southwesterly on Normandy Boulevard to Nathan Hale Road; thence southerly and thence westerly on Nathan Hale Road to Normandy Boulevard; thence southwesterly on Normandy Boulevard to the westerly line of Census Block Number 9000, Census Tract Number 136, of said U.S. Census Bureau TIGER File; thence northerly along the westerly line of said Census Block Number 9000 to I-10; thence easterly on I-10 to Halsema Road and the point of beginning.

### DISTRICT 13

Begin at the southwest corner of the district at the intersection of Philips Highway and the south line of Duval County, Florida; thence easterly along said south line of Duval County, Florida, being the northerly line St. Johns County, Florida, to its southeasterly corner; thence northerly along the easterly line of Duval County, Florida to its intersection with San Pablo Road; thence easterly along the southerly line of Duval County, Florida to the easterly municipal boundary line of Jacksonville Beach, Florida at its southeasterly corner bordering the Atlantic Ocean; thence northerly along the easterly line of Jacksonville Beach to the southeast corner of the municipal boundary line of Neptune Beach, Florida; thence continue northerly along the easterly line of Neptune Beach to the southeasterly corner of the municipal boundary line of Atlantic Beach, Florida; thence northerly along the easterly line of Atlantic Beach to its northeast corner being the intersection with the southerly line of Katherine AbbeyHanna Park; thence westerly along the southerly line of Katherine Abbey Hanna Park, being the northerly municipal boundary of Atlantic Beach to Old Sherry Drive; thence southerly and thence westerly along the northerly line of Atlantic Beach, Florida to Mayport Road; thence southerly on Mayport Road to the southeast corner of Fairway Villas Subdivision, as shown and recorded in Plat Book 39, Page 22 of the public records of Duval County, Florida; thence easterly along the south line of said Fairway VillasSubdivision to the westerly line of Selva Marina Country Club as described in Official Records Volume 652 Page 452, of the public records of Duval County, Florida; thence northerly along the westerly line of Selva Marina Country Club to its northwesterly corner; thence easterly along the northerly line of Selva Marina Country Club to its northeasterly corner; thence southerly along the easterly line of Selva Marina Country Club to its intersection with the easterly prolongation of Church Road; thence westerly along said easterly prolongation thereof to Church Road; thence westerly on Church Road, to its intersection with Main Street and Dutton Drive; thence westerly on Dutton Drive to its intersection with Featherwood Drive, being the southeasterly corner of Census Block Number 1001, Census Tract Number 139.01, as by defined the 2000 U.S. Census Bureau Topologically Integrated Geographically Encoded and Referenced (TIGER) File; thence westerly along the southerly line of said Census Block Number 1001 into theIntracoastal Waterway; thence southerly through the Intracoastal Waterway to J. Turner Butler Boulevard; thence westerly on J. Turner Butler Boulevard to southside Boulevard; thence southerly on southside Boulevard to southbrook Drive; thence westerly on southbrook Drive to Baymeadows Circle West; thence southerly on Baymeadows Circle West to Las Canas Court; thence southerly on Las Canas Court to Baymeadows Circle West; thence southerly on Baymeadows Circle West to Linkside Drive; thence southerly on Linkside Drive to Baymeadows Circle West; thence southerly on Baymeadows Circle West to Baymeadows Road; thence easterly on Baymeadows Road to Old Baymeadows Road; thence easterly on Old Baymeadows Road to Southside Boulevard; thence southerly on Southside Boulevard to Belle Rive Boulevard; thence easterly on Belle Rive Boulevard to the northeast corner of Census Block Number 1019, Census Tract Number 144.07 as defined in said 2000 U.S. Census Bureau (TIGER) File; thence southerly along the easterly line of said Census Block Number 1019 to

Deercreek Club Road; thence westerly on Deercreek Club Road to Southside Boulevard; thence southerly on Southside Boulevard to Philips Highway; thence southeasterly on Philips Highway to the south line of Duval County, Florida and the point of beginning.

