

**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)