#### DISTRICT 14

Begin at the southwest corner of the district at the intersection of the south line of Duval County, Florida with Old Middleburg Road; thence northerly on Old Middleburg Road to Hipps Road; thence easterly on Hipps Road to Exline Road; thence southerly on Exline Road to Taylor Field Road; thence easterly on Taylor Field Road to Petrell Drive; thence southerly on Petrell Drive to Falcon Trace Drive West; thence southerly on Falcon Trace Drive West to Falcon Trace Drive South; thence easterly on Falcon Trace Drive South to Shindler Drive; thence southerly on Shindler Drive to Collins Road; thence easterly on Collins Road to Plantation Bay Drive; thence northerly on Plantation Bay Drive to Plantation Club Circle; thence northerly on Plantation Club Circle to Lake Plantation Drive; thence northerly on Lake Plantation Drive to Plantation Club Drive; thence northerly on Plantation Club Drive to Duclay Road; thence easterly on Duclay Road to Blanding Boulevard; thence northerly on Blanding Boulevard to 118th Street; thence easterly on 118th Street to Seaboard Avenue; thence northerly on Seaboard Avenue to Timuquana Road; thence westerly on Timuquana Road to Fishing Creek; thence northerly along Fishing Creek into the Cedar River; thence northerly through the Cedar River to Blanding Boulevard; thence northeasterly on Blanding Boulevard to Lakeshore Boulevard; thence easterly along Lakeshore Boulevard to the CSX Transportation Railroad; thence northerly on the CSX Transportation Railroad to Park Street; thence westerly on Park Street to Murray Drive; thence northerly on Murray Drive to Royal Avenue; thence easterly on Royal Avenue to Hamilton Street; thence northerly on Hamilton Street to Edgewood Avenue; thence southeasterly on Edgewood Avenue to Post Street; thence easterly on Post Street to Roosevelt Boulevard; thence northeasterly on Roosevelt Boulevard to College Street; thence easterly on College Street to Margaret Street; thence northerly on Margaret Street to College Street; thence northeasterly on College Street to the Fuller Warren Bridge; thence easterly on the Fuller Warren Bridge (I-95) to the St. Johns River; thence southerly along the main shipping channel of the St. Johns River to the south line of Duval County Florida (also being the northerly line of Clay County, Florida); thence westerly along said south line of Duval County, Florida to Old Middleburg Road and the point of beginning.

(Ord. 82-360-192, § 1; Ord. 91-1075-446, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 92-927-535, § 1; Ord. 92-954-557, §§ 1, 2; Ord. 2001-675-E, § 1)

**APPENDIX 1-A. JACKSONVILLE CITY COUNCIL AT-LARGE RESIDENCY AREAS****AT-LARGE RESIDENCY AREA 1**

Begin at the southwest corner of Duval County, Florida (being the northwest corner of Clay County, and also being a point on the easterly line of Baker County, Florida); thence northerly along the westerly line of Duval County to its northwesterly corner; thence northeasterly along the northerly line of Duval County, Florida into Nassau Sound; thence easterly through Nassau Sound to the easterly line of Duval County as it borders the Atlantic Ocean; thence southerly along the east line of Duval, County Florida, east of Little Talbot Island, into the main shipping channel of the St. Johns River; thence westerly along the main shipping channel of the St. Johns River, southerly of Blount Island into Trout River; thence westerly through Trout River to a point on the Trout River Bridge (Interstate 95); thence northerly on I-95 to Interstate 295 (I-295); thence westerly on I-295 to Duval Road; thence southerly on Duval Road to Dunn Avenue; thence easterly on Dunn Avenue to Monaco Drive; thence southerly on Monaco Drive to Depaul Drive; thence easterly on Depaul Drive to Interstate Center Drive; thence southerly on Interstate Center Drive to Clark Road; thence westerly on Clark Road to Broward Road; thence northwesterly on Broward Road to a point northwesterly of Belleshore Circle West and southeasterly of Haverford Road; thence southwestery from Broward Road into the Trout River; thence westerly through the Trout River to I-295; thence southerly on I-295 to Wilson Boulevard; thence easterly on Wilson Boulevard to Blanding Boulevard; thence northerly on Blanding Boulevard into the Cedar River; thence southeasterly through the Cedar River to the Ortega River; thence southerly through the Ortega River to the south line of Duval County, Florida; thence westerly along the south line of Duval County, Florida to its southwest corner and the point of beginning.

**AT-LARGE RESIDENCY AREA 2**

Begin at the westerly portion of the district at point on the Matthews Bridge westerly of Exchange Island; thence easterly on the Matthews Bridge to the Arlington Expressway; thence easterly on the Arlington Expressway to Atlantic Boulevard; thence easterly on Atlantic Boulevard to San Pablo Road; thence southerly on San Pablo Road to the southerly line of Duval County, Florida (being a northwesterly corner of St. Johns County, Florida); thence easterly along the southerly line of Duval County, Florida to the easterly municipal boundary line of Jacksonville Beach, Florida at its southeasterly corner bordering the Atlantic Ocean; thence northerly along the easterly line of Jacksonville Beach to the southeasterly corner of the municipal boundary line of Neptune Beach, Florida; thence continue northerly along the easterly line of Neptune Beach to the southeasterly corner of the municipal boundary line of Atlantic Beach, Florida; thence continue northerly along the easterly line of Atlantic Beach to the northeasterly corner on Mayport, Florida; thence continue northerly into the main shipping channel of the St. Johns River; thence westerly along said main shipping channel of the St. Johns River, southerly of Blount Island, and northerly of Reddie Point; thence southerly along the main shipping channel of the St. Johns River to a point on the Matthews Bridge, easterly of Exchange Island, and the point of beginning.

**AT-LARGE RESIDENCY AREA 3**

Begin at the intersection of Philips Highway and the south line of Duval County, Florida; thence easterly along the south line of Duval County, Florida, being the northerly line of St. Johns County, Florida, to its southeasterly corner; thence northerly along the easterly line of Duval County, Florida to the intersection with San Pablo Road; thence northerly on San Pablo Road to Atlantic Boulevard; thence westerly on Atlantic Boulevard to the Arlington Expressway; thence westerly on the Arlington Expressway to Southside Boulevard; thence southerly on Southside Boulevard to Old Baymeadows Road; thence westerly on Old Baymeadows Road to Baymeadows Road; thence westerly on Baymeadows Road to San Jose Boulevard; thence southerly on San Jose Boulevard into Goodby's Creek; thence westerly through Goodby's Creek into the main shipping channel of the St. Johns River; thence southerly along said main shipping channel of the St. Johns River to the southerly line of Duval County, Florida, as it lies in said St. Johns River; thence easterly through the St. Johns

River, along the southerly line of Duval County, Florida into Julington Creek; thence easterly through said Julington Creek, along said southerly line of Duval County, Florida, being the northerly line of St. Johns County, Florida, into Durbin Creek; thence easterly through Durbin Creek, on the southerly line of Duval County, Florida to its southwesterly boundary; thence southerly on the westerly line of Duval County, Florida to its southwesterly corner; thence easterly on the south line of Duval County, Florida to Philips Highway and the point of beginning.

#### AT-LARGE RESIDENCY AREA 4

Begin at the intersection of the Arlington Expressway and Southside Boulevard; thence southerly on Southside Boulevard to Old Baymeadows Road; thence westerly on Old Baymeadows Road to Baymeadows Road; thence westerly on Baymeadows Road to San Jose Boulevard; thence southerly on San Jose Boulevard into Goodby's Creek; thence westerly through Goodby's Creek into the main shipping channel of the St. Johns River; thence southerly along said main shipping channel of the St. Johns River to the south line of Duval County, Florida, being the north line of Clay County, Florida; thence westerly along the south line of Duval County, Florida to Blanding Boulevard; thence northerly on Blanding Boulevard to the Ortega River; thence northerly through the Ortega River, westerly of Ortega Island into the Cedar River; thence northerly through the Cedar River to Normandy Boulevard; thence easterly on Normandy Boulevard to Cassat Avenue; thence northerly on Cassat Avenue to Dignan Street; thence easterly on Dignan Street to Luray Street; thence southerly on Luray Street to Lenox Avenue; thence easterly on Lenox Avenue to Nelson Street; thence southerly on Nelson Street to Post Street; thence easterly on Post Street to Day Avenue; thence southerly on Day Avenue to Fairwood Lane West; thence easterly on Fairwood Lane West to Fairwood Lane South; thence southeasterly on Fairwood Lane South to Plymouth Street; thence northeasterly on Plymouth Street to Post Street; thence easterly on Post Street to Park Street; thence northeasterly on Park Street to Interstate 95 (I-95); thence southeasterly on I-95 to the Fuller Warren Bridge; thence southeasterly on the Fuller Warren Bridge into the St. Johns River; thence northeasterly from the Fuller Warren Bridge along the main shipping channel of the St. Johns River, to a point southerly of Commodore's Point; thence northerly and thence easterly along the main shipping channel of the St. Johns River to a point on the Matthews Bridge, easterly of Exchange Island; thence easterly on the Matthews Bridge to the Arlington Expressway; thence easterly on the Arlington Expressway to Southside Boulevard and the point of beginning.

#### AT-LARGE RESIDENCY AREA 5

Begin at the intersection of Wilson Boulevard and Old Middleburg Road; thence northerly on Old Middleburg Road to Interstate 295 (I-295); thence northerly on I-295 to the Trout River; thence easterly through the Trout River to a point on Broward Road, southeasterly of Haverford Road and northwesterly of Belleshore Circle West; thence southeasterly on Broward Road to Clark Road; thence easterly on Clark Road to Interstate Center Drive; thence northerly on Interstate Center Drive to Depaul Drive; thence westerly on Depaul Drive to Monaco Drive; thence northerly on Monaco Drive to Dunn Avenue; thence westerly on Dunn Avenue to Duval Road; thence northerly on Duval Road to I-295; thence easterly on I-295 to Interstate 95 (I-95); thence southerly on I-95 to the Trout River Bridge; thence southerly on the Trout River Bridge into the Trout River; thence easterly, from the Trout River Bridge, through the Trout River into the main shipping channel of the St. Johns River; thence southerly and thence westerly along said main shipping channel of the St. Johns River to a point on the Fuller Warren Bridge; thence northwesterly across the Fuller Warren Bridge, being I-95, to Park Street; thence southwesterly on Park Street to Post Street; thence westerly on Post Street to Plymouth Street; thence southwesterly on Plymouth Street to Fairwood Lane South; thence northwesterly on Fairwood Lane South to Fairwood Lane West; thence westerly on Fairwood Lane West to Day Avenue; thence northerly on Day Avenue to Post Street; thence westerly on Post Street to Nelson Street; thence northerly on Nelson Street to Lenox Avenue; thence westerly on Lenox Avenue to Luray Street; thence northerly on Luray Street to Dignan Street; thence westerly on Dignan Street to Cassat Avenue; thence southerly on Cassat Avenue to Normandy Boulevard; thence westerly on Normandy Boulevard into the Cedar River; thence southerly through the Cedar River to Blanding Boulevard; thence southerly on Blanding Boulevard to Wilson Boulevard; thence westerly on Wilson Boulevard to Old Middleburg Road and the point of beginning.

(Ord. 92-1982-1455, § 2; Ord. 2001-675-E, § 1)

**APPENDIX 2. SCHOOL BOARD DISTRICTS**

[Sec. 1. Council District composition of School Board Districts.]

[Sec. 2. Repeal of Special Acts Relating to the Charter.]

[Sec. 3. Directions to City Council.]

[Sec. 4. [Conflicting laws.]

[Sec. 5. [Constitutionality.]

[Sec. 6. [Repeal and amendment.]

[Sec. 7. [When effective.]

**[Section 1. Council District composition of School Board Districts.]**

School Board District 1--Council Districts 1 and 2

School Board District 2--Council Districts 3 and 13

School Board District 3--Council Districts 4 and 5

School Board District 4--Council Districts 7 and 8

School Board District 5--Council Districts 9 and 10

School Board District 6--Council Districts 11 and 12

School Board District 7--Council Districts 6 and 14

(Ord. 91-1075-446, § 2; Laws of Fla., Ch. 92-341, § 1; Ord. 92-927-535, § 2; Ord. 2001-675-E, § 2)

**Section 2. Repeal of Special Acts Relating to the Charter.**

The following special acts of the Legislature, which amend, repeal, or otherwise relate to provisions contained in the Charter of the City of Jacksonville, and which are contained in the following enumerated chapters of Laws of Florida, are hereby repealed:

67-542

67-1310

67-1312

67-1320

67-1329

67-1535

67-1547

67-1569

68-88

69-1032

69-1167

69-1168

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69-1171  
69-1172  
69-1173  
69-1175  
69-1177  
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69-1180  
69-1181  
70-670  
70-743  
70-745  
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70-749  
70-750  
70-752  
70-756  
71-693  
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71-700  
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71-712  
71-714  
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72-578  
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73-504  
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74-513

74-514

74-515

75-404

76-392

77-543

77-575

77-576

77-577

77-580

77-582

77-583

77-584

78-536

78-537

78-538

79-485

79-486

80-512

80-514

80-515

80-516

81-401

81-402

82-292  
82-309  
82-310  
82-311  
83-427  
83-431  
83-433  
84-455  
85-430  
85-431  
85-432  
85-433  
85-436  
85-437  
86-400  
87-470  
87-474  
87-475  
88-490  
88-498  
89-411  
89-487  
89-497  
89-554  
90-441  
90-442  
90-443  
90-452  
92-237

### **Section 3. Directions to City Council.**

The City Council of the City of Jacksonville is directed to advise the Legislature of any home rule or referendum amendments or revisions to the Charter of the City of Jacksonville which are made and become effective subsequent to the effective date of this act. Such advice shall be in the form of a reviser's bill for such further legislative revision of the Legislature after such local charter amendments or revisions have occurred.

**Section 4. [Conflicting laws.]**

This act supersedes all laws and parts of law which may be in conflict herewith. All laws and parts of laws in conflict herewith are repealed but only to the extent of such conflict.

**Section 5. [Constitutionality.]**

If any part of this act is declared unconstitutional or inoperative, the constitutionality and operation of the remainder of this act shall not be thereby affected.

**Section 6. [Repeal and amendment.]**

The repeal or amendment of any law or portion thereof by this act shall not be construed to remove from the City of Jacksonville the power to adopt ordinances with respect to the subjects of the laws or provisions thereof hereby repealed or amended, and the power to exercise legislative power by ordinance with respect to such subjects is hereby expressly granted to the City of Jacksonville.

**Section 7. [When effective.]**

This act shall take effect upon becoming a law.

Became a law without the Governor's approval June 30, 1992.

Filed in Office Secretary of State June 29, 1992.